

MAY 8, 1962

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, MAY 8, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH.

NEW CASES

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JAMES W. PETERS, TO PERMIT ERECTION OF A CAR WASH 30 FEET FROM OLD DOMINION DRIVE, LOT 4, BLOCK 4, INGLESIDE SUBDIVISION, DRANESVILLE DISTRICT. (C.G.)

MR. EUGENE MORRIS REPRESENTED THE APPLICANT. AFTER LOCATING THE PROPERTY MR. MORRIS SHOWED PICTURES OF THE PROPERTY, THE PROPOSED BUILDING AND THE AREA. HE CALLED ATTENTION TO THE IRREGULAR SHAPE OF THE LOT, THE DIAGONAL FRONTAGE ON OLD DOMINION AND THE FRONTAGE ON ELM STREET, WHICH RESTRICTS THE USE OF THE PROPERTY TO APPROXIMATELY ONE-THIRD OF THE NORMAL LOT. 5,781 SQ. FT. IS ABOUT ALL THAT CAN BE USED. HE ALSO POINTED OUT THAT THE BOARD HAD GRANTED VARIANCES ON OTHER LOTS SIMILARLY LOCATED IN ORDER THAT THE OWNER COULD DEVELOP HIS PROPERTY. ON THIS LOT THE APPLICANT IS ASKING ONLY TO CONTINUE A SIMILAR VARIANCE. MR. MORRIS CONTENDED THAT NO OPERATION COULD GO IN HERE WITHOUT A VARIANCE. THE FULL RIGHT-OF-WAY ON OLD DOMINION, INCLUDING ELECTRIC AVENUE, IS 100 FT. THE BUILDING IS SHOWN 30 FT. FROM ELECTRIC AVENUE AT ONE CORNER.

THEY WILL HAVE NO PARKING IN FRONT OF THE BUILDING. MR. MORRIS POINTED OUT THAT ONE BUILDING ON ELECTRIC AVENUE IS ON THE LINE AND THE OTHERS GRADUATE BACK A LITTLE AS THE STREET GOES WEST. HE ALSO RECALLED THE BIG VARIANCES GRANTED ON THE FILLING STATION AT ROUTE #123.

MRS. HENDERSON, NOTING THAT THIS PROPERTY WAS REZONED RECENTLY FOR A CAR WASH, ASKED IF THE OWNER HAD POINTED OUT AT THAT TIME TO THE BOARD OF COUNTY SUPERVISORS THAT THIS USE COULD NOT BE PUT ON THIS PROPERTY. MR. MORRIS SAID THEY DID NOT REALIZE IT AT THAT TIME - THEY HAD THOUGHT THEY COULD DO WITH AN 87 FT. BUILDING BUT FOUND THEY COULD NOT. THEY HAD PLANNED TO CURVE THE BUILDING BACK PARALLEL WITH ELECTRIC AVENUE. MR. MORRIS SAID OTHER BUILDINGS ON THIS STREET ARE CLOSER THAN THE 30 FT. REQUESTED HERE.

WITH REGARD TO THE STATEMENT "NO PARKING IN FRONT", MR. EUGENE SMITH SAID THE VERY NATURE OF THIS OPERATION REQUIRES THAT CARS ARE STANDING IN FRONT OF THE BUILDING WHILE THE CLEANING IS FINISHED. THAT IS WHERE THE CROWDING OCCURS. THE PICTURES WOULD INDICATE THAT THERE IS VERY LITTLE ROOM FOR CARS.

MR. MORRIS SAID THE WORK ON THESE CARS COULD BE DONE INSIDE THE BUILDING. SOME CARS WOULD SET OUTSIDE IN FRONT, MR. MORRIS SAID, BUT THEY WOULD BE ONLY TEMPORARILY PARKED THERE.

IN ORDER TO TAKE CARE OF THE CARS THAT ARE PILING UP HE WOULD PROBABLY HAVE TO MOVE CARS INTO THE RIGHT-OF-WAY, MR. E. SMITH SAID. THAT IS A

VIOLATION, HE WENT ON, BUT IT IS DONE WHERE THE BUILDING IS SO CLOSE TO THE RIGHT-OF-WAY. HE THOUGHT A 50 FT. OR MORE SETBACK SHOULD BE OBSERVED, CERTAINLY NO LESS THAN 50 FT.

MR. MORRIS SAID HE COULD NOT DO THAT HERE BECAUSE OF THE 50 FT. SETBACK REQUIREMENT ON ELM STREET.

MRS. CARPENTER ASKED ABOUT WIDENING ELM STREET. MR. CHILTON SAID A 44 FT. RIGHT-OF-WAY WAS SET UP FOR ELM STREET, WHICH WOULD REQUIRE 10 OR 15 FEET FROM THIS PROPERTY. THAT RIGHT-OF-WAY WAS REQUIRED FROM THE BANK. THE BANK WILL PARK WITHIN THE 50 FT. SETBACK ON OLD DOMINION, MR. CHILTON SAID, AND THAT AREA WILL BE PAVED.

MR. D. SMITH NOTED THAT THE BANK WOULD HAVE A TRAFFIC FLOW FROM ONE STREET TO THE OTHER LIKE THIS, AND WHILE THEY WILL HAVE PARKING IN FRONT OF THEIR BUILDING THEIR SETBACK IS 58 FEET.

OPPOSITION: MR. KOENIG, WHO OWNS THE PROPERTY IMMEDIATELY ADJACENT, BETWEEN THE PROPOSED CAR WASH AND THE BANK, SAID HE DID NOT CONSIDER THIS AN IRREGULAR LOT. IT IS 100 FT. X 187 FT. AND IT IS LEVEL. THE BUILDINGS TO THE EAST THAT DO NOT MEET THE REQUIRED SETBACK ARE NON-CONFORMING AND SHOULD NOT BE CONSIDERED IN THIS REQUEST. SUCH CONDITIONS AS EXIST MAY PRECLUDE USE OF THE PROPERTY AS A CAR WASH, HE POINTED OUT, BUT THERE ARE MANY OTHER USES THAT COULD GO IN HERE WITHOUT A VARIANCE. THIS WOULD BE INJURIOUS TO STRUCTURES TO THE WEST - IT WOULD HIDE OTHER BUILDINGS WHICH WOULD MEET THE SETBACK REQUIREMENT - THE BANK IS 58 FT. BACK. TO HAVE THIS MORE THAN 20 FT. CLOSER TO THE RIGHT-OF-WAY WOULD CUT OFF THE BANK BUILDING FROM VIEW. OTHERS WOULD ASK FOR THE SAME VARIANCE ON THIS STREET AND THE BOARD COULD FIND IT DIFFICULT TO DENY THEM.

MR. McCANDLISH AGREED WITH MR. KOENIG - HE OBJECTED TO ANYTHING LESS THAN THE 50 FT. SETBACK.

MR. MORRIS STATED THAT MR. KOENIG HAS SAID HE WOULD SELL HIS PROPERTY. UNUSUAL CONDITIONS DO EXIST HERE, MR. MORRIS SAID. THIS IS INDICATED BY THE FACT THAT THE BOARD HAS ALREADY GRANTED VARIANCES. THE FILLING STATION EXTENDS SOME INTO ELECTRIC AVENUE, AND THE BANK HAS A LARGER LOT. THIS IS NOT ASKING FOR ANYTHING UNLIKE THE BOARD HAS ALREADY DONE, HE ARGUED. THE LOT IS DIFFICULT BECAUSE OF THE TWO STREETS. THE LOT IS BIG BUT IT BACKS UP TO THE STREET WHICH REQUIRES THE 50 FT. SETBACK, AND THE DIAGONAL FRONT RESTRICTS THAT SIDE. THEY ARE ASKING MUCH LESS THAN THE BOARD HAS GRANTED DOWN STREET. ONLY ONE CORNER OF THE BUILDING WILL BE PROJECTING. HE AGAIN POINTED TO THE SMALL LOT AREA THAT IS USEABLE AND CONTENDED THAT ANY USE GOING IN HERE WOULD REQUIRE A VARIANCE.

MRS. HENDERSON EXPLAINED THAT THE FILLING STATION AT ELECTRIC AVENUE AND RT. #123 IS ON A VERY SMALL PIECE OF GROUND. IT WAS AN OLD GROCERY STORE WITHOUT A VARIANCE THE LAND WAS UNUSEABLE, AND THE FILLING STATION DID BETTER THE SITUATION ON THIS PROPERTY.

MR. D. SMITH SAID THE FILLING STATION WAS THE BEST POSSIBLE USE THE BOARD COULD FIND FOR THAT PROPERTY THAT WOULD NOT IMPEDE TRAFFIC AND WOULD NOT OBSTRUCT THE VIEW. THERE WERE MANY FACTORS THE BOARD CONSIDERED

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IN GRANTING THAT, MR. SMITH CONTINUED, THERE WAS A BAD CONDITION AT THAT INTERSECTION. HE DID NOT SEE THE PARALLEL BETWEEN THAT AND THIS PROPERTY IN THE MATTER OF JAMES W. PETERS APPLICATION TO PERMIT ERECTION OF A CAR WASH 30 FEET FROM OLD DOMINION DRIVE, LOT 4, BLOCK 4, INGLESIDE SUB-DIVISION, DRANESVILLE DISTRICT, MR. E. SMITH MOVED THAT THE APPLICATION BE DENIED UNDER SECTION 30-36, WHICH SETS UP THE PROVISIONS UNDER WHICH VARIANCES CAN BE GRANTED.

MR. SMITH SAID HE DID NOT CONSIDER THAT THIS PROPERTY MEETS STEP 1, AND THERE APPEARS TO BE NO UNUSUAL TOPOGRAPHIC PROBLEM PERTAINING TO THE PROPERTY.

REGARDING STEP 2, MR. SMITH SAID THE FAILURE TO GRANT THE VARIANCE WOULD NOT RESULT IN ANY UNUSUAL HARDSHIP NOR WOULD IT DEPRIVE THE APPLICANT OF ANY REASONABLE USE OF HIS LAND, BUT ON THE OTHER HAND, GRANTING THIS COULD VERY WELL RESULT IN HARM TO ADJOINING PROPERTY OWNERS AS IT WOULD INTERFERE WITH THEIR NORMAL SIGHT DISTANCE. THEREFORE, HE MOVED TO DENY THE APPLICATION.

SECONDED, MRS. CARPENTER. CD. UNAN.

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JAMES AND THELMA WINE, TO PERMIT ERECTION OF AN ADDITION TO DWELLING 56.60 FEET FROM LEGATO ROAD, ON WEST SIDE OF ROUTE #656, APPROXIMATELY 400 FT. NORTH OF ROUTE #66, CENTREVILLE DISTRICT. (RE-1)

MRS. WINE APPEARED BEFORE THE BOARD. THEY NEED THIS TO MAKE THE ROOM MORE LIVABLE, MRS. WINE SAID. IT WOULD EXTEND THE LIVING ROOM, WHICH IS NARROW, MAKING IT INTO AN "L" SHAPE. THE ADDITION WOULD BE OF BRICK OR SIDING. ROUTE #656 WILL BECOME DEAD END WHEN ROUTE #66 GOES THROUGH. THEIR LIVING ROOM NOW IS A LONG NARROW ROOM ACROSS THE FRONT OF THE HOUSE AND THE BREAK IN THE LINE AT ONE END OF THE HOUSE WILL ADD TO THE APPEARANCE. THEY CANNOT GO BACK FARTHER WITH THIS ADDITION BECAUSE IT WOULD BLOCK THE WINDOW INTO THE BEDROOM. THIS WOULD APPEAR LIKE A BAY WINDOW. THE HOUSE IS 14 YEARS OLD AND THEY WISH TO IMPROVE ITS APPEARANCE. IT IS EASIER TO GET A STRONG FOUNDATION IF THE ROOM IS EXTENDED LIKE THIS. THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH MOVED THAT THE APPLICATION OF JAMES AND THELMA WINE, TO PERMIT ERECTION OF AN ADDITION TO DWELLING 56.60 FEET FROM LEGATO ROAD, ON WEST SIDE OF ROUTE #656, APPROXIMATELY 400 FEET NORTH OF ROUTE #66, CENTREVILLE DISTRICT, BE GRANTED. IT WOULD APPEAR THAT THE APPEARANCE AND THE USEABILITY OF THE HOUSE WOULD BE GREATLY ENHANCED BY GRANTING THIS. IN THIS AREA, WITH A 56.60 FOOT SETBACK REMAINING IT COULD NOT BE DETRIMENTAL TO ANY OF THE EXISTING PROPERTIES IN THE AREA NOW NOR IN THE FORSEABLE FUTURE.

IT IS NOTED ALSO THAT THE ROAD WILL BECOME A DEAD END JUST BEYOND THIS HOUSE AND IT IS VERY LIKELY THAT THIS ROAD WILL NEVER BE WIDENED.

SECONDED, MR. D. SMITH.

FOR THE MOTION: MR. E. SMITH, MR. D. SMITH, MR. BARNES

MRS. CARPENTER VOTED "NO", STATING THAT NO HARDSHIP WAS SHOWN.

MRS. HENDERSON VOTED "NO", SHE DISAGREED WITH THE EXTENSION INTO THE FRONT YARD.

3- W. C. W. CORP., TO PERMIT BUILDINGS TO BE ERECTED ON PROPERTY LINES,  
ON WEST SIDE OF ROUTE #617, APPROXIMATELY 300 FEET SOUTH OF ROUTE #236,  
MASON DISTRICT. (C.G.).

MR. WILLS REPRESENTED THE APPLICANT. MR. WILLS POINTED OUT THAT THE  
METTEUR PROPERTY IMMEDIATELY ADJOINING HIM IS ZONED C-G. HE CAN PUT HIS  
BUILDINGS ON THE LINE AGAINST THAT PROPERTY. BUT MR. HIRST OWNS A SMALL  
TRACT ADJOINING METTEUR AND THE WILLS PROPERTY. HIRST IS ZONED M2.5.  
THIS IS A LITTLE POCKET OF LAND THAT WILL CERTAINLY BE ZONED COMMERCIAL  
WHENEVER MR. HIRST DESIRES TO ASK FOR IT, MR. WILLS SAID. HE ASKED TO  
BUILD HIS STORES ON THE LINE.

IT WAS NOTED THAT THE BY-PASS IS PLANNED TO CUT THE CORNER OF THIS WILLS  
PROPERTY, AT THE SOUTHEAST CORNER. IT IS NOT DEFINITELY PLANNED YET.  
JACK CHILTON SHOWED THE MASTER PLAN FOR THIS AREA INCLUDING THE BY-PASS  
AS PROPOSED AND APPROVED BY THE PLANNING COMMISSION. THIS ROAD WILL RE-  
MOVE 25 PARKING SPACES FOR MR. WILLS.

IN ANSWER TO QUESTIONS BY THE BOARD, MR. WILLS SAID HE HAD NOT DEDICATED  
LAND FOR THE BY-PASS. AT PRESENT HIS PARKING RATIO IS SATISFACTORY. HE  
SAID ANNANDALE SHOULD HAVE PUBLIC PARKING - HE HAD LOOKED FOR THAT FOR  
MANY YEARS.

OPPOSITION: STEPHEN CREEDEN, VICE PRESIDENT OF CRESTWOOD CITIZENS ASSN.  
AND MEMBER OF THE HIGHWAY COMMITTEE, SAID HE HAD NO OBJECTION TO THE  
APPLICATION - IN FACT THEY ARE GLAD TO SEE THE PROPERTY DEVELOPED WITH  
STORES RATHER THAN A FILLING STATION, BUT THEY ARE CONCERNED ABOUT THE  
LOOP ROAD (BY-PASS). THEY HAVE WORKED HARD FOR THAT AND HAVE A CON-  
SIDERABLE AMOUNT OF DEDICATION AND CAN GET RIGHT-OF-WAY FOR MUCH OF THIS  
ROAD. THEY NEED THIS LITTLE CORNER FROM MR. WILLS. HE REALIZED THE  
SACRIFICE IN GIVING PROPERTY TO THE COUNTY OR STATE BUT THIS LOOP ROAD  
IS A REAL LIFE SAVER TO ANNANDALE, AND THEY NEED IT BADLY. HE ASKED THE  
BOARD TO REFER THIS CASE BACK TO THE PLANNING COMMISSION IN ORDER THAT  
SOME SOLUTION MIGHT BE ARRIVED AT ON THE ROAD. THIS SHOULD BE DONE NOW.  
THIS WOULD BE AN EXPENSIVE CORNER TO BUY AND THEY CANT AFFORD TO LOSE IT.  
THEY WOULD DISLIKE IT VERY MUCH TO SEE THE LOCATION OF THE ROAD CHANGED.  
MR. WILLS IS ASKING A VARIANCE ON HIS BUILDING LOCATION AND THE PEOPLE  
ARE ASKING WILLS TO GIVE PROPERTY FOR THE ROAD. HE THOUGHT THIS A GOOD  
EXCHANGE AND THIS LOOP ROAD IS THE CONCERN OF THE PLANNING COMMISSION.  
MRS. HENDERSON POINTED OUT THAT THE PLANNING COMMISSION HAS ALREADY  
APPROVED THIS LOOP ROAD ACROSS MR. WILLS' PROPERTY AND APPROVED THE SITE  
PLAN.

MR. D. SMITH SAID THE BOARD SHOULD HAVE SOME GOOD REASON TO REFER THIS  
BACK TO THE PLANNING COMMISSION. THIS IS A SITE PLAN MATTER AND SHOULD  
BE CLEARED UP IN THAT. NO ONE CAN MAKE MR. WILLS GIVE THE PROPERTY AND  
TO REFER THIS BACK UNDER THESE CIRCUMSTANCES WOULD NOT BE IN KEEPING WITH  
THE POSITION OF THIS BOARD.

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MR. D. SMITH NOTED THAT 233 PARKING SPACES ARE REQUIRED, AND MR. WILLS HAS PROVIDED 267. HE THOUGHT THAT COULD BE WORKED OUT. HE THOUGHT THIS COULD BE WORKED OVER SO BOTH MR. WILLS AND THE COUNTY COULD GET WHAT THEY WANT. IT IS TO BE NOTED, MR. SMITH WENT ON, THAT THIS BOARD MUST ACT HERE BEFORE MR. WILLS CAN GO ANY FURTHER WITH THE BUILDING LOCATION. MR. CREEDEN OBJECTED TO FAIRFAX COUNTY HAVING TO PURCHASE RIGHT-OF-WAY FOR THIS ROAD.

MR. E. SMITH SAID HE TOO WAS VERY CONCERNED ABOUT THE ROAD AROUND ANNANDALE, ESPECIALLY THIS SEGMENT, BUT THAT IS NOT WHAT IS BEFORE THIS BOARD TODAY. THE ONLY THING BEFORE THIS BOARD, MR. SMITH SAID, IS THE VARIANCE AND THE ONLY REASON THIS MAN CANT BUILD ON THE LINE IS BECAUSE OF THIS ONE LITTLE PIECE OF R-12.5 ZONING, WHICH WILL CERTAINLY BECOME COMMERCIAL. THAT IS THE ONLY QUESTION BEFORE THIS BOARD.

MRS. HENDERSON POINTED OUT THAT UNTIL THE ROAD IS BUILT, MR. WILLS CAN PAVE THIS CORNER AND USE IT FOR PARKING.

MR. WILLS SAID HE COULD NOT EVEN SUBMIT A SITE PLAN UNTIL HE KNOWS WHERE HE CAN PUT HIS BUILDING.

ON THE APPLICATION OF W. C. W. CORP., TO PERMIT BUILDINGS TO BE ERECTED ON PROPERTY LINES, ON WEST SIDE OF ROUTE #617, APPROXIMATELY 300 FEET SOUTH OF ROUTE #236, MASON DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED BECAUSE STEP 1 DOES APPLY - THERE ARE UNUSUAL CIRCUMSTANCES APPLYING TO THIS LAND - THE FACT THAT THIS COMMERCIAL PROPERTY ABUTTS A SMALL SEGMENT OF R-12.5 ZONING. THIS IS NOT A USUAL CIRCUMSTANCE TO HAVE A SMALL POCKET OF RESIDENTIAL ZONING WEDGED BETWEEN TWO LARGE COMMERCIAL ZONED TRACTS. THIS GRANTING IS WARRANTED BECAUSE THIS SMALL POCKET OF RESIDENTIAL LAND WILL INEVITABLY BE ZONED COMMERCIAL AND THE STRICT APPLICATION OF THE ORDINANCE IN THIS CASE WOULD DEPRIVE THE APPLICANT OF A REASONABLE USE OF THE LAND. THIS SHOULD BE GIVEN CONSIDERATION. THIS IS THE NORMAL BUILDING RESTRICTION IN A COMMERCIAL ZONE THEREFORE THIS IS THE MINIMUM VARIANCE THAT COULD BE GRANTED TO GIVE RELIEF. MR. SMITH MOVED THAT THE APPLICATION BE APPROVED AND THAT ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET AND THIS IS GRANTED SUBJECT TO APPROVAL OF THE SITE PLAN.

SECONDED, MRS. CARPENTER. CD. UNAN.

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4- MRS. PAULINE O. WITTE, TO PERMIT EXTENSION OF SCHOOL AND TO INCLUDE FIRST GRADE, AND TO ALLOW 25 MORE STUDENTS, LOT 15, DIVISION OF LOT 6, JOSHUA KIRBY ESTATE, (5904 KIRBY COURT), DRANESVILLE DISTRICT. (RE-1).

MRS. WITTE APPEARED BEFORE THE BOARD. SHE RECALLED THAT THE NURSERY SCHOOL AND KINDERGARTEN WAS GRANTED TO HER IN NOVEMBER OF 1959 - FOR 25 CHILDREN AT EACH SESSION - A TOTAL OF 50 CHILDREN. THE SCHOOL RUNS FROM 9 TO 4. MRS. WITTE SAID THEY WOULD PUT IN ANOTHER DOOR FOR EXIT WHICH WOULD MAKE IT MORE CONVENIENT FOR THE ADDITIONAL CHILDREN. WHILE THEIR PRESENT PERMITS ALLOW 25 CHILDREN AT EACH SESSION - THEY HAVE NOT HAD MORE THAN 20 DAY CARE CHILDREN FROM 9 TO 4. THESE WILL BE FROM 3 TO 6

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MRS. WITTE SAID THEY HAVE A DEMAND FOR FIRST GRADE. THIS WOULD EXPAND THE TOTAL ON THE GROUNDS AT ANY ONE TIME TO 50. ALL OF THE HOUSE WOULD BE USED FOR THE SCHOOL EXCEPT THE THREE LARGE BEDROOMS. THEY WOULD PLAN NO ADDITION TO THE HOUSE.

MR. WILLIAM MOORELAND SAID HE HAD HAD NO COMPLAINTS ON THIS SCHOOL. SEVERAL LETTERS FROM PARENTS, COMMENDING MRS. WITTE WERE READ. THE CHILDREN WOULD BE PICKED UP WITH BUSES.

OPPOSITION: MR. JOHN M. COE, WHO LIVES ACROSS THE STREET, AND TEN OTHERS WERE PRESENT IN OPPOSITION.

MR. COE SAID HE DID NOT WANT THE COUNTY TO ALLOW EXPANSION OF THIS SCHOOL - AS A MATTER OF FACT HE WOULD LIKE TO SEE THE PRESENT PERMIT RESCINDED. HE CONSIDERED THAT THIS WOULD REDUCE THE VALUE OF HIS HOME - AND THAT THE SCHOOL HAD ALREADY ADVERSELY AFFECTED THE IMMEDIATE NEIGHBORHOOD. HE NOTED THAT SEVERAL NEW HOMES HAD BEEN RECENTLY BUILT AND SOLD AND THE PEOPLE ASKED - WHY A SCHOOL HERE - AND THEY DO NOT LIKE IT. ALSO THE REAL ESTATE PEOPLE SAY A SCHOOL DEPRECIATES RESIDENTIAL PROPERTY, IT CREATES ADDITIONAL NOISE AND TRAFFIC - PEOPLE TURN AROUND IN THE STREET, WHICH IS NARROW. MR. COE SAID HE DID NOT SEE HOW THEY COULD TAKE CARE OF AN ADDITIONAL 50 CHILDREN ON THIS PROPERTY. THEY DO NOT HAVE THE ROOM. THIS IS A DEAD END STREET AND SHOULD NOT HAVE TO CARRY SO MUCH TRAFFIC. MR. COE SAID THE OTHERS IN THIS AREA AGREED WITH HIM.

ASKED HOW MUCH TRAFFIC THIS SCHOOL ACTUALLY CREATES, MR. COE SAID HE WAS CONCERNED MORE WITH THE ADDITIONAL TRAFFIC - IF THE SCHOOL IS DOUBLED IN SIZE - THIS COULD MEAN ONE CAR PER CHILD. THIS IS DETRIMENTAL TO THE WHOLE AREA NOW, MR. COE CONTINUED, NO TELLING WHAT WOULD HAPPEN WITH THIS EXPANSION. MR. COE ALSO NOTED THAT THERE ARE FACILITIES FOR A SCHOOL IN THE CHURCH.

IN ANSWER TO QUESTIONING, MR. COE SAID THAT THREE HOUSES HAD BEEN BUILT IN THIS AREA SINCE THE SCHOOL CAME IN AND ALL HAD BEEN SOLD AND ARE OCCUPIED. MR. COE SAID HE HAD NOT OBJECTED TO THE SCHOOL ORIGINALLY; IN FACT HE HAD SIGNED THE PETITION FOR IT - BUT HE FEELS DIFFERENTLY NOW. HE OBJECTED TO THE SIGNS IN THE YARD WHICH SHOW THAT THIS IS NOT A RESIDENTIAL STREET. IN THE BEGINNING THEY DID NOT KNOW WHAT A BAD AFFECT THE SCHOOL COULD HAVE ON THE NEIGHBORHOOD.

AS TO HOME VALUES - MR. COE SAID THE UP-CURVE OF HOMES HERE HAD SLOWED DOWN. HE WONDERED WHERE INCREASE IN THIS SCHOOL WOULD END.

MR. D. SMITH SAID THE SIZE OF THE HOUSE LIMITS THE SIZE OF THE SCHOOL. MR. SMITH SAID HE SAW NOTHING TO INDICATE THAT THE SCHOOL HAD HURT PROPERTY VALUES - NOR THAT THE SCHOOL WAS A REAL NUISANCE. HE NOTED THAT MOST REAL ESTATE PEOPLE SAY THAT SUCH SMALL PRIVATE SCHOOLS DO NOT ADVERSELY AFFECT PROPERTY, IF THEY ARE RUN WELL.

MRS. WITTE SAID THEY HAD TWO SIGNS - ONE FOR THE SCHOOL AND THE OTHER TO SAY "ENTRANCE IN THE REAR".

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MRS. FRANK BAGGOT STATED THAT SHE BOUGHT ONE OF THE NEW HOUSES. IT WAS EMPTY FOR 6 MONTHS. THE PRICE STARTED AT \$34,500. SHE BOUGHT FOR \$31,000.

SHE SAID THE SCHOOL USED HER DRIVEWAY FOR TURNING PURPOSES.

MR. E. SMITH NOTED THE 1370 SQ. FT. OF FIRST FLOOR AREA, WHICH HE SAID WAS REACHING THE SATURATION POINT. HE QUESTIONED IF THIS HOUSE CONTAINED ENOUGH ROOM FOR THIS NUMBER OF CHILDREN. FIFTY CHILDREN ON 1/2 ACRE OF GROUND WAS TOO MUCH, MRS. HENDERSON SUGGESTED.

CHARLES M. YOUNG, WHO LIVES TWO HOUSES AWAY, SAID THERE HAS BEEN ONE GRANTED HERE - AND HE THOUGHT THAT WAS ENOUGH - ASKING TO DOUBLE THIS IS TOO MUCH - MOST PEOPLE IN THE AREA AGREE WITH THAT, HE SAID. IT WOULD CHANGE THE CHARACTER OF THE AREA. THERE IS A PUBLIC SCHOOL 1/2 MILE AWAY AND THE CHURCH FACILITIES WHICH COULD BE USED. HE TOLD OF THE DIFFICULTIES IN WINTER DURING SNOW TIME WHEN PEOPLE HAD TO PARK AT THE TOP OF THE HILL IN ORDER TO GET OUT AND HE HAD FOUND THAT TRAFFIC FROM THE SCHOOL WAS A HINDRANCE. FIFTY MORE CHILDREN WOULD ADD TO THIS DIFFICULTY. PEOPLE PARK OUTSIDE THE YARD BECAUSE THE GATES ARE CLOSED.

MR. JACK SPITLER OBJECTED TO THE INCREASE FOR REASONS STATED BY THE OTHERS. HE ALSO DISCUSSED PEOPLE TRAMPLING OVER HIS YARD AND TURNING INTO HIS DRIVEWAY AND NO TURNAROUND IN THE SCHOOL DRIVEWAY. HE ALSO QUESTIONED THE ADEQUACY OF THE DRAIN FIELD FOR SO MANY CHILDREN.

MRS. WITTE SAID SHE HAD CLOSED HER GATE TO KEEP THE DOGS OUT AND TO KEEP CHILDREN FROM RUNNING INTO HER YARD. SHE SAID ONLY TWO PARENTS BRING THEIR CHILDREN, THE OTHERS COME BY BUS. SOME CHILDREN, ABOUT SIX, COME FROM WESTMORELAND - THE OTHERS ARE FROM ALL OVER THE COUNTY. THEY WILL TRANSPORT ALL THE CHILDREN EXCEPT THOSE THREE WHO LIVE TOO FAR. SHE THOUGHT THEY WOULD NOT ADD TO TRAFFIC ON SNOW DAYS BECAUSE THEY ARE CLOSED AT THAT TIME. THEY HAVE ONLY TWO PARTIES A YEAR, XMAS AND HALLOW'EEN - THE ONLY TIME THEY HAVE A CROWD.

IN VIEW OF THE FACT THAT THIS SCHOOL DOES NOT SEEM TO BE SERVING THE IMMEDIATE AREA, THAT THE LOT IS VERY SMALL TO TAKE CARE OF AN EXTENSION SUCH AS THIS, AND IT DOES APPEAR FROM THE EVIDENCE THAT THIS WOULD BE DETRIMENTAL TO THE CHARACTER OF NEIGHBORING PROPERTY, MRS. CARPENTER MOVED TO DENY THE APPLICATION OF MRS. PAULINE O. WITTE, TO PERMIT EXTENSION OF SCHOOL AND TO INCLUDE FIRST GRADE, AND TO ALLOW 25 MORE STUDENTS LOT 15, DIVISION OF LOT 6, JOSHUA KIRBY ESTATE, (5904 KIRBY COURT) DRANESVILLE DISTRICT.

SECONDED, MR. E. SMITH. CO. UNAN.

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5- ANTHONY L. CERMELE, TO PERMIT AN ADDITION TO SCHOOL, AT 6918 LINCOLNIA RD., MASON DISTRICT. (RE-0.5).

MR. CERMELE SHOWED ON HIS PLAT, AND POINTED OUT HOW THIS ADDITION WOULD BALANCE HIS BUILDING. THEY HAVE HAD THE ONE LARGE CLASSROOM 34' x 34'. THIS WILL MAKE TWO CLASSROOMS, LAVATORY AND OFFICE. THIS SCHOOL RUNS HALF DAY SESSIONS. THEY PLAN TO HAVE AN ADDITIONAL 30 CHILDREN IN THE MORNING AND 30 IN THE AFTERNOON - NURSERY SCHOOL THROUGH THE FIRST GRADE, AGES

3, 4, 5 AND 6. THIS WILL NOT INCREASE THE AGE GROUP. THEY HAVE HAD 60 CHILDREN BOTH MORNING AND AFTERNOON. THIS WILL MAKE 90 EACH HALF DAY SESSION. IN OTHER WORDS, AN INCREASE FROM A TOTAL OF 120 TO 180. THEY WILL LIVE IN THE BUILDING. THE PLACE IS EQUIPPED WITH WATER AND SEWER. THE ENTIRE FIRST FLOOR IS USED FOR THE SCHOOL. THEY WILL NOT ADD TO THIS BUILDING AGAIN, MR. CERMELE SAID. THEY WILL HAVE SIX CLASSROOMS, TOTAL, IF THIS IS GRANTED. THEY NEED PLENTY OF SPACE AS THEY WORK IN SMALL GROUPS.

THERE WERE NO OBJECTIONS FROM THE AREA.

IF THEY SHOULD WANT MORE SPACE, THEY WILL PUT UP ANOTHER BUILDING, MR. CERMELE SAID. THAT IS IN THEIR FUTURE PLANS. THEY HAVE THREE ACRES. IN VIEW OF THE THREE ACRES SURROUNDING THIS SCHOOL, AND THIS SCHOOL APPARENTLY HAS THE APPROVAL OF PEOPLE ADJOINING, AND SINCE THERE HAS BEEN NO OBJECTION TO THE INCREASE IN FACILITIES REQUESTED IN THIS APPLICATION, MR. D. SMITH MOVED THAT THE APPLICATION OF ANTHONY L. CERMELE, TO PERMIT AN ADDITION TO SCHOOL, AT 6918 LINCOLNIA ROAD, MASON DISTRICT, BE GRANTED WITH A MAXIMUM OF 180 STUDENTS (90 AT ANY ONE TIME). MR. SMITH SAID HE WOULD QUESTION IF THIS SCHOOL COULD BE EXPANDED MUCH FURTHER ON THE THREE ACRES OF LAND. THE COUNTY AND STATE THINK IN TERMS OF ABOUT A MINIMUM OF TWO ACRES PER HUNDRED CHILDREN, AND IT WOULD APPEAR THAT A PRIVATE SCHOOL SHOULD ADHERE TO THAT RATIO. ALL OTHER PROVISIONS OF THE ORDINANCE PERTAINING SHALL BE COMPLIED WITH.

SECONDED, MR. BARNES

MR. BARNES ASKED ABOUT THE PARKING. MR. CERMELE SAID THEY HAVE FOUR VEHICLES, WITH THE ADDITION. THEY WOULD HAVE TO RE-ARRANGE THE PARKING AND ASSURE THE FACT THAT IT WAS 25 FT. FROM ALL PROPERTY LINES.

MR. D. SMITH ADDED TO HIS MOTION THAT HIS GRANTING IS CONTINGENT UPON THE APPLICANT COMPLYING WITH ALL CONDITIONS OF THE ORDINANCE AND THIS IS LIMITED TO THROUGH THE FIRST GRADE.

MR. BARNES AGREED TO THE ADDITIONS. CO. UNAN.

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6- HENRY U. HERBERT, TO PERMIT ERECTION OF A BARN 22 FEET FROM SIDE LINE, LOT 1, RAM KET FARM, PROVIDENCE DISTRICT. (RE-1).

MR. HERBERT SAID THAT WHILE HE HAS PLENTY OF LAND FOR THE SETBACKS THERE ARE CERTAIN FEATURES THAT MAKE THIS THE MOST REASONABLE LOCATION. THERE IS A DRAINAGE ESMT. RUNNING DIAGONALLY ACROSS HIS PROPERTY WHICH RESTRICTS USE OF THAT AREA. THIS IS A GOOD LOCATION BECAUSE IT IS NEAR AN EXISTING BARN AND IF HE MOVED THIS STRUCTURE OUT TO THE 100 FT. SETBACK LINE IT WOULD BE ON QUITE A HIGH KNOLL WHERE IT WOULD BE SEEN BY ALL THE NEIGHBORHOOD. THIS LOCATION IS MORE SECLUDED. THIS PROPERTY IS ON A DEAD END STREET.

NO ONE FROM THE AREA OBJECTED.

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BECAUSE OF THE TOPOGRAPHIC SITUATION WITH THE HIGHKNOLL TO THE REAR OF THE PROPERTY AND THE STORM DRAINAGE EASEMENT WHICH RUNS THROUGH THIS TRACT, AND THIS MAN HAS OVER TWO ACRES, AND THIS AREA OF THE COUNTY IS FILLED WITH THIS SAME KIND OF SITUATION, AND THERE ARE MANY BARNs SO LOCATED, MRS. CARPENTER MOVED THAT THE APPLICATION OF HENRY U. HERBERT TO PERMIT ERECTION OF A BARN 22 FEET FROM SIDE LINE, LOT 1, RAM KEY FARM, PROVIDENCE DISTRICT, BE GRANTED.

SECONDED, MR. BARNES. CD. UNAN.

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AMERICAN LEGION POST #176, SPRINGFIELD, VIRGINIA, TO PERMIT ERECTION OF A POST HOME, PROPERTY LOCATED 312 FEET WEST OF BACKLICK ROAD ON AN ACCESS ROAD AND SOUTH OF ROUTE #644, MASON DISTRICT. (RE-1).

MR. LEROY SANDERSON, COMMANDER OF THE POST, REPRESENTED THE APPLICANT.

MR. SANDERSON RECALLED THAT THIS POST HAD BEEN GRANTED A USE PERMIT IN 1958. THEY HAD NO MONEY TO START THE BUILDING SO THE PERMIT LAPSED.

THEY ARE NOW IN A BETTER FINANCIAL POSITION, MR. SANDERSON SAID, AND WISH TO GO AHEAD WITH THEIR PLANS.

THEY ARE PRESENTLY HOLDING LITTLE LEAGUE ACTIVITIES ON THEIR GROUND.

MORE THAN 500 BOYS ARE USING THE BALL FIELD. THIS IS GREATLY NEEDED IN THE SPRINGFIELD COMMUNITY FOR ORGANIZATIONS AND GROUPS. MANY YOUNG PEOPLE HAVE TO GO OUT OF THE AREA FOR THE THINGS THEY CAN OFFER HERE.

THE PROPOSED BUILDING WOULD BE 100 FT. X 48 FT. - CINDERBLOCK WITH A BRICK FRONT. THIS IS A 3.74 ACRE TRACT. THE ASSOCIATION NOW HAS 200 MEMBERS - THEY MEET AT LORTON. THEY WILL HOOK ON TO THE SEWER IN BACKLICK ROAD. THIS WOULD REQUIRE TWO PUMPS TO GET INTO THE SEWER.

MR. SANDERSON LISTED THEIR ACTIVITIES AND PROJECTS - BOY SCOUT TROOPS, NATIONAL CONTESTS, HOT ROD CLUBS AND WELFARE FOR THE NEEDY - ALL THESE THINGS THEY SPONSOR. THEY LEASE TO LITTLE LEAGUE ON AN INDEFINITE BASIS.

MRS. HENDERSON POINTED OUT THAT THE PARKING WOULD HAVE TO BE CHANGED TO BE 25 FT. OR MORE FROM PROPERTY LINES. MR. SANDERSON SAID THEY COULD ARRANGE THAT. HE ESTIMATED THEY COULD HAVE ABOUT 100 PARKING SPACES. HE SHOWED THE ACCESS - ENTER ONE WAY AND EXIT ANOTHER. HOWEVER, THE PLAT DID NOT SHOW THE SECOND OUTLET.

SINCE THIS COMES UNDER GROUP 5, MRS. HENDERSON NOTED THAT THE BUILDING WOULD HAVE TO BE 100 FT. FROM ALL PROPERTY LINES. SHE SUGGESTED THAT THE BUILDING BE TURNED TO THE SIDE TO GIVE MORE SETBACK. SHE SUGGESTED THAT THE CASE BE DEFERRED FOR PLATS TO SHOW THE REVISED LOCATION OF THE BUILDING AND THAT THE APPLICANTS PROVIDE 150 PARKING SPACES.

RATHER THAN MOVE THE BUILDING, MR. D. SMITH SUGGESTED GIVING A VARIANCE ON THE BUILDING SETBACK.

OPPOSITION: MR. BILL BENNETT SAID THE APPLICANT HAD NOT LIVED UP TO THE CONDITIONS OF THE FIRST GRANTING OF THIS USE. THE SCREEN PLANTING WAS COMPLETELY INADEQUATE - THEY PILED JUNK ON THE EAST SIDE THAT BACKS UP TO A COMMERCIAL BUILDING. SINCE SPRINGVALE IS TO THE WEST AND SOUTH, THEY WOULD LIKE TO HAVE THE BUILDING IN THE ORIGINAL LOCATION PROPOSED. IT GIVES A BETTER USE OF THE PROPERTY, MR. BENNETT SAID, AND IF THEY SWING

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THE BUILDING AROUND IT WOULD BE DIFFICULT TO GET THE BALL FIELD IN AND NOT BE TOO CLOSE TO HOMES IN SPRINGVALE. THEY WOULD LIKE THE NOISE TO BE AS FAR AWAY FROM THEM AS POSSIBLE - THE CLOSER THE BUILDING IS TO BACKLICK ROAD THE BETTER IT IS FOR THE HOMES. THEY SHOULD BE ABLE TO PARK ALONG THE COMMERCIAL PROPERTY LINE ADJOINING THEM.

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MR. BENNETT URGED THE BOARD TO LOCATE THE BUILDING AS SHOWN ON THE PLAT. THIS, MR. BENNETT SAID, IS THE WISH OF HOME OWNERS IN SPRINGVALE. HE SAID THEY HAD DRAFTED A PETITION TO MRS. WILKINS AND SENT IT TO HER THIS MORNING, THINKING SHE WAS ON THIS BOARD. HE READ FROM A COPY OF THE PETITION. THEY HAVE NO OBJECTIONS TO THE PERMIT, PROVIDED IT COMPLIES WITH THE PLANNING COMMISSION RECOMMENDATION ON SCREENING - A 6 FT. HIGH FENCE AND EVERGREEN PLANTING, NO OUTSIDE NIGHT LIGHTS FOR SPORTS EVENTS WHICH WOULD REQUIRE ERECTION OR USE OF ELECTRIC LIGHTS. THEY HOPED THAT THE RELATIONSHIP BETWEEN THE BUILDING AND THE BALL PARK COULD REMAIN AS SHOWN ON THE PLAT. THE SCREENING WOULD HELP TO KEEP THE CHILDREN FROM RUNNING ALL OVER YARDS AND WALKING OVER PEOPLES PROPERTY. THE PLANNING COMMISSION RECOMMENDATION WAS READ - RECOMMENDING APPROVAL PROVIDED THERE IS SCREENING ON THE RESIDENTIAL SIDES AND PROVIDED SOMETHING IS WORKED OUT ON THE SEWER.

MRS. HENDERSON POINTED OUT THAT THE PLATS ARE NOT SUFFICIENT.

MR. D. SMITH THOUGHT IT REASONABLE THAT THE BOARD CONSIDER THE VARIANCE RATHER THAN MOVE THE BUILDING BACK - THIS WOULD KEEP THE BUILDING AS FAR AS POSSIBLE FROM THE NEIGHBORS. THE LITTLE LEAGUE FIELD IS ALREADY ESTABLISHED - THEY COST A GOOD DEAL TO MOVE AND WORK OVER - HE THOUGHT IT SHOULD NOT BE DISTURBED.

THE BOARD AGAIN DISCUSSED THE AMOUNT OF PARKING TO BE REQUIRED AND NOTED IT COULD BE INCREASED.

MR. BARNES MOVED TO DEFER THIS CASE FOR TWO WEEKS FOR THE APPLICANTS TO PRESENT REVISED PLATS SHOWING 75 PARKING SPACES AND FOR RE-ARRANGEMENT OF THE BUILDING, AND TO SHOW THE SECOND ROAD ENTRANCE.

SECONDED, MR. D. SMITH. CO. UNAN.

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THE BOARD ADJOURNED FOR LUNCH.

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8- SIBARCO CORP., TO PERMIT ERECTION AND OPERATION OF A GASOLINE STATION AND PERMIT PUMP ISLANDS 25 FT. FROM ROAD RIGHT-OF-WAY LINE, LOT 3, BLOCK B, INGLESIDE SUBDIVISION, DRANESVILLE DISTRICT. (PURSUANT TO COURT ORDER), (C.D.).

MR. WILLIAM HANSBARGER, REPRESENTING THE APPLICANT, MADE THE STATEMENT THAT THIS CASE IS BEING HEARD UNDER SECTION 30-37, PARAGRAPH A. HE QUOTED THE PARAGRAPH, NOTING PARTICULARLY THAT THE BOARD IS CONFINED TO CONSIDERATION OF THE QUESTION OF CONFORMITY WITH THE STANDARDS SET UP GOVERNING THE ISSUANCE OF A USE PERMIT.

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MR. HANSBARGER SAID THE PERMIT HERE APPLIED FOR IS THE SAME IN ALL RESPECTS AS THE ORIGINAL HEARING. THE BUILDING WILL BE 75 FT. FROM THE RIGHT-OF-WAY LINE AND THE PUMP ISLANDS 25 FT. FROM THE ROAD RIGHT-OF-WAY. THESE THINGS ARE ALL COMPLIED WITH. THEY WILL ALSO COMPLY WITH SECTION 30-127 STANDARDS.

MRS. HENDERSON NOTED THAT SECTION 30-125 IS ALSO APPLICABLE - TO WHICH MR. HANSBARGER ALSO AGREED. MRS. HENDERSON ALSO NOTED SECTION 30-141, GROUP 10, WHICH STATES "BUSINESS AND INDUSTRIAL DISTRICT USES OF SPECIAL IMPACT". THEREFORE, SHE OBSERVED, FILLING STATIONS ARE CONSIDERED TO HAVE A SPECIAL IMPACT - GREATER THAN OTHER BUSINESSES ALLOWED BY RIGHT - OTHERWISE THE ORDINANCE WOULD NOT INCLUDE THEM UNDER A "SPECIAL IMPACT". MR. HANSBARGER SAID HE WOULD ANSWER THAT IN THE PRESENTATION. HE NOTED THAT THE "SPECIAL IMPACT" IS ALSO COVERED IN SECTION 30-127.

MR. HANSBARGER DESCRIBED THIS BOARD AS SEMI-JUDICIAL IN CHARACTER AND REQUESTED THE RIGHT TO CROSS EXAMINE WITNESSES TO ASSURE THE FACT THAT STATEMENTS THAT DO NOT BEAR CREDITABILITY AND LACK OF KNOWLEDGE MAY BE CHALLENGED. MR. HANSBARGER SAID HE WOULD OFFER TESTIMONY OF WITNESSES WHO ARE EXPERTS, AND HE CONSIDERED IT UNFAIR TO DECIDE THIS ON THE THINKING OF INDIVIDUALS WHO ARE NOT CAPABLE OF GIVING AN OPINION. SINCE THE BOARD OF ZONING APPEALS IS A QUASI-JUDICIAL BOARD, CROSS EXAMINATION OF WITNESSES HAS BEEN ALLOWED IN OTHER CASES.

CASES BEFORE THIS BOARD ARE NOT HANDLED LIKE COURT CASES, MR. HENDERSON SAID, AND SINCE THIS IS BEING RE-HEARD BY ORDER OF THE COURT THERE IS NO CHANGE IN THE CASE, AND SHE SAW NO REASON TO CHANGE THE PROCEDURE. THE COUNTY DOES NOT HAVE EXPERT WITNESSES, MRS. HENDERSON CONTINUED. SUCH PROCEDURE AS SUGGESTED BY MR. HANSBARGER SHE CONSIDERED TO BE FOR THE COURTS BUT NOT HERE.

THIS HAS BEEN SENT BACK HERE BY THE COURT AND WILL GO BACK TO THE COURT, MR. HANSBARGER SAID.

MRS. HENDERSON STILL CONTENDED THAT THERE SHOULD BE NO CHANGE IN THE PROCEDURE. SHE RULED THAT THERE WOULD BE NO CROSS EXAMINATION OF WITNESSES. (THE FULL TEST OF EXHIBITS I THROUGH IX ARE ON RECORD IN THE FILES OF THIS CASE).

MR. HANSBARGER CALLED MR. HERBERT F. SCHUMANN, JR., DEPUTY DIRECTOR OF PLANNING, WHO LOCATED THE PROPERTY ON THE MAP AND POINTED OUT ZONING IN THE AREA, C-D ON EACH SIDE OF THIS PROPERTY. THIS AREA IS INCLUDED WITHIN THE BUSINESS PLAN (C-D ZONING) ADOPTED BY THE BOARD OF COUNTY SUPERVISORS, MR. SCHUMANN SAID, AND SINCE ADOPTION OF THIS PLAN THE LOTS ON THIS STREET - WHICH HE INDICATED - HAVE BEEN ZONED TO BUSINESS. HE NOTED THAT THERE ARE STILL DWELLINGS ON SOME OF THESE LOTS, AND DWELLINGS IMMEDIATELY BEHIND THIS PROPERTY - FIVE HOMES FACING ON ELM STREET. THE NEAREST HOUSE TO THIS LOT IS ABOUT 250 OR 300 FT. AWAY. THE STREET IS BETWEEN THE FILLING STATION PROPERTY AND THE HOUSES TO THE SOUTH, MR. SCHUMANN POINTED OUT - THE OTHER COMMERCIAL LOTS AND DWELLING ON POPLAR STREET. HE NOTED THE C-G ZONING TO THE EAST WHERE A FILLING STATION COULD BE LOCATED BY RIGHT. MR. SCHUMANN, IN ANSWER TO MR. HANSBARGER'S QUESTIONING, SAID THE ORDINANCE

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DOES NOT ALLOW DWELLINGS IN A C-D DISTRICT (SEC. 30-61, A-1, PG. 513),  
THEREFORE THOSE HOUSES NOW EXISTING IN THIS C-D AREA ARE NON-CONFORMING.  
MR. SCHUMANN LISTED THE USES THAT COULD GO IN C-D BY RIGHT; BOWLING ALLEY,  
SKATING RINK, RESTAURANT, DRIVE-IN, FISH MARKET, ETC.

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MR. D. SMITH ASKED IF THE HOUSES ACROSS OLD DOMINION ARE INCLUDED IN THE  
PLAN FOR C-D ZONING. THE ANSWER WAS "NO".

MR. D. SMITH ASKED THE DIFFERENCE BETWEEN C-D AND C-G ZONING, AND WHAT  
WAS THE REASON FOR HAVING C-D HERE.

TO GIVE THE COUNTY TOOLS TO CREATE A HIGHER VALUE OF COMMUNITY DEVELOP-  
MENT, MR. SCHUMANN EXPLAINED. BY REASON OF THE SITE PLAN, MR. SCHUMANN  
CONTINUED, CONTROL CAN BE EXERCISED, BETTER CONTROL OF WHAT WILL TAKE  
PLACE IN THE ZONE.

THERE IS NO PLAN FOR CHANGING THE INTERSECTION AT OLD DOMINION, MR.  
SCHUMANN SAID, AND OLD DOMINION MIGHT BE IMPROVED AS BUSINESS IS DE-  
VELOPED ALONG IT.

MR. D. SMITH NOTED THAT THE INTERSECTION AT OLD DOMINION AND INGLESIDE  
IS HAZARDOUS DUE TO THE ODD ANGLE. HE PREDICTED THAT TRAFFIC ON OLD  
DOMINION WOULD INCREASE WITH THE OPENING OF THE BY-PASS.

MR. SCHUMANN DID NOT KNOW.

MR. E. SMITH POINTED OUT THAT MOST OF THE C-G USES IN McLEAN WERE SMALL  
DETACHED STRIP-TYPE COMMERCIAL DEVELOPMENTS. MR. SCHUMANN AGREED.  
IN THE C-D, MR. E. SMITH CONTINUED, YOU HAVE PLANNED COMMERCIAL AREAS  
THAT ARE BUILT WITHIN A SHORT TIME. MR. SCHUMANN AGREED, SAYING THERE  
IS A DIFFERENCE IN C-D AND C-G DEVELOPMENT. MR. SCHUMANN NOTED THAT  
THERE ARE OTHER C-D DEVELOPMENTS WHICH HAVE FILLING STATIONS. HE  
LOCATED SEVERAL. MRS. CARPENTER POINTED OUT THAT ONE OR TWO OF THOSE  
FILLING STATIONS WERE THERE BEFORE THE PROPERTY WAS MADE C-D. MR.  
SCHUMANN SAID HE DID NOT THINK THE FILLING STATIONS IN C-D ZONING HAD  
ADVERSELY AFFECTED THE C-D DEVELOPMENT.

MR. D. SMITH SAID HE DID NOT KNOW WHERE THERE WAS A SITUATION SIMILAR  
TO THIS - THE UNUSUAL APPROACH TO OLD DOMINION FROM A LARGE SUBDIVISION.  
THIS IS ACROSS THE STREET FROM A LARGE PERMANENT RESIDENTIAL DEVELOPMENT,  
AND THERE IS NO PLAN TO CHANGE THE CLASSIFICATION OF THE RESIDENTIAL  
AREA.

MR. HANSBARGER SAID THERE ARE MANY FILLING STATIONS IN C-G OR C-D ZONING  
THAT ARE ACROSS FROM RESIDENTIAL - THE ORDINANCE PROVIDES FOR THAT IN  
C-D AND HAS SET UP PROTECTIVE CONTROLS. A VERY IMPORTANT ONE OF WHICH  
IS - SPECIAL PERMITS FOR USES OF "SPECIAL IMPACT", MR. D. SMITH SAID.  
MR. D. SMITH POINTED OUT THE UNUSUAL APPROACH AT THIS LOCATION, NOTING  
THAT INGLESIDE COMES IN AT A SHARP ANGLE. THIS IS ONLY ABOUT 180 FT.  
FROM THIS PROPERTY.

MR. WILLIAM MOORELAND, ASSISTANT ZONING ADMINISTRATOR, WAS CALLED. ASKED  
IF HE HAD HAD MANY COMPLAINTS ON FILLING STATIONS, MR. MOORESAND SAID -

ONLY IN THIS ROOM. HE HAD HAD ONE COMPLAINT IN PARTICULAR, WHICH WAS A LEGITIMATE COMPLAINT - PILING CANS AND TRASH IN THE REAR - THIS WAS CORRECTED. NO COMPLAINTS FROM FUMES THAT HE COULD RECALL, AND NO COMPLAINTS TO HIS KNOWLEDGE ON ATLANTIC. MANY COMPLAINTS HAD COME IN ON LIGHTS AND GLARE, BUT THOSE HAD BEEN CORRECTED.

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MR. WILLIAM A. HALL, SPECIALIST ON FUMES, B.A. IN CHEMICAL ENGINEERING, WHO HAS BEEN WITH ATLANTIC REFINING COMPANY SINCE 1933, MANAGER OF PROCESSING AND DESIGN, WAS CALLED. (EXHIBIT 1, MR. HALL'S BIBLIOGRAPHY, ON FILE WITH THIS CASE). TESTS HAVE SHOWN THAT FUMES ARE DISSIPATED VERY SOON, MR. HALL SAID, AFTER COMING FROM THE TANK. GAS DIFFUSES QUICKLY IN THE ATMOSPHERE. THEY CAN CALCULATE THAT. MR. HALL SAID HE WAS FAMILIAR WITH THIS SITE AND BECAUSE OF THE TOPOGRAPHY HE CONSIDERED THE HOMES ON THE SOUTH OF THIS WOULD BE SHIELDED.

MR. HALL SAID HE HAD STUDIED THE ZONING ORDINANCE AND MASTER PLAN, AND CONSIDERED THEY BOTH OFFERED GOOD PROTECTION TO RESIDENCES - NOT ALLOWING BUSINESS TO PENETRATE RESIDENTIAL PROPERTY, AND THE OTHER WAY ABOUT. HE HAD EXAMINED THE USES PERMITTED BY RIGHT IN THIS ZONE AND THOUGHT A FILLING STATION LESS OFFENSIVE THAN MANY PERMITTED USES. ASKED WHERE HE WOULD CONSIDER MOST OF THEIR CUSTOMERS WOULD COME FROM, MR. HALL SAID - THE BY-PASS.

MR. HALL READ A PREPARED REPORT, BRIEFED AS FOLLOWS: (EXHIBIT 11)

"SERVICE STATIONS AND CLEAN AIR: THIS CASE WAS THOROUGHLY CONSIDERED UNDER SEC. 30-127, PARTICULARLY WITH RELATION TO NEARBY DWELLINGS BY REASON OF FUMES, ETC., COMPARED TO OTHER USES PERMITTED BY RIGHT.

A PROPERLY DESIGNED AND RUN SERVICE STATION DOES NOT CAUSE AIR POLLUTION. ATLANTIC MARKETS 'SWEET GASOLINE' - ODOR HAS BEEN REMOVED. STORAGE TANKS ARE ALL UNDERGROUND - PROPERLY VENTED TO DISPERSE FUMES. A LISTING OF PERMITTED USES HAVE SERIOUS PROBLEMS WITH ODORS, MR. HALL SAID - PARTICULARLY TAP ROOMS, PIZZA AND CANDY MAKING, AND RESTAURANTS. THESE ARE ALL MORE OBNOXIOUS THAN A FILLING STATION".

MR. E. SMITH SUGGESTED THAT MR. HALL WAS NOT AN ENTIRELY UNBIASED WITNESS IN THIS, IN VIEW OF HIS CONNECTION WITH THE OIL COMPANY. MR. HALL SAID HE HAD TRIED TO GIVE AN HONEST OPINION - THAT HE HAD WORKED WITH MANY REGULATORY BODIES AND HAD HELPED TO SET UP REGULATIONS THAT WOULD STOP OR CONTROL ODORS. HE ADMITTED THAT WORKING AROUND ODORS ONE DID BECOME ACCUSTOMED TO THEM TO THE EXTENT OF NOT NOTICING.

MR. D. SMITH ASKED MR. HALL IF THIS WAS THE USUAL KIND OF LOCATION FOR FILLING STATIONS. AS STATED BY MR. HALL, MOST OF THE CUSTOMERS WOULD BE PEOPLE COMING INTO McLEAN FROM THE BY-PASS AND WOULD HAVE TO MAKE A LEFT TURN INTO THE FILLING STATION. HE DID NOT CONSIDER THAT A GOOD NOR A USUAL LOCATION.

MR. HANSBARGER SAID THE TRAFFIC EXPERT WOULD DISCUSS THAT.

MR. HALL DREW A COMPARISON BETWEEN FUMES WHICH ARE HEAVY FROM CARS IN A SURROUNDED AREA LIKE LOS ANGELES, WHERE THE WINDS ARE NOT HEAVY ENOUGH

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TO CARRY OFF THE FUMES, WITH SIMPLY DISPENSING GASOLINE. HE THOUGHT THE FUMES HERE WOULD BE NEGLIGIBLE.

MR. D. SMITH ASKED IF A FILLING STATION WOULD COMPARE IN OUTSIDE NOISES WITH OTHER BUSINESSES. MR. HALL THOUGHT FILLING STATION NOISES WOULD BE FAR LESS THAN MANY OTHER BUSINESSES PERMITTED HERE BY RIGHT. HE MENTIONED ESPECIALLY A TAILOR SHOP. FILLING STATION NOISES WOULD NOT CARRY ACROSS THE STREET, THAT, HE SAID, HAS BEEN TESTED. SO MUCH WORK NOW IS DONE BY MACHINERY.

MR. HANSBARGER SAID THERE WOULD BE NO MAJOR REPAIRS WITH THIS, ONLY TIRE CHANGING AND SMALL THINGS.

MRS. CARPENTER POINTED OUT THAT OTHER BUSINESSES ARE CARRIED ON INSIDE THE BUILDING, WHILE WITH A FILLING STATION IT IS ALL OUTSIDE.

MR. HALL SAID A FILLING STATION USE WOULD NOT BE MORE OBJECTIONABLE, TO DWELLINGS 250 OR 300 FT. TO THE REAR NOR TO THE DWELLINGS 150 FT. ACROSS THE STREET THAN ANY NORMAL COMMERCIAL USE.

MR. DANA CONLEY, FROM THE OFFICE OF ATLANTIC REFINING COMPANY, B.S. IN BUSINESS ADMINISTRATION, STATE DIRECTOR FOR ATLANTIC, WAS CALLED. MR. CONLEY SAID HE WAS IN CHARGE OF CHOOSING AND APPROVING SITES FOR FILLING STATIONS AND HELPED IN THE PURCHASE OF THE GROUND AND LAYOUT. HE APPROVED THIS SITE. THEY CONSIDERED TRAFFIC MOVEMENT AND POTENTIAL INGRESS AND EGRESS, NEIGHBORHOOD AND FEASIBILITY OF THE NEIGHBORHOOD. HE CONSIDERED THIS A VERY GOOD SITE IN VIEW OF THE McLEAN BY-PASS WHICH WILL SERVE TO PULL TRAFFIC ON OLD DOMINION BECAUSE OF THE McLEAN CENTRAL BUSINESS LOCATION. (EXHIBITS III, IV, V AND VI WERE PRESENTED AND FILED DURING MR. CONLEY'S DISCUSSION).

A FILLING STATION NEEDS TRAFFIC, MR. CONLEY STATED, IN ORDER TO LIVE. THE TRAFFIC COUNT HERE IS HIGH - IF THE TRAFFIC IS THERE THEY WILL GET THEIR SHARE OF THE BUSINESS, AND TRAFFIC WILL INCREASE ON THIS STREET. TRAFFIC SAFETY IS VERY IMPORTANT TO GOOD PUBLIC RELATIONS, MR. CONLEY CONTINUED. THEY HAVE LAID OUT THE STATION IN ACCORDANCE WITH REGULATIONS OF FAIRFAX COUNTY AND HAVE PROVIDED FOR EASY INGRESS AND EGRESS. IT HAS BEEN SHOWN, MR. CONLEY CONTINUED, THAT FILLING STATIONS DO NOT GENERATE TRAFFIC - THEIR BUSINESS COMES FROM THE TRAFFIC THAT IS ALREADY ON THE HIGHWAY.

MR. CONLEY WAS ASKED TO COMPARE FUTURE DEGREE OF HAZARD HERE WITH ANOTHER BUSINESS - AS TIME GOES ON AND TRAFFIC INCREASES. HE THOUGHT A FILLING STATION WOULD CREATE LESS HAZARD BECAUSE OF THE HIGH DEGREE OF CONTROL AND THE SEMI-CIRCULAR APPROACH - IN ONE WAY AND OUT ANOTHER, WHICH SETS A PATTERN.

REGARDING ACCIDENTS IN AND AROUND FILLING STATIONS, MR. CONLEY SHOWED A CHART FROM THE CITY OF DETROIT TRAFFIC SAFETY BULLETIN GIVING A SUMMARY DATED SEPT. 20, 1961, SHOWING PROOF THAT FILLING STATIONS ARE NOT A HAZARD, AND IN FACT THAT ACCIDENTS IN FILLING STATIONS ARE LESS THAN MANY BUSINESSES PERMITTED BY RIGHT IN THIS AREA. MR. CONLEY CONTENDED

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THAT FILLING STATIONS ARE, AS A MATTER OF FACT, VERY SAFE. HE READ STATISTICS FROM THE DETROIT REPORT TO PROVE THE MINIMUM OF ACCIDENTS. (REPORT ON FILE IN THE RECORDS OF THIS CASE). THE REPORT ALSO SHOWED THAT THE ACCIDENT RATE DECREASED YEAR BY YEAR.

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MR. CONLEY SAID THE MODERN FILLING STATION ACTUALLY HELPED TRAFFIC. THEY DO NOT DRAW TRAFFIC, BUT TEND TO SLOW UP TRAFFIC.

MRS. HENDERSON SAID THERE ARE EXPERTS IN OTHER FIELDS WHO ARE NOT CONNECTED WITH FILLING STATION COMPANIES, WHO DO NOT AGREE WITH THIS, PEOPLE WHO HAVE STUDIED TRAFFIC HAZARDS. SHE QUOTED FROM ASPO BULLETIN, NOV. 1960, REPORT 140, TO SUBSTANTIATE HER STATEMENTS.

MRS. HENDERSON POINTED OUT THAT PEOPLE GOING WEST ON OLD DOMINION WOULD HAVE PASSED MANY FILLING STATIONS BEFORE REACHING THIS POINT - IT IS THEREFORE THE PEOPLE COMING EAST ON OLD DOMINION WHO HAVE NOT PASSED FILLING STATIONS WHO WOULD BE THE BEST CUSTOMERS.

PEOPLE FROM THE WHOLE AREA, MR. CONLEY SAID, WHO WORK IN THE DISTRICT WILL COME UP OLD DOMINION AND TAKE THE BY-PASS. THIS IS THE ROAD TO TAKE PEOPLE OUT OF THE AREA. THEY WILL NOT DEPEND UPON THE PEOPLE IN THE SUB-DIVISION ACROSS THE STREET - THEY MAY NOT GO TO THE DISTRICT. THIS STATION WILL DEPEND MOSTLY UPON THOSE GOING TO AND COMING FROM THE DISTRICT BY WAY OF THE BY-PASS.

MRS. CARPENTER THOUGHT THE MAIN TRADE WOULD BE FROM PEOPLE COMING FROM THE BY-PASS FROM THE WEST.

THE REASON FOR THIS FILLING STATION LOCATION AT THIS POINT, MR. D. SMITH SAID, IS BECAUSE OF THE BY-PASS. IT WILL INCREASE TRAFFIC GREATLY ON OLD DOMINION. THIS MEANS THAT ABOUT 60% OF THE BUSINESS HERE WILL MAKE A LEFT TURN ACROSS THIS FAST MOVING TRAFFIC TO APPROACH THIS FILLING STATION. THIS IS A NARROW HAZARDOUS STREET, MR. SMITH SAID. HE QUESTIONED WHY THE COMPANY WOULD DEVIATE FROM ITS USUAL POLICY OF LOCATING ON A CORNER WHEN THE BULK OF THE POTENTIAL TRADE WOULD MAKE A RIGHT TURN.

MR. CONLEY SAID THERE IS REALLY NO KNOWING WHAT PEOPLE WILL DO - THEY DONT KNOW IF THEY WILL PULL LEFT GOING OR COMING HOME. THERE MAY BE A CENTER STRIP DOWN OLD DOMINION IN TIME. THEY WOULD STILL THINK THIS A GOOD SITE, AND IT MAY BE THE SOLUTION FOR FUTURE TRAFFIC.

IF THE AREA WERE COMPLETELY DEVELOPED IT MIGHT BE WELL TO HAVE A SERVICE DRIVE, MR. D. SMITH SUGGESTED, FOR ALL THE BUSINESS DEVELOPMENT. THAT WOULD BE BETTER FOR THE SAFETY FACTOR - TO HAVE A COMPLETELY DESIGNED SHOPPING CENTER SUCH AS C-D ZONING WAS DESIGNED TO PROMOTE. THEN WITH A SERVICE DRIVE THERE COULD BE ONLY ONE ENTRANCE AND EXIT. AS IT IS NOW EVERY LITTLE BUSINESS HAS ITS OWN ENTRANCE AND EXIT INTO THE FAST MOVING TRAFFIC. THIS IS BAD PLANNING, MR. SMITH STATED, A GLARING EXAMPLE OF THIS VERY THING HAS HAPPENED AT KAMP WASHINGTON.

IF THEY WAIT, MR. CONLEY SAID, IN THEIR LAND PURCHASES THEY MAY BE TOO LATE - THEY BUY WHEN THE SITE LOOKS GOOD. THINGS GO SO FAST IN THIS AREA ONE CAN HARDLY BE PREMATURE.

MR. D. SMITH SAID HE WAS VERY CONCERNED OVER THE MANY ENTRANCES AND EXITS

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ON OLD DOMINION. HE AGAIN DISCUSSED A SERVICE DRIVE - HE RECALLED OTHER PLACES WHERE THIS HAD BEEN WORKED OUT, PARTICULARLY A FILLING STATION, 7-11 AND AN OFFICE BUILDING IN THE MT. VERNON AREA - WHERE THE COMPLETE AREA WAS DESIGNED TOGETHER. HE OBJECTED TO THIS CHOPPED-UP DEVELOPMENT. HE THOUGHT THE COUNTY SHOULD GO SLOW IN ALLOWING SO MANY BUSINESSES ON THIS BUSY STREET, CROWDING SO CLOSE TO THE INTERSECTION. TRAFFIC CAN BE GREATLY BOGGED DOWN AND HAZARDOUS WITH SO MANY ENTRANCES AND EXITS - WE HAVE LEARNED THIS AT KAMP WASHINGTON, HE WENT ON, AND THIS SITUATION MAY WELL DUPLICATE THAT. HE THOUGHT A FILLING STATION AT A CORNER WOULD BE BETTER AND LESS HAZARDOUS. CROWDED WITHIN THE BLOCK WITH SO MUCH COMING AND GOING - HE THOUGHT VERY BAD.

MR. HANSBARGER SAID THE ONE REASON FOR C-D ZONING IS TO GIVE THE COUNTY ADDITIONAL CONTROL BY SITE PLAN. THERE HAS NEVER BEEN ONE OCCASION, HE WENT ON, WHERE THEY HAVE NOT REQUIRED THE OWNER TO LEAVE SPACE FOR A SERVICE DRIVE. THAT, HE SAID, COULD HAPPEN HERE IN EACH CASE AS LOTS ARE DEVELOPED. THIS WOULD CREATE ONE LEFT HAND TURN INTO THE SERVICE DRIVE WHICH ALSO COULD CREATE A HAZARD. HE DISCUSSED THE DIFFICULTY OF ASSEMBLING PROPERTY IN MANY OWNERSHIPS AND DEVELOPING AS A UNIT, AND THE IMPRACTICABILITY OF RESTRICTING THESE INDIVIDUAL OWNERS UNTIL ALL ON THE STREET ARE READY TO DEVELOP. ANY USE OF THIS PROPERTY WOULD PRESENT SOMETHING OF A HAZARD AS TRAFFIC INCREASES, MR. HANSBARGER POINTED OUT, AND THIS PARTICULAR USE WOULD PRESENT NO GREATER HAZARD THAN ANY NORMAL COMMERCIAL USE PERMITTED BY RIGHT.

IF THERE WERE THE SERVICE DRIVE AND ONLY ONE LEFT TURN, MR. D. SMITH SAID HE THOUGHT PEOPLE WOULD BECOME ACCUSTOMED TO THAT. IT WOULD BE FAR BETTER THAN HAVING FIVE OR SIX DIFFERENT ENTRANCES. IF THE TRAFFIC WERE CHANNELED IN AND OUT AT RESTRICTED POINTS IT WOULD BE BETTER.

MR. CONLEY POINTED TO 2000 FILLING STATIONS IN DETROIT, MANY WITH LEFT TURNS - YET THEY HAVE A VERY LOW ACCIDENT RATE. IT IS VERY LIKELY THEIR GREATEST TRADE WILL COME NOT FROM THE WEST BUT FROM THE AREA, MR. CONLEY SAID.

THEY MAY NOT BE SITUATED LIKE THIS, MR. D. SMITH SAID, WITH MANY ENTRANCES AND EXITS FROM THE STREET. HE INSISTED THAT THIS SHOULD BE A BETTER PLANNED COMMERCIAL DEVELOPMENT.

BUT THE COUNTY IS THEN IMPOSING UPON THESE PEOPLE AN IMPOSSIBLE BURDEN, MR. HANSBARGER SAID. THEY DO NOT OWN THE PROPERTY AND THEREFORE CANNOT DEVELOP TOGETHER WITH THIS. MANY BUSINESSES MAY DEVELOP HERE, OLD DOMINION WILL HAVE TO BE WIDENED - AN 80 FT. RIGHT-OF-WAY IS IN THE PLAN - ONE HALF OF THAT FROM THIS PROPERTY. NO DOUBT THERE WILL BE A MEDIAN STRIP AND THERE WILL BE NO CROSS OVER TO THIS FILLING STATION. THAT IS IN THE FUTURE. THE TRAFFIC SITUATION NOW IS THAT THIS WOULD NOT CREATE A MORE HAZARDOUS SITUATION.

WITH THE GREATEST TRADE COMING FROM THE WEST THIS USE WOULD CREATE MANY LEFT HAND TURNS, MRS. CARPENTER SAID, BUT WITH ANOTHER USE SHE THOUGHT THAT WOULD NOT BE SO.



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WHEN MR. CONLEY SAID THEY DID NOT EXPECT TRADE FROM THE WEST, MR. D. SMITH RECALLED MR. CONLEY'S EARLIER STATEMENT THAT THEIR BIGGEST TRADE WOULD COME FROM THE BY-PASS.

MRS. HENDERSON OBJECTED TO MR. HANSBARGER'S PROCEDURE IN THIS CASE AND THE FACT THAT HE GAVE NO INDICATION OF THE LENGTH AND SCOPE OF HIS PRESENTATION - ENTIRELY UNLIKE THE ORIGINAL HEARING.

MR. HANSBARGER SAID HE HAD FOLLOWED THIS LINE OF PRESENTATION SINCE THE CASE WOULD GO BACK TO COURT AND WITHOUT FULL AND COMPLETE RECORD THE COURT WOULD HAVE NOTHING TO REVIEW. HE WOULD HAVE PREFERED TO LIMIT THE TESTIMONY BUT THE CHAIRMAN SUGGESTED A FULL HEARING. MRS. HENDERSON SUGGESTED THAT MR. HANSBARGER MIGHT HAVE INDICATED THE KIND OF PROCEDURE HE HAD PREPARED.

MR. JACK CHILTON, FROM THE PLANNING STAFF, SAID THE PLANNED RIGHT-OF-WAY OF OLD DOMINION WAS 80 FT - ROOM FOR A MEDIAN STRIP, IF THE STATE HIGHWAY DEPARTMENT SO DESIRES. ON EACH INDIVIDUAL TRACT THE DEVELOPERS WOULD BE REQUESTED TO PROVIDE FOR WIDENING - FROM THE SHELL OIL COMPANY STATION TO THE BY-PASS. THIS WILL BE DEDICATED OR ACQUIRED WHEN NECESSARY. HE DID NOT KNOW IF THE STATE WOULD WANT A MEDIAN STRIP - NONE WAS REQUIRED AT ROUTE #7, A WIDER AND MORE TRAVELED HIGHWAY. THIS IS NOT IN THE PRIMARY SYSTEM, MR. CHILTON SAID, HOWEVER IT MAY CHANGE WHEN THE BY-PASS GOES IN. NO SERVICE DRIVE IS HERE BECAUSE IT HAS NOT BEEN FOUND NECESSARY.

MR. D. SMITH ASKED IF THIS DID NOT HAVE THE SAME POTENTIAL DEVELOPMENT AS KAMP WASHINGTON, WITH NO SERVICE DRIVE. THAT COULD HAPPEN IN ANY COMMERCIAL ZONE, MR. CHILTON SAID, WHERE YOU DO NOT HAVE A SERVICE DRIVE. SINCE THESE LOTS ARE IN INDIVIDUAL OWNERSHIPS, THEY WOULD HAVE TO BE ALLOWED ENTRANCES.

JAMES PAMMEL, DIRECTOR OF PLANNING AT FALLS CHURCH, GAVE HIS EDUCATIONAL BACKGROUND AND EXPERIENCE - BOTH AS PLANNING DIRECTOR AND CONSULTANT. MR. PAMMEL APPEARED HERE AS A PRIVATE CONSULTANT. (WRITTEN REPORT - EXHIBIT VII ON FILE).

TECHNICAL STUDY ON FEASIBILITY OF SITE LOCATION: THIS REPORT MOSTLY WAS CONFINED TO SEC. 30-127 (b), (c), (d). IN VIEW OF THE INTERSECTION OF INGLESIDE AND OLD DOMINION ALONG THE WESTERLY BOUNDARY OF LOT 3, THIS SITE WILL ULTIMATELY BECOME A CORNER LOT, ESPECIALLY ADAPTABLE TO SERVICE STATION LOCATION. (b) HARMONIOUS WITH AREA: BECAUSE OF THE ZONING ORDINANCE PROHIBITION AGAINST RESIDENCES IN C-D ZONING, THIS STREET WILL ULTIMATELY BECOME ALL COMMERCIAL AS INDICATED IN THE MASTER PLAN, AND RESIDENCES WILL BECOME NON-CONFORMING. IT HAS BEEN ESTABLISHED THAT FILLING STATIONS ARE COMPATIBLE WITH OTHER NORMAL RETAIL USES. PROTECTIVE WALLS OR FENCES SHOULD BE ERECTED AGAINST ADJACENT RESIDENTIAL ZONES AND USES.

SERVICE STATIONS ARE NOW LOCATED IN SHOPPING AREAS AND ARE OFTEN THE FIRST PHASE OF DEVELOPMENT, AND ARE CONSIDERED COMPLETELY COMPATIBLE - SEVEN CORNERS, FOR EXAMPLE, AND OTHERS. IT IS ALSO PRACTICAL TO LOCALE FILLING

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STATIONS AT THE BOUNDARY OF A CENTRAL BUSINESS DISTRICT. WITH C-D PROTECTION THEY SHOULD BE PERMITTED AS A MATTER OF RIGHT IN A C-D DISTRICT, MR. PAMMEL SAID.

THIS LOCATION COMPLIES WITH THE MASTER PLAN. TRAFFIC SURVEY IN DETROIT SHOWS LESS THAN 1% OF ALL AUTO ACCIDENTS OCCURRED AT FILLING STATIONS. PLANNING ADVISORY SERVICE HAS RECOMMENDED CRITERIA FOR FILLING STATION LOCATION ON MAJOR ARTERIES IN THE CENTRAL BUSINESS DISTRICT AT INTERSECTION WITH A SECONDARY STREET. THIS LOCATION MEETS THESE REQUIREMENTS.

REPORT INCORPORATES RECOMMENDED SERVICE STATION SITE DESIGN. FIVE INSURANCE RATES INDICATE RATES ARE LITTLE HIGHER THAN SINGLE FAMILY HOUSES.

FILLING STATIONS GENERATE LESS TRAFFIC THAN MANY OTHER PERMITTED USES; THEY ARE HARMONIOUS WITH OTHER C-D USES; THE SALE OF GASOLINE IS A NECESSITY FOR OUR WAY OF LIFE - SHOULD BE LOCATED IN ACCESSIBLE PLACES, MAJOR ARTERIES.

MR. PAMMEL POINTED TO AN OFFICE BUILDING AND FILLING STATION ON ABUTTING PROPERTY IN THE TOWN OF VIENNA - INDICATING THE COMPATIBILITY. HE INDICATED OTHER SIMILAR COMBINATIONS.

MR. PAMMEL DISCUSSED AT LENGTH - LEFT HAND TURN INTO FILLING STATIONS - ADMITTING THAT IT IS MORE USUAL TO BUY GAS ON A RIGHT HAND TURN.

MR. D. SMITH NOTED THAT MR. PAMMEL, IN HIS DISCUSSION OF THE OFFICE BUILDING AND FILLING STATION ON ABUTTING PROPERTY, WAS REFERRING TO A LOCATION IN THE TOWN OF VIENNA WHERE FILLING STATIONS WERE ALLOWED BY RIGHT. HE POINTED OUT ALSO THAT THE TOWN SUBSEQUENTLY ADOPTED A RESOLUTION REQUIRING A SPECIAL USE PERMIT FOR FILLING STATIONS BECAUSE THEY FELT A TRAFFIC HAZARD MIGHT DEVELOP.

MR. PAMMEL CONTENDED THAT USES COULD BE COMPATIBLE AND AT THE SAME TIME BE COMPLETELY DIFFERENT.

MR. D. SMITH POINTED OUT THAT MOST JURISDICTIONS FOLLOW THE PATTERN OF USE PERMITS FOR FILLING STATIONS IN THEIR MORE RESTRICTED BUSINESS AREAS - WHY IS THIS, MR. SMITH ASKED, UNLESS THEY FEEL THERE IS SOME SPECIAL IMPACT?

MR. PAMMEL DID NOT AGREE WITH MR. SMITH - FALLS CHURCH PERMITS FILLING STATIONS BY RIGHT IN BUSINESS ZONING, HE SAID. THEY HAVE FOUND NO ADVERSE AFFECT FROM THIS.

MR. SMITH SAID HE CONSIDERED THE FALLS CHURCH ORDINANCE VERY STRICT IN THEIR CONTROL OF FILLING STATIONS - MORE STRICT THAN FAIRFAX. THEY MUST FEEL THERE IS AN IMPACT.

IN THE ZONES NOT PERMITTED BY RIGHT, MR. PAMMEL SAID, THEY DO HAVE CONTROLS AND SOME OF THE THINGS ALONG THIS LINE HE DID NOT AGREE WITH. THEY ARE NOT ALLOWED NEXT TO SCHOOLS NOR CHURCHES.

MRS. HENDERSON QUOTED FROM THE FALLS CHURCH ORDINANCE REGARDING THEIR SPECIAL PERMIT REQUIREMENTS, WHICH SHE TERMED "VERY RESTRICTIVE", AND MORE RESTRICTIVE THAN THE FAIRFAX ORDINANCE.

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DISCUSSING A SERVICE DRIVE, MR. PAMMEL SAID HE CONSIDERED THAT A GOOD THING - A CORNER LOCATION IS ALSO DESIRABLE BUT AN INTERIOR LOT WITH A SERVICE DRIVE AND PROPER VISIBILITY WOULD BE JUST AS SATISFACTORY.

MR. D. SMITH WENT BACK TO THE COMPARISON BETWEEN THIS USE AND OTHER PERMITTED USES (BOWLING ALLEYS, RESTAURANTS, ETC.) IN REGARD TO TRAFFIC PEAKS. THIS USE WOULD HAVE MOST OF ITS BUSINESS AT THE PEAK FLOW OF TRAFFIC WHILE A RESTAURANT OR BOWLING ALLEY WOULD DO BUSINESS MOSTLY AT NIGHT AFTER THE PEAK HOURS.

MR. PAMMEL SAID A FILLING STATION INTERCEPTS TRAFFIC, IT DOES NOT COMPOUND IT.

MRS. HENDERSON QUOTED FROM ASPO BULLETIN, 1960, REGARDING FILLING STATIONS WHERE IT STATED THAT FILLING STATIONS WITH TWO ENTRANCES ON A MAJOR AND SECONDARY ROAD DOES INCREASE TRAFFIC AND THAT IT CREATES A TRAFFIC PROBLEM BY TURNING MOVEMENT.

MR. HANSBARGER ASKED - WHERE WOULD ONE PUT A FILLING STATION WITHOUT A TURNING MOVEMENT? MRS. HENDERSON SAID THE BOARD IS DISCUSSING ONE PARTICULAR ROAD.

IT WAS AGREED THAT PEAK ACCIDENT TIME IS AROUND DUSK.

MR. D. SMITH POINTED OUT THAT THE LEAST ACCIDENT PERIOD IS LATE MORNING AND LATE EVENING WHEN FEWER CARS ARE ON THE ROAD. TURNING AT PEAK HOURS CAUSES MORE HAZARD THAN DURING OFF-PEAK HOURS.

MR. HANSBARGER SUGGESTED THAT THE BOARD HAD BEEN STRAINING VEHEMENTLY ALL DURING THIS HEARING TO PREVENT THIS USE ON THIS PIECE OF PROPERTY. IF THIS LOCATION IS WRONG, MR. HANSBARGER SAID, IT SHOULD NOT BE HERE. BUT IF A MAN OWNS A PIECE OF PROPERTY AND HE MEETS THE REQUIREMENTS OF THE ORDINANCE AND IT IS ZONED COMMERCIAL AND IT IS OBVIOUS NO MORE HOUSES WILL BE BUILT, HE SHOULD BE ALLOWED TO USE IT.

MR. D. SMITH SAID THE BOARD IS CONCERNED ABOUT TRAFFIC SAFETY IN THIS PARTICULAR APPLICATION.

MR. HANSBARGER DISCUSSED TRAFFIC SAFETY AT OTHER FILLING STATIONS AROUND McLEAN, WHERE PEOPLE MAY MAKE A LEFT TURN AND WHERE THERE IS MORE TRAFFIC.

MR. D. SMITH SAID THE POTENTIAL FOR TRAFFIC ON THIS STREET IS VERY HEAVY. THIS STATION WOULD EXPECT A GREAT VOLUME OF BUSINESS FROM THE BY-PASS AND PEOPLE WOULD NECESSARILY MAKE A LEFT TURN AGAINST FAST TRAFFIC - AND THIS PROPERTY 200 FT. FROM AN INTERSECTION. THIS IS THE FIRST FILLING STATION COMING OFF THE BY-PASS, MR. SMITH POINTED OUT.

MR. E. SMITH ASKED MR. PAMMEL TO COMPARE THE FIVE BUSINESS DISTRICTS LISTED ON THE FIRST PAGE OF HIS REPORT, WITH FAIRFAX COUNTY DISTRICTS.

MR. PAMMEL DID SO, AND CONTINUED TO SAY THAT IN THIS CASE THE PLAN PROPOSES TO CONTAIN THE COMMERCIAL DEVELOPMENT IN A CERTAIN AREA. IN FIVE YEARS THIS COMMERCIAL AREA WILL ALL BE BUILT UP AND DEVELOPMENT WILL BE VERY COMPACT. THERE WOULD BE NO STRIP ZONING ON THIS STREET. BUSINESS MUST DEVELOP - COGNIZANT OF THE FUTURE PLANS. THIS DEVELOPMENT DOES NOT HAPPEN OVER NIGHT, HE CONTINUED, BUT IT WILL DEVELOP IN THIS AREA, SOON. BY ADOPTING THE McLEAN PLAN THE COUNTY HAS CONCENTRATED THE COMMERCIAL

WITHIN A CERTAIN AREA, AND THE PLAN WILL DICTATE WHAT GOES HERE.

MR. E. SMITH THOUGHT THE FIRST THINGS THAT GO IN HERE WILL HAVE AN IMPORTANT AFFECT UPON WHAT COMES LATER. HE POINTED TO AN INSTANCE IN ANNANDALE WHERE A FILLING STATION WENT IN FIRST BECAUSE IT WAS ECONOMICALLY FEASIBLE, BUT NOTED THAT IT DID HINDER THE ORDERLY DEVELOPMENT OF THE TRACT. AN OFFICE BUILDING DID GO IN WHICH HELPED THE NEIGHBORHOOD, AND IT MIGHT HAVE BEEN BETTER HAD THE FILLING STATION NOT BEEN THERE.

MR. HANSBARGER CALLED CARL HINK, APPRAISER AND BROKER OF MANY YEARS STANDING. MR. HINK DETAILED SALES IN THIS AREA, SHOWING PRICES BEFORE AND AFTER THIS FILLING STATION WAS PLANNED AND SHOWED THAT IT HAD NOT REDUCED OR IN ANY WAY ADVERSELY AFFECTED PRICES OF OTHER PROPERTY. THE ADJOINING LOT WAS SOLD FOR \$40,000 - THE PURCHASER KNEW OF THIS FILLING STATION. THAT LOT WILL BE USED FOR DENTAL OFFICES. HE POINTED TO OTHER LOTS IN THE IMMEDIATE AREA, AND THEIR SALE PRICE.

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MRS. HENDERSON SAID SHE HAD A LETTER OF OBJECTION FROM THE OWNER OF THE LOT ADJOINING.

MR. HINK SAID THIS AREA COULD NOT BE MADE INTO A GOOD SHOPPING CENTER - THERE ARE TOO MANY OWNERSHIPS. THERE ARE TOO MANY LARGE TRACTS LIKE TYSONS CORNER WHERE BIG DEVELOPMENTS WILL GO IN - NO ONE WOULD TRY TO ASSEMBLE THE MANY OWNERSHIPS IN THIS AREA AND DEVELOP A TRACT LIKE TYSONS.

OPPOSITION:

MR. ROBERT CORY, PRESIDENT OF McLEAN CITIZENS ASSOCIATION, REPRESENTED THE GREATER McLEAN CITIZENS ASSOCIATION. MR. CORY POINTED TO THE NARROW ROAD LEADING OFF THE McLEAN BY-PASS AND TERMED IT INADEQUATE AND HAZARDOUS. SCHOOL BUSES TRAVEL THIS ROAD. HE HAD BEEN TOLD BY STATION OPERATORS THAT MOST BUSINESS AT McLEAN FILLING STATIONS WAS LOCAL, WHICH WOULD CREATE ADDITIONAL TRAFFIC ON THIS ROAD. HE SAID THE BOARD SHOULD CONSIDER THE PREAMBLE TO THE ZONING ORDINANCE WHICH EMPHASIZES THE "HEALTH, SAFETY, AND WELFARE, ETC." THE GREATER McLEAN CITIZENS ASSOCIATION OPPOSED ANY TYPE OF DEVELOPMENT SO NEAR THE BY-PASS - IT WOULD DEFEAT THE PURPOSE OF THE BY-PASS. THIS STATION WOULD ENCOURAGE OTHERS TO LOCATE IN THIS IMMEDIATE LOCALITY. IF THERE MUST BE MORE FILLING STATIONS THEY SHOULD WORK FROM THE CENTER OF THE COMMERCIAL AREA OUT - NOT JUMP OVER INTO AN UNDEVELOPED AREA. THIS WOULD BE AT THE OUTER EXTREMITY OF COMMERCIAL ZONING.

MR. CORY PRESENTED RESOLUTIONS FROM GREATER McLEAN ESTATES AND McLEAN CITIZENS ASSOCIATION REITERATING THEIR OPPOSITION TO THIS. (EXHIBIT I AND II). THEY ALL ASKED THE BOARD AGAIN TO DENY THIS APPLICATION.

MR. G. S. SPOMER STATED THAT THIS LOT WAS SOLD THINKING A BUILDING AND LOAN OFFICE WAS TO BE PUT IN HERE. McLEAN DID NOT OBJECT TO THAT. THEY CONSIDERED IT A USE COMPATIBLE WITH C-D ZONING. THEY NOW FEAR ANOTHER GASOLINE ALLEY. THE BOARD DID NOT REZONE THIS FOR FILLING STATION USE. THEY PLANNED FOR ORDERLY DEVELOPMENT FOR THE COMMUNITY.

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C. F. BAILEY, LIVING AT OLD DOMINION AND MAYFLOWER DRIVE, ADVISED THE BOARD THAT THIS WOULD HAVE AN ADVERSE AFFECT IN THIS AREA. HE BOUGHT HIS HOME RELYING ON A ZONING HERE WITH NO EXCEPTIONS. HE THOUGHT THIS WOULD DEPRECIATE HOME VALUES.

MRS. HENDERSON READ A LETTER FROM MRS. GEORGE CADMAN, OWNER OF ADJOINING LOT, WHICH STATED OBJECTION BECAUSE OF NOISE, FUMES AND LIGHTS TO A DEGREE MORE THAN NORMAL WITH RESPECT TO THE PROXIMITY OF COMMERCIAL TO RESIDENTIAL USES; OTHER FILLING STATIONS WILL BE ENCOURAGED TO COME TO THIS AREA IF THIS IS GRANTED; 60% OF AIR POLLUTION IS CAUSED BY AUTOMOBILES; INGRESS AND EGRESS WOULD INCREASE DANGER TO THOSE WALKING IN THE AREA; THIS WOULD BETTER BE LOCATED ON THE BY-PASS; THIS COULD DOWNGRADE THE COMMERCIAL DEVELOPMENT. (EXHIBIT 111).

MR. E. SMITH SAID LACK OF NEED COULD NOT BE USED TO CURTAIL THE NUMBER OF FILLING STATIONS.

(MR. HANSBARGER APOLOGIZED FOR THE LONG HEARING). IN REBUTTAL HE SAID - LOOKING AT THIS LOGICALLY AND REALISTICALLY, ANY AREA THAT PERMITS SO MANY THINGS - SURELY THE REQUIREMENTS FOR THOSE ARE MET IN SO FAR AS FILLING STATIONS IS CONCERNED - THIS IS SHOWN IN THE EVIDENCE BROUGHT OUT TODAY.

BASED ON THE RECORD AND EVIDENCE THEY HAVE MET ALL REQUIREMENTS IN SEC. 30-127. THIS WOULD BE MORE HAZARDOUS THAN THE EXISTING SITUATION BUT, HE SAID, BY THE SAME TOKEN IT WILL NOT CREATE MORE HAZARD THAN MANY BUSINESSES THAT COULD GO HERE. HE QUOTED WINCHESTER VS GLOVER, WHICH IN THE PLEA DESCRIBED FILLING STATIONS AS NO ORDINARY BUSINESS, BUT THAT THEY WERE DANGEROUS TO PUBLIC WELFARE, ETC. THE COURT DID NOT AGREE WITH THIS.

IN THE LIGHT OF CHANGING TIMES AND MODERN METHODS THE COURT SAID IT CANNOT BE SAID THAT FILLING STATIONS ARE DANGEROUS - SUCH FACILITIES ARE NORMAL IN THE LIFE OF TODAY AND SHOULD BE SO ACCEPTED. NEW CONDITIONS CALL FOR NEW CONCEPTS. THEY SHOULD HAVE PROTECTION RATHER THAN OPERATING ONLY UNDER A PRIVILEGE TO BE GIVEN OR WITHHELD AT A WHIM. (VA. 1957).

THIS IS A LEGITIMATE BUSINESS, MR. HANSBARGER WENT ON, NO DIFFERENT FROM ANY OTHER BUSINESS PERMITTED IN THIS ZONE. THEY HAVE REASONABLY COMPLIED WITH THE STANDARDS AND THE STATION IS DESIGNED TO MEET ALL REQUIREMENTS OF THE ORDINANCE.

DUE TO THE UNUSUALLY LARGE AMOUNT OF TESTIMONY HEARD HERE TODAY, MR. D. SMITH SAID HE WOULD LIKE TO GIVE A GOOD DEAL OF THOUGHT TO WHAT HAS BEEN SAID - HE SUGGESTED DEFERRAL.

MR. D. SMITH MOVED THAT DECISION ON THIS APPLICATION BE DEFERRED FOR TWO WEEKS.

SECONDED, MR. E. SMITH. CD. UNAN.

IT WAS NOTED THAT THE BOARD HAS THREE WEEKS IN WHICH TO COMPLY WITH THE COURT ORDER.

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9-

DENTAL HOSPITAL CORP., TO PERMIT REVISION OF SPECIAL USE PERMIT GRANTED BY BOARD OF ZONING APPEALS, AUGUST 8, 1961, PROPERTY ON WEST SIDE OF SLEEPY HOLLOW ROAD JUST SOUTH OF SEVEN CORNERS, FALLS CHURCH DIST. (R-12.5). MR. J. GRANT WRIGHT REPRESENTED THE APPLICANT. MR. WRIGHT SAID THIS REVISION WAS ASKED BECAUSE <sup>of</sup> MANY CIRCUMSTANCES OVER WHICH NO ONE HAS HAD ANY CONTROL.

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WHEN DR. ALEXANDER MADE THIS APPLICATION ORIGINALLY HE HAD GREAT DIFFICULTY IN LEARNING JUST WHAT THE STATE HEALTH DEPARTMENT WOULD REQUIRE BECAUSE THERE ACTUALLY ARE NO STATE REQUIREMENTS RELATING ESPECIALLY TO DENTAL HOSPITALS - SINCE THIS IS THE FIRST ONE IN THE STATE. THE STATE HAS COOPERATED IN EVERY WAY, MR. WRIGHT SAID, IN ORDER TO BRING THIS UNDER REGULATIONS REQUIRED FOR HOSPITALS, BUT WITH THE SPECIFIC LIMITATIONS OF A DENTAL HOSPITAL. THE ORIGINAL PERMIT WAS, IN A SENSE, MR. WRIGHT SAID, A BLANKET PERMIT. THEY DID NOT KNOW JUST WHAT TO ASK FOR BECAUSE THEY DID NOT KNOW WHAT WAS REQUIRED. NOW THAT THE PERMIT IS GRANTED AND THEY CAN TIE IT DOWN TO SPECIFICS, THEY FIND IT NECESSARY TO MAKE CERTAIN CHANGES IN THE PERMIT. THERE WAS A LONG DRAWN OUT SERIES OF CONFERENCES AND CORRESPONDENCE WITH STATE HEALTH BEFORE THIS WAS WORKED OUT, MR. WRIGHT SAID.

THEY HAD PLANNED A 57 FT. - 2-1/2 STORY BUILDING. THEY ARE NOW WANTING A 1-1/2 STORY BUILDING. THE SQUARE FOOTAGE IS LESS BUT THE ARRANGEMENT IS BETTER. MR. WRIGHT SHOWED THE NEW PLAN WITH THE LOWER BUILDING - A PITCHED ROOF IN FRONT BUT A FLAT BUILDING AT THE REAR. THE BUILDING WILL APPEAR THE SAME AS THE ORIGINAL EXCEPT THE FLAT REAR, MR. WRIGHT SAID. THE BOARD THOUGHT THE BUILDING NOT IN KEEPING WITH THE AREA.

THE QUESTION OF STRIPPING THE NATURAL GROWTH (TREES) ALONG THE BOUNDARY WAS DISCUSSED. MR. ROAN SAID THEY DID THIS BECAUSE THE SITE PLAN REQUIRED A 6 FT. STOCKADE FENCE. THIS WAS IN THE ORIGINAL SCREENING SPECIFICATIONS - THIS NECESSITATED TAKING OUT THE TREES.

MR. WRIGHT SAID THEY WOULD HAVE SEVEN BEDROOMS AND PROBABLY TWO BEDS TO A ROOM. THE SITE PLAN WAS APPROVED FOR THE LARGER BUILDING, MR. WRIGHT SAID, AND THE BUILDING PERMIT ISSUED. IT WAS THEN THEY LEARNED IT WAS NECESSARY TO MAKE THESE CHANGES.

MRS. HENDERSON OBJECTED TO THE APPEARANCE OF THE BUILDING. SHE THOUGHT DORMERS MIGHT BE ADDED, OR SOMETHING TO TAKE AWAY THE INSTITUTIONAL LOOK. IT WAS NOTED THAT THIS GROUND IS HIGHER THAN THAT AROUND IT AND THEREFORE THE BUILDING SHOULD NOT BE TOO HIGH.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. D. SMITH POINTED OUT THAT THIS IS ABOUT THE SAME DESIGN AS THE ORIGINAL EXCEPT THIS HAS MORE GROUND COVERAGE AND LESS HEIGHT AND SQUARE FOOTAGE. THE PITCHED ROOF WOULD MAKE AMORE ATTRACTIVE BUILDING, HE WENT ON, BUT BECAUSE OF THE SIZE OF THE BUILDING HE DIDN'T KNOW IF THIS WARRANTED FURTHER CONSIDERATION BY THE BOARD.

MRS. HENDERSON SAID THE FENCE MIGHT HIDE SOME OF THE BUILDING.

THE APPLICANTS HAVE AGREED TO AN ALL BRICK BUILDING, MR. WRIGHT SAID.

IN VIEW OF THE TESTIMONY PRESENTED, MR. D. SMITH MOVED THAT THE APPLICATION OF

DENTAL HOSPITAL CORP., TO PERMIT REVISION OF SPECIAL USE PERMIT GRANTED BY THE BOARD OF ZONING APPEALS, AUGUST 8, 1961, PROPERTY ON WEST SIDE OF SLEEPY HOLLOW ROAD JUST NORTH OF SEVEN CORNERS, FALLS CHURCH DIST., BE APPROVED AS APPLIED FOR, AS THIS SEEMS TO BE PRACTICALLY THE SAME DESIGN AND GENERALLY THE SAME APPEARANCE AS APPLIED FOR IN THE FIRST APPLICATION AND THE REASONS FOR THE CHANGES ARE JUSTIFIED. THE OTHER PROVISIONS OF THE ORDINANCE PERTAINING SHALL BE MET.

SECONDED, MR. BARNES.

ALL VOTED FOR THE MOTION EXCEPT MR. E. SMITH, WHO ABSTAINED. Cd.

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10-

VIENNA DEVELOPMENT CORP., TO PERMIT ERECTION AND OPERATION OF A COMMUNITY SWIMMING CLUB AND RELATED FACILITIES, WESTERLY ADJACENT TO SEC. 6, DUNN LORING WOODS, PROVIDENCE DISTRICT. (R-12.5).

MR. KROCH REPRESENTED THE APPLICANT. THIS PROJECT IS BEING STARTED BY YEONAS, MR. KROCH SAID. THERE IS NO MEMBERSHIP AS YET BUT THE LAND AND IMPROVEMENTS WILL BE TURNED OVER TO THE PEOPLE IN THE AREA FOR A MEMBERSHIP CLUB. YEONAS IS FINANCING THE FACILITIES WITH HIS OWN CREDIT TO GET IT STARTED. IT IS LOCATED WITHIN THE SUBDIVISION (YEONAS') AND IS IN FACT USED AS AN ADVERTISING FEATURE IN SELLING HOMES AND WITH THE HOPE OF GETTING MEMBERSHIPS. IN THIS TYPE OF DEVELOPMENT - THIS PARTICULAR INCOME BRACKET - IS A REAL POTENTIAL FOR MEMBERSHIPS. THEY EXPECT 80% PARTICIPATION, WITH APPROXIMATELY 400 MEMBERS WHEN THE SUBDIVISION IS COMPLETED. THE SUBDIVISION WILL HAVE 515 HOUSES. THEY HAVE FIGURED THAT 76 PARKING SPACES WILL BE ENOUGH, SINCE SO MANY WILL WALK. HOWEVER, THEY COULD PROVIDE UP TO 150 IF NEEDED. THEIR MEMBERSHIPS WILL BE FROM DUNN LORING WOODS ONLY.

MR. D. SMITH THOUGHT THEY SHOULD PROVIDE THE 150 PARKING SPACES NOW, BUT MRS. HENDERSON SAID SOMETHING OF THE SAME SITUATION TAKES PLACE IN SLEEPY HOLLOW AND THEY DO NOT NEED SO MANY.

MR. KROCH SAID THEY OWN AND OPERATE MANY SWIMMING POOLS IN THE COUNTY AND THEIR PARKING IS ALMOST INVARIABLY OVER SIZED. HOWEVER, HE NOTED THAT THEY MAY HAVE COMPETITIVE MEETS, WHICH MR. D. SMITH SAID CERTAINLY WOULD REQUIRE MORE PARKING.

NO ONE FROM THE AREA OBJECTED.

THIS IS A YEONAS OWNED POOL NOW, MR. E. SMITH OBSERVED, AND THE PERMIT IS ISSUED TO THEM ON THE ASSUMPTION THAT THIS WILL BE A COMMUNITY TYPE POOL CONTROLLED BY PEOPLE IN THE AREA. WHAT HAPPENS, HE ASKED, IF THIS IS BUILT AND NO ONE WANTS TO JOIN IT - WILL THIS BECOME A COMMERCIAL OPERATION? THEY WOULD FIRST HAVE TO COME BACK TO THE BOARD, MRS. HENDERSON SAID, AND IT SHOULD BE IN THE PERMIT THAT WHEN THEY TURN THIS OVER THEY SHOULD COME BACK HERE AND NOTIFY THE ZONING OFFICE AND THIS BOARD THE NEW NAME OF THE GROUP AND WHO IS OPERATING IT.

MR. D. SMITH AGREED, SAYING THE PERMIT SHOULD BE ISSUED TO VIENNA DEVELOPMENT CORP., ONLY TO ERECT AND OPERATE THIS FOR A CERTAIN PERIOD OF TIME, THEN THEY SHOULD HAVE TO COME IN AGAIN. THE PERMIT COULD IN THE BEGINNING

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BE ISSUED FOR A YEAR.

IN THE APPLICATION OF VIENNA DEVELOPMENT CORP., TO PERMIT ERECTION AND OPERATION OF A COMMUNITY SWIMMING CLUB AND RELATED FACILITIES, WESTERLY ADJACENT TO SEC. 6, DUNN LORING WOODS, PROVIDENCE DIST., MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED AS APPLIED FOR WITH THE STIPULATION THAT AVAILABLE PARKING SPACES BE INCREASED TO 125 AND THAT THIS PERMIT SHALL BE GRANTED TO THE APPLICANT ONLY FOR A PERIOD OF ONE YEAR FOR THIS CORPORATION TO DEVELOP AND THEN IT SHALL TRANSFER MEMBERSHIP OF THE POOL AND IT SHALL BE LIMITED TO CITIZENS OF DUNN LORING WOODS SUBDIVISION, WHICH IS TO BE A DEVELOPMENT OF ABOUT 500 RESIDENCES. ALL OTHER PROVISIONS OF THE ORDINANCE PERTAINING SHALL BE MET.

IT IS ALSO AGREED THAT IF THEY (THE CORPORATION) TRANSFER<sup>OWNERSHIP ANYTIME</sup> THIS/WITHIN THE YEAR, THEY SHALL COME BACK AND INFORM THIS BOARD, THAT SUCH TRANSFER HAS BEEN MADE AND THE NEW NAME OF THE ORGANIZATION RESPONSIBLE. ALSO IF THIS TRANSFER IS MADE AT THE END OF THE YEAR, THIS BOARD WILL BE NOTIFIED OF THE CHANGE AND THE NAME OF THE CORPORATION RESPONSIBLE. THE FILING OF A NEW APPLICATION WILL NOT BE NECESSARY.

THIS CHANGE IN OWNERSHIP WILL ALSO BE FILED IN THE OFFICE OF THE ZONING ADMINISTRATOR.

SECONDED, MRS. CARPENTER. Cd. UNAN.

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11-

C. B. O'SHAUGHNESSY, TO PERMIT OPERATION OF A USED CAR LOT, N.W. CORNER OF ROUTE #7 AND O'SHAUGHNESSY DRIVE, MASON DISTRICT. (C-G).

MR. WILLIAM HANSBARGER REPRESENTED THE APPLICANT. MR. HANSBARGER LOCATED THE PROPERTY AND STATED THAT THIS PARTICULAR PROPERTY IS ZONED C-G AND THE EXISTING HOUSE ON THE PROPERTY WILL BE USED ONLY FOR THE OFFICE. THIS PROPERTY IS PRESENTLY USED FOR ANNANDALE MOTORS. THE PARCEL TO BE USED FOR THIS PURPOSE IS 120 FT. X 200 FT., WITH ITS ENTRANCE ON O'SHAUGHNESSY DR., RATHER THAN ON LEESBURG PIKE. THIS PROPERTY WAS USED FOR THIS SAME PURPOSE FOUR OR FIVE YEARS AGO AND BEFORE THAT IT WAS USED FOR SIMILAR PURPOSES. SEWER AND WATER ARE AVAILABLE. THEY WILL HAVE PARKING BEHIND THE HOUSE AND ON BOTH SIDES. THIS WILL NOT BE A JUNK YARD - ALL THE CARS IN THE YARD WILL BE SO THEY CAN BE DRIVEN OFF UNDER THEIR OWN POWER. THERE WILL BE NO MECHANICAL REPAIRING. THEY WILL CLEAN UP THE CARS FOR SALES AND WILL HAVE ROOM FOR ONLY 25 CARS AT A TIME. THERE WAS NO OBJECTION FROM THE AREA.

MR. HANSBARGER SAID THEY WOULD NOT OBJECT TO A LIMITED TIME PERMIT. THIS WILL BE LEASED FOR ONE YEAR.

IN THE MATTER OF THE APPLICATION OF C. B. O'SHAUGHNESSY, TO PERMIT OPERATION OF A USED CAR LOT, N.W. CORNER OF ROUTE #7 AND O'SHAUGHNESSY DRIVE, MASON, DIST., MR. E. SMITH MOVED THAT THE APPLICATION BE APPROVED IN AS MUCH AS THIS USE MEETS THE BASIC STANDARDS SET UP IN SEC. 30-127 A, B, C AND D. THIS PERMIT SHALL BE LIMITED TO A PERIOD OF TWO YEARS AND IT IS SUBJECT TO REVIEW AT THE END OF THAT TIME.

SECONDED, MR. BARNES. Cd. UNAN.

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1- SPRINGFIELD RECREATION CORP., TO PERMIT ERECTION OF A COMMUNITY BUILDING AND RECREATION AREA, PARCELS C AND D, FORMERLY CARR PROPERTY, NORTH END OF BYRON AVENUE, MASON DISTRICT. (RF-0.5)

MR. BROCK REPRESENTED THE APPLICANT. MRS. HENDERSON READ THE FOLLOWING LETTER FROM MR. BROCK:

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MAY 3, 1962

MRS. HENDERSON  
BOARD OF ZONING APPEALS  
COUNTY OF FAIRFAX  
FAIRFAX, VIRGINIA

DEAR MRS. HENDERSON:

AS REQUESTED BY YOUR BOARD ON APRIL 24, 1962, AS TO THE USES AND CONTROL, THAT WE PLAN TO HAVE WHEN THE PARK IS OPEN.

THE PARK WILL BE OPEN FROM DAYLIGHT TO DARK, AND WILL BE OPEN TO EVERYONE IN OUR COMMUNITY.

AS TO SUPERVISION, THE CHURCH GROUPS WILL SUPERVISE SOME OF THE DAYTIME ACTIVITIES. THE LITTLE LEAGUE, AND BABE RUTH LEAGUES HAVE THEIR OWN SUPERVISION. WE WILL HAVE VOLUNTARY HELP, AND WE PLAN TO ASK THE FAIRFAX COUNTY POLICE DEPARTMENT TO HELPPOLICE THE AREA. AT THE PRESENT TIME WE DO NOT HAVE THE MONEY TO HAVE A PAID SUPERVISOR.

THE PARK USES WILL BE, BALL FIELDS, PICNIC AREAS, TABLE TENNIS, HORSE SHOES, BADMINTON COURTS. AT THE PRESENT TIME WE HAVE 12 PICNIC TABLES TO USE IN THE PARK.

THE ONLY BUILDINGS THAT WE PLAN TO CONSTRUCT THIS SUMMER ARE REST ROOMS AND EQUIPMENT BUILDING, AND SOMETIME IN THE NEAR FUTURE WE PLAN TO CONSTRUCT A SHED TYPE, COMMUNITY BUILDING, ABOUT 80 FEET BY 80 FEET.

IT IS OUR OPINION THAT THIS 40 ACRES OF LAND WILL MAKE ONE OF THE FINEST RECREATION PARKS IN NORTHERN VIRGINIA, BUT WE WILL NEED THE HELP OF OUR COMMUNITY TO MAKE IT A SUCCESS.

SINCERELY,

BRUCE W. BROCK, MEMBER  
SPRINGFIELD RECREATION CORPORATION

(THIS WAS DEFERRED FOR MORE INFORMATION ON THE USES AND THE RESPONSIBILITY OF THE MANAGEMENT).

MR. BROCK SAID THAT DR. ROOP IS NOW THE PRESIDENT AND WILL BE FOR SIX MONTHS MORE. HE COULD BE CONTACTED FOR ANY INFORMATION THE COUNTY MAY NEED, AS HE IS PRESENTLY RESPONSIBLE FOR THE MANAGEMENT.

MR. D. SMITH ASKED THAT MR. MOORELAND'S OFFICE BE NOTIFIED THE TELEPHONE NUMBER AND HOME ADDRESS OF THE ONE IN CHARGE, AND THAT HE BE NOTIFIED WHEN THIS PERSON IS REPLACED BY ANOTHER. THIS IS IMPORTANT, MR. SMITH SAID IN SUCH A LARGE PROJECT WHERE SO MANY ORGANIZATIONS AND GROUPS ARE INVOLVED.

MR. D. SMITH SAID HE UNDERSTOOD THAT THE REST ROOMS COULD NOT BE LOCATED WHERE THEY ARE SHOWN ON THE PLAT BECAUSE THAT IS IN THE FLOOD PLAIN AREA, NO STRUCTURE CAN BE BELOW 165% ELEVATION, AND HE REALIZED ALSO THAT THE REST ROOMS SHOULD BE ALONG THE SEWER LINE.

...CONSIDERING THAT THE TOWNSHIP WORKS DEPARTMENT HAS A REGULATION BASED ON

FLOOD ELEVATIONS OVER MANY YEARS.

IT WAS SUGGESTED THAT PROBABLY THE REST ROOMS COULD BE PUT BEHIND THE CHURCH PROPERTY. THEY COULD DO SOME FILLING ACCORDING TO STREET DESIGN DEPARTMENT. MR. MOORELAND SAID THEY MIGHT GET A WAIVER IN THIS CASE TO ALLOW THE REST ROOMS AS CLOSE TO THE CREEK AS POSSIBLE. THEY HAVE THIS REGULATION WHICH CANNOT BE VARIED WITHOUT PERMISSION FROM THE PROPER AUTHORITY.

THIS BOARD CAN'T DEFINITELY LOCATE THE REST ROOMS, MR. D. SMITH SAID, SINCE IT DOES NOT KNOW WHERE THE FLOOD PLAIN IS, BUT IF IT IS AT ALL POSSIBLE TO LOCATE THEM AS SUGGESTED IT SHOULD BE DONE, AND IF NOT THE NEXT CHOICE WOULD BE NOT LESS THAN 30 FT. OF THE PROPERTY LINE. IT COULD BE SCREENED FROM THE CHURCH PROPERTY.

THE BOARD DISCUSSED THE LOCATION WITH SEVERAL PEOPLE PRESENT WHO WERE PARTICULARLY INTERESTED. MR. BROCK SAID THIS WOULD BE A LITTLE 8 X 2 X 20 FT. CINDER BLOCK BUILDING.

IN THE APPLICATION OF SPRINGFIELD RECREATION CORPORATION, TO PERMIT ERECTION OF A COMMUNITY BUILDING AND RECREATION AREA, PARCELS C AND D, FORMERLY CARR PROPERTY, NORTH END OF BYRON AVENUE, MASON DIST. (RE-0.5), MR. D. SMITH MOVED THAT THE ISSUANCE OF A PERMIT BE APPROVED, GRANTING WITH THE FOLLOWING PROVISIONS: THAT THE CORPORATION PLACE ON RECORD WITH THE ZONING ADMINISTRATOR A COPY OF THE OFFICERS OF THE CORPORATION, WHERE THEY CAN BE REACHED AND THEIR RESIDENCES IN SPRINGFIELD AND HOW THEY CAN BE REACHED BY TELEPHONE, AND THIS WILL BE DONE EACH TIME THE RESPONSIBLE OFFICERS ARE CHANGED IN THE CORPORATION.

DEVELOPMENT WILL TAKE PLACE AS SHOWN ON THE PLAT SUBMITTED TO THIS BOARD WITH THE PROVISION THAT THE BATH FACILITIES SHALL BE PLACED AS FAR TO THE LEFT OF BYRON AVENUE AS POSSIBLE, NOTING THAT IT WILL NOT BE PLACED ABOVE THE PROPERTY LINE OF THE PARKING LOT THAT IS OWNED BY THE CHURCH.

ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET.

SECONDED, MR. E. SMITH. CO. UNAN.

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REHEARING:

2- REQUEST FOR REHEARING, CHEST WOODS TRAIL SWIM CLUB.

MR. JOHN J. KIRBY, MEMBER OF THE CLUB AND RESIDENT OF CHESTERBROOK WOODS AREA, REPRESENTED THE APPLICANT IN THE ABSENCE OF MR. WYNNE, WHO WAS UNABLE TO BE PRESENT.

MR. KIRBY'S REQUEST FOR A NEW HEARING WAS BASED ON THE FOLLOWING:

HE THOUGHT THERE WAS A MISINTERPRETATION OF THE NUMBER OF ACCIDENTS AT THIS POINT IN THE LAST HEARING. POLICE RECORDS SHOW LESS THAN STATED, AND MANY WERE AT NIGHT OR IN WINTER.

THEY ARE INVESTIGATING THE ACCESS ROAD AND BELIEVE THEY HAVE PROOF THAT THERE IS AN OLD RIGHT-OF-WAY OF RECORD WHICH COULD BE WIDENED AND USED AS A SECOND ACCESS, PERMITTING ACCESS THROUGH CHESTERBROOK WOODS. THIS, HOWEVER, WOULD TAKE FURTHER RECORDS TO FIRMLY ESTABLISH THIS RIGHT-OF-WAY.

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BUT IF THIS IS OPENED MANY PEOPLE COULD WALK OR BIKE TO THE POOL, THEREBY

RELIEVING TRAFFIC ON CHESTERBROOK ROAD.

THEY WOULD PROVIDE A DECELERATION LANE TO AND FROM THEIR ENTRANCE.

MR. KIRBY PRESENTED A LETTER FROM THE COUNTY SAYING SEWER PROBABLY WOULD BE AVAILABLE WITHIN A FEW MONTHS.

THE QUESTION OF THE PIMMIT FREEWAY IS UP AGAIN, MR. KIRBY SAID. IF THIS GOES THROUGH IT COULD CHANGE THE COMPLEXION OF THE WHOLE AREA.

ON THE BASIS OF THESE THINGS, MR. KIRBY ASKED THE RE-HEARING.

THE BOARD DISCUSSED THESE ITEMS AND AGREED THAT THIS PRESENTATION DID NOT CONSTITUTE "NEW EVIDENCE THAT COULD NOT REASONABLY HAVE BEEN PRESENTED" AT THE FIRST HEARING. EACH ITEM COULD HAVE BEEN BROUGHT OUT BEFORE, THE BOARD AGREED, AND NONE OF THE INFORMATION PRESENTED IS NEW NOR IS IT REASON FOR REOPENING THE CASE.

MR. D. SMITH MOVED THAT THE PROPOSED EVIDENCE OF THE APPLICANT IN THE CASE OF REQUEST FOR REHEARING, CHEST WOODS TRAIL SWIM CLUB, DOES NOT CONSTITUTE NEW EVIDENCE THAT COULD NOT HAVE BEEN PRESENTED AT THE FIRST HEARING, AND THEREFORE MOVED THAT THE REQUEST FOR A REHEARING BE DENIED.

SECONDED, MRS. CARPENTER. Cd.

ALL VOTED "YES" EXCEPT MR. E. SMITH, WHO ABSTAINED.

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RE-ARRANGEMENT OF JULY BOARD OF ZONING APPEALS MEETING DATED TO JULY 17TH AND 31ST, BECAUSE OF ELECTION DAY.

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ONE MEETING IN AUGUST - AUGUST 7TH.

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THE MEETING ADJOURNED.

Mary K. Henderson  
MRS. L. J. HENDERSON, JR.

May 29, 1967  
DATE

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THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, MAY 22, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH

NEW CASES

1- YEONAS DEVELOPMENT CORPORATION, TO PERMIT THREE DWELLINGS TO REMAIN CLOSER TO STREET LINES THAN ALLOWED BY THE ORDINANCE, LOTS 45 AND 54, BLOCK E, AND LOT 25, BLOCK J, SECTION 5, DUNN LORING WOODS, PROVIDENCE DISTRICT. (R-12.5).

NO ONE WAS PRESENT TO SUPPORT THE CASE - IT WAS AGREED THAT IT GO TO THE BOTTOM OF THE LIST.

MRS. CARPENTER MADE THE MOTION TO DEFER THIS CASE TO THE BOTTOM OF TODAY'S AGENDA. SECONDED, MR. D. SMITH. CO. UNAN.

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MR. MOORELAND REFERRED TO THE ZONING ORDINANCE, SECTION 30-7 (B), FIRST SENTENCE, AND SUGGESTED TAKING OUT THE WORD "HEREAFTER" AND ADDING "OR AND MAINTAINED" - TO READ, "NOT MORE THAN ONE DWELLING SHALL BE ERRECTED AND MAINTAINED ON ANY ONE LOT".

THE BOARD DISCUSSED AT LENGTH WHAT CONSTITUTES A SECOND DWELLING - TWO KITCHENS? TWO KITCHENS ARE OFTEN NEEDED AND WANTED BY A ONE FAMILY HOUSEHOLD - BASEMENT KITCHEN IN RECREATION ROOMS - OR SECOND KITCHEN FACILITIES FOR CHILDREN. MR. MOORELAND REFERRED TO SECTION 30-1 DEFINITION OF A DWELLING UNIT....."COOKING FACILITIES FOR ONE FAMILY".

IT WAS AGREED THAT THIS MAY BE HANDLED THROUGH THE OCCUPANCY PERMIT.

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2- THOMAS R. ATKINS, TO PERMIT ERECTION OF CARPORT CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE ORDINANCE, LOT 6 RESUBDIVISION LOT 33, BRIARWOOD FARM, PROVIDENCE DISTRICT. (RE-1).

MR. ATKINS SAID HE ASKED THIS VARIANCE BECAUSE THE SEPTIC TANK AND FIELD WOULD BE IN THE WAY OF ATTACHING THIS CARPORT TO THE HOUSE. HE LOCATED BOTH THE TANK AND FIELD ON THE PLAT. IF HE MOVED THE STRUCTURE BACK FURTHER IT WOULD RUN INTO THE FIELD. THE LAND GRADES FROM THE FRONT TO THE BACK OF THE LOT. THE DRIVEWAY IS IN - RUNNING UP TO THIS PLANNED CARPORT LOCATION. THE ENTRANCE TO THE HOUSE IS ON THE REAR. THE HOUSE IS SPLIT LEVEL. A CARPORT IN THIS LOCATION WOULD BE CONVENIENT TO THE REAR ENTRANCE, MR. ATKINS SAID. THE OTHER HOUSES IN THE SUBDIVISION, HE CONTINUED, HAVE THE ENTRANCE ON THE SIDE AND THE CARPORTS ARE CLOSE TO THE HOUSE ON THAT SIDE. THIS PROBABLY WAS NOT PLANNED THAT WAY BECAUSE THE GROUND IS HIGH AND THE WINDOWS ARE BELOW GROUND LEVEL. THERE IS A RETAINING WALL ALONG THE SIDE. IT WOULD APPEAR THAT A DRAINAGE CONDITION WOULD BE CREATED IF THE CARPORT WERE MOVED UP TO THE HOUSE AND ALSO THEY WOULD HAVE TO ENTER THROUGH THE FRONT DOOR. IF THE CARPORT WERE MOVED

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... THEY WOULD HAVE TO REMOVE TWO LARGE TREES. THE HOUSE ON THE ADJOIN-  
ING LOT ON THIS SIDE IS SET 17 FEET BACK OF THE ATKINS' HOUSE AND 24 FEET  
FROM THE SIDE LINE. MR. ATKINS SHOWED PICTURES OF HIS PROPERTY.

MRS. HENDERSON ASKED WHY A TWO CAR CARPORT? SHE OBJECTED TO THIS BIG  
VARIANCE ON A TWO CAR CARPORT.

THIS IS A MATTER OF CONVENIENCE, MR. ATKINS SAID.  
THE GRADE OF THE LOT SLOPES IN SUCH A WAY THAT THIS APPEARS TO BE THE  
ONLY PLACE THE CARPORT COULD BE LOCATED - ALSO THE SEPTIC TANK AND FIELD  
AND THE TWO TREES ARE REASONS FOR THIS, MR. ATKINS SAID. THIS WILL MAIN-  
TAIN A WIDE SETBACK BETWEEN HOUSES, AFFORDING LIGHT AND AIR. THIS PROBLEM  
IS PECULIAR TO THIS LOT.

MR. D. SMITH SUGGESTED PUTTING THE CARPORT AGAINST THE REAR OF THE HOUSE,  
NEAR THE BACK DOOR, AND ENTER IT FROM THE SIDE. THE BOARD AGREED TO LOOK  
AT THE PROPERTY.

MR. D. SMITH MOVED THAT THE APPLICATION OF THOMAS R. ATKINS, TO PERMIT  
ERECTION OF CARPORT CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE  
ORDINANCE, LOT 6, RESUBDIVISION LOT 33, BRIARWOOD FARM, PROVIDENCE DIST.,  
BE DEFERRED FOR THREE WEEKS TO VIEW THE PROPERTY (JUNE 12).

SECONDED MR. BARNES. CO. UNAN.

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3-

JOHN R. GRAYBILL, TO PERMIT OPERATION OF A RIDING STABLE AND SCHOOL, ON  
NORTH SIDE OF COMPTON ROAD, ROUTE 658, APPROX. .9 MILE WEST OF INTER-  
SECTION WITH ROUTE 645 NEAR CLIFTON, CENTREVILLE DISTRICT. (RE-1)

MR. FARNUM JOHNSON REPRESENTED THE APPLICANT, WHO WAS ALSO PRESENT.  
MR. JOHNSON SAID THIS IS A TEN ACRE TRACT LOCATED IN A COMPLETELY RURAL  
AREA, WHERE A STABLE WOULD BE CONSISTENT WITH THE SURROUNDING USES. THE  
STABLE IS MORE THAN 100 FEET FROM ALL PROPERTY LINES. THERE ARE FEW  
HOMES IN THE NEAR AREA. MOST PEOPLE IN THE AREA ARE ABSENTEE OWNERS.  
A LENGTHY DISCUSSION OF NOTIFICATION OF NEIGHBORING PROPERTY OWNERS TOOK  
PLACE, MR. SEYMOUR ON THE REAR OBJECTING THAT HE WAS NOT NOTIFIED. MR.  
JOHNSON PRESENTED A LETTER FROM CARL MARSHALL WHO SOLD THIS LAND TO MR.  
GRAYBILL, STATING HE HAD NO OBJECTION TO THIS USE.

MR. GRAYBILL SAID HE DOES NOT LIVE ON THE PROPERTY BUT HAS A MAN THERE  
WHO LOOKS AFTER THE HORSES - HE HAS NINE. HE DOES NOT PLAN TO HAVE MORE  
THAN 12 HORSES. THIS WILL NOT BE A HORSE RENTAL PROPOSITION. IT WILL BE  
ENTIRELY FOR TEACHING. MR. GRAYBILL SAID HE DID NOT PLAN TO LIVE ON THE  
PLACE, ALTHOUGH HE WILL BE THERE VERY OFTEN. A MR. PHILIP VALE WILL BE  
THE INSTRUCTOR AND LIVE ON THE PROPERTY. IT DEVELOPED THAT MR. GRAYBILL  
HAS RENTED 58 ACRES ACROSS THE ROAD FROM THIS 10 ACRES AND HE PASTURES  
HIS HORSES ON THAT LAND. THEY ARE TAKEN ACROSS THE ROAD FOR GRAZING.

MR. D. SMITH SAID HE CONSIDERED 12 HORSES ON 10 ACRES OF GROUND TO BE HIGH  
DENSITY FOR HORSES, AND MR. GRAYBILL WOULD CERTAINLY NEED MORE GROUND.  
HE THOUGHT THE 58 ACRES SHOULD BE INCLUDED IN THIS APPLICATION.

MR. JOHNSON SAID HE HAD NOT CONSIDERED THAT NECESSARY SINCE THAT GROUND  
WOULD BE USED ONLY FOR PASTURE, AND THE TEACHING, FOR WHICH THEY ASKED  
THE PERMIT, WOULD TAKE PLACE ON THE 10 ACRES ONLY. BOTH PIECES OF PRO-  
PERTY ARE FENCED.

MR. D. SMITH OBJECTED TO THE ABSENTEE OWNERSHIP AND ABSENTEE OPERATION.

HE THOUGHT THE OWNER SHOULD BE ON THE PROPERTY AT ALL TIMES.

OPPOSITION: MR. SEYMOUR, THE NEAREST NEIGHBOR WHO LIVES IMMEDIATELY BEHIND THIS PROPERTY, OBJECTED TO THIS USE. HE SAID HE HAD HAD TROUBLE WITH MR. GRAYBILL'S HORSES RUNNING OVER HIS PROPERTY, EATING HIS CORN, DESTROYING HIS CROPS, AND CHASING DIFFERENT MEMBERS OF HIS FAMILY. HE SAID MR. GRAYBILL HAS BEEN RUNNING A RIDING STABLE - TEACHING - FOR SOME TIME. HE NOTED HIS AD IN THE PAPERS, "CIRCLE G RIDING ACADEMY", AND THOUGHT HE MUST BE OPERATING WITHOUT A PERMIT. HIS FENCES ARE COMPLETELY INADEQUATE, AND THEY COULD NEVER FIND ANY RESPONSIBLE PERSON ON THE PLACE TO COMPLAIN TO. HE SAID NO ONE LIVED IN THE HOUSE. THE HORSES CAN'T GET TO THE STREAM.

DOCTOR DAN FERIOZI, OWNER OF 34 ACRES ADJOINING MR. GRAYBILL, SAID HE HAD HAD THE SAME DIFFICULTIES WITH MR. GRAYBILL. HE MENTIONED MR. SEYMOUR'S DIFFICULTY IN GETTING A COURT ACTION THAT WAS EFFECTIVE AGAINST MR. GRAYBILL. HE TOLD OF MR. GRAYBILL'S DOGS KILLING HIS SHEEP, DISTURBING HIS CATTLE, AND THE HORSES TRAMPLING HIS FIELDS. HE RELATED AN INCIDENT OF CALLING THE POLICE. HE THOUGHT THE OPERATION COULD BE A GOOD THING IF IT WERE RUN PROPERLY, BUT AS IT IS, IT IS DANGEROUS TO HIS AND OTHER CHILDREN. IT IS AN OPERATION BADLY SET UP AND BADLY MANAGED.

COMMANDER WAGONBAUGH SAID HIS CHILDREN HAD TAKEN RIDING LESSONS FROM MR. GRAYBILL - ON A FEE BASIS.

MR. JOHNSON SAID DOCTOR FERIOZI WAS NOT AN ADJACENT LAND OWNER. MR. JOHNSON ADMITTED THAT GRAYBILL'S HORSES GOT OUT A FEW WEEKS AGO - THROUGH THE GATE WHICH SOMEONE HAD OPENED - NOT BECAUSE OF INADEQUATE FENCING. HE ASKED THE BOARD TO DEFER THIS SO THEY COULD ADVERTISE AND APPLY TO INCLUDE THE 58 ACRES.

MR. E. SMITH SAID HE WAS GREATLY CONCERNED ABOUT THIS MAN OPERATING WITHOUT A PERMIT FOR OVER A YEAR. HE CONSIDERED THIS TO BE A NUISANCE TO THE NEIGHBORHOOD - THE WAY IT WAS RUN.

MR. GRAYBILL SAID HE GOT INTO THIS THROUGH HIS FOUR CHILDREN'S INTEREST IN RIDING AND GIRL SCOUTS. HE HAD TAUGHT MANY OF THEM TO RIDE. FIRST HE BOUGHT JUST ONE HORSE THEN ANOTHER AND ANOTHER. HE INQUIRED ABOUT A PERMIT AND WAS TOLD HE DID NOT NEED ONE. HE WAS NOT SURE FROM WHOM HE HAD INQUIRED, BUT SOMEONE IN THE COURTHOUSE.

MR. MOORELAND SAID HE HAD PROBABLY ASKED ABOUT A LICENSE AND WAS NOT REFERRED TO THE ZONING OFFICE.

MR. GRAYBILL SAID THE PEOPLE WERE LIVING IN THE HOUSE WITHOUT PAYING RENT. THEY WERE SUPPOSED TO BE AVAILABLE. HE CONTENDED THAT HIS FENCES WERE ADEQUATE. THE PONY DID GET OUT UNDER THE FENCE - THE OTHERS WERE LET OUT BY SOMEONE.

IN THE CASE OF JOHN R. GRAYBILL, MR. D. SMITH MOVED TO DEFER THE CASE FOR THREE WEEKS TO GIVE THE APPLICANT TIME TO INCLUDE THE 58 ACRES HE WISHES TO MAKE USE OF IN THIS CONNECTION, IN HIS APPLICATION, AND FOR THE BOARD TO VIEW THE PROPERTY.

SECONDED, MR. BARNES. Cd. UNAN.

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M. E. NIGHTINGALE, TO PERMIT OPERATION OF AN AUTO SALES LOT, ON EAST SIDE OF #1 HIGHWAY, SOUTHERLY ADJACENT TO DOMINION HOTEL, MT. VERNON DIST. (C-G). MR. WRIGHT REPRESENTED THE APPLICANT. AFTER LOCATING THE PROPERTY AND THE SURROUNDING USES, MR. WRIGHT POINTED OUT THAT THE FRONT PART OF THE EXISTING BUILDING ON THE REAR OF THE PROPERTY WOULD BE USED FOR AN OFFICE FOR THIS BUSINESS. MR. NIGHTINGALE LIVES ON THE PROPERTY ADJOINING THIS PROPOSED PARKING LOT. SEWER AND WATER ARE AVAILABLE. THE CAR LOT DISPLAY AREA WILL BE SURFACED WITH BLUE STONE IN THE BEGINNING AND LATER, BY OCTOBER, THAT WILL BE COVERED WITH BLACK TOP. THE AREA GIVES SPACE FOR 25 OR 30 CARS. THE LOT WILL BE LIGHTED WITH MERCURY TYPE LIGHTS.

ASKED WHAT THE SURFACING WOULD DO TO THE DRAINAGE, MR. NIGHTINGALE SAID THAT WOULD MAKE LITTLE DIFFERENCE.

MR. ANDREW CLARKE POINTED OUT THAT THE LARGE ROLFS APARTMENT DEVELOPMENT IS JUST EAST OF THIS PROPERTY AND THIS PROPERTY IS PART OF THE GUM SPRINGS WATER SHED, WHICH IS TO BE TAKEN CARE OF.

THIS WILL BE A SIX DAYS A WEEK OPERATION, MR. WRIGHT SAID. THERE WOULD BE NO LIGHTS LATER THAN 9 P.M. THE LIGHTING WILL BE WELL SHIELDED. THIS WILL BE LEASED. THEY DO NOT KNOW TO WHOM. MR. D. SMITH SAID HE THOUGHT THE BOARD SHOULD KNOW WHO THE LESSEE IS AND WHO IS AT ALL TIMES DIRECTLY RESPONSIBLE. A SPECIAL PERMIT SHOULD BE ISSUED TO THE OPERATOR, MR. D. SMITH WENT ON TO SAY, RATHER THAN AN ABSENTEE OWNER AND IF AT ANY TIME THE LESSEE IS CHANGED THE ZONING OFFICE SHOULD BE NOTIFIED.

MR. MOORELAND SAID THE OCCUPANCY PERMIT WOULD TAKE CARE OF THAT.

MR. E. SMITH URGED THAT THE BLACK TOPPING BE DONE AS SOON AS POSSIBLE - IT MIGHT BE THE MEANS OF GETTING A BETTER TENANT. HE NOTED THAT MANY OF THESE USED CAR LOTS ARE BADLY RUN AND HE WOULD LIKE TO KNOW THAT THE LESSEE WAS A RESPONSIBLE PERSON WHO WILL STAY.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH MOVED THAT IN THE MATTER OF M. E. NIGHTINGALE, TO PERMIT OPERATION OF AN AUTO SALES LOT, ON EAST SIDE OF #1 HIGHWAY, SOUTHERLY ADJACENT TO DOMINION HOTEL, MT. VERNON DISTRICT, A PERMIT BE GRANTED FOR A PERIOD OF TWO YEARS AND UPON CONDITION THAT THE ENTIRE AREA, EXCEPT THAT OCCUPIED BY THE BUILDING, BE BLACK TOPPED WITH THREE INCHES OF BITUMINOUS ASPHALT BEFORE OCTOBER 30, 1962, AND THAT THE AREA SHALL BE PROPERTY LIGHTED WITH MERCURY VAPOR OR FLUORESCENT TYPE LIGHTING OF MODERN DESIGN. THE ZONING ADMINISTRATOR SHALL BE NOTIFIED OF ANY CHANGE IN THE LESSEE. THIS SHALL MEET ALL OTHER CONDITIONS OF THE ORDINANCE.

MR. CHILTON SUGGESTED THAT TWO INCHES OF BITUMINOUS ASPHALT WAS CONSIDERED STANDARD, ACCORDING TO THE COUNTY.

MR. E. SMITH AMENDED HIS MOTION TO STATE "BLACK TOPPING ACCORDING TO COUNTY STANDARDS".

SECONDED, MR. BARNES. CD. UNAN.

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5-

SHELL OIL COMPANY, TO PERMIT ERECTION AND OPERATION OF A GASOLINE STATION AND PERMIT PUMP ISLANDS 25 FEET FROM RIGHT-OF-WAY LINE, NORTHWEST CORNER OF FRANCONIA ROAD, ROUTE #644, AND VALLEY VIEW DRIVE, ROUTE #718, LEE DISTRICT. (C-N).

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MR. J. GRANT WRIGHT REPRESENTED THE APPLICANT. MR. WRIGHT SAID THE THREE BUILDINGS NOW ON THE PROPERTY WOULD BE REMOVED. THE OWNER WOULD MOVE THE HOUSE BACK AND LIVE IN IT AND THIS FILLING STATION PROPERTY WILL BE SCREENED AT THE REAR. THIS IS C-N ZONING FOR A DEPTH OF ABOUT 200 FEET. THEY HAVE PROVIDED FOR THE WIDENING OF FRANCONIA ROAD, 21 FEET BEYOND THE PRESENT RIGHT-OF-WAY.

THE THREE BAYS AND BUILDING, WHICH MR. WRIGHT SAID WILL BE A NEW STYLE STONE AND CALIFORNIA REDWOOD STRUCTURE, WILL BE LOCATED 82 FEET FROM THE PROPERTY LINE - THE PUMP ISLANDS 30 FEET BACK. THERE WILL BE NO PUMPS ON VALLEY VIEW DRIVE, THAT IS A DEAD END STREET.

NO ONE FROM THE AREA OBJECTED.

IN THE APPLICATION OF SHELL OIL COMPANY, TO PERMIT ERECTION AND OPERATION OF A GASOLINE STATION AND PERMIT PUMP ISLANDS 25 FEET FROM RIGHT-OF-WAY LINE, NORTHWEST CORNER OF FRANCONIA ROAD, ROUTE #644, AND VALLEY VIEW DR. RT. #718, LEE DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED FOR AN 82 FOOT FRONT SETBACK ON THE BUILDING ITSELF, AND A 30 FOOT SETBACK ON THE FIRST PUMP ISLAND. THIS IS GRANTED FOR A THREE BAY ~~STONE~~ <sup>STONE</sup> AND REDWOOD SIDING FILLING STATION. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET.

SECONDED, MRS. CARPENTER. Cd. UNAN.

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6-

SHELL OIL COMPANY, TO PERMIT EXTENSION OF SERVICE STATION, NORTHEAST CORNER OF ARLINGTON BLVD. AND FALLS CHURCH-ANNANDALE RD., FALL CHURCH DIST. (C-N).

MR. J. GRANT WRIGHT REPRESENTED THE APPLICANT.

MRS. HENDERSON RECALLED THAT THIS APPLICATION WAS DENIED SOME TIME AGO BECAUSE THE LITTLE HOUSE TO THE REAR WAS ON RESIDENTIAL PROPERTY. THAT GROUND HAS SINCE BEEN REZONED TO C-G AND A USED CAR LOT IS BEING INSTALLED THERE. (WILLIAM PAGE).

THIS ADDITION - A THIRD BAY - WILL BE USED ESPECIALLY FOR INSPECTION PURPOSES, MR. WRIGHT TOLD THE BOARD. THIS INSPECTION SERVICE IS NEEDED AND WANTED IN THE AREA. THE MAN WHO DOES THE INSPECTING IS APPARENTLY A FIRST RATE OPERATOR, MR. WRIGHT SAID.

IN ANSWER TO MRS. HENDERSON'S SUGGESTION THAT THIS IS A NON-CONFORMING BUILDING, MR. MOORELAND SAID IT WAS NOT SO CONSIDERED SINCE THE NEW SETBACK REGULATIONS WERE NOT IN THE ORDINANCE AT THE TIME THIS BUILDING WAS PUT UP. THE PUMP ISLANDS ALSO ARE CONSIDERED LEGAL. THIS WAS ERECTED AND MET REGULATIONS AT THE TIME IT WAS GRANTED, MR. MOORELAND SAID, AND THEREFORE IS NOT NOW CONSIDERED NON-CONFORMING BECAUSE NEW REQUIREMENTS HAVE BEEN ADOPTED. THE AMENDMENT WAS TO APPLY TO FUTURE CONSTRUCTION AND IT WAS NOT THE INTENT OF THAT AMENDMENT TO PLACE OLD USES THAT HAD BEEN



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NO ONE FROM THE AREA OBJECTED.

THE EXTENSION WILL BE BUILT ON THE REAR, MR. WRIGHT POINTED OUT, AND CARS WILL ENTER FROM THE FALLS CHURCH-ANNANDALE ROAD, USING THE EXISTING DRIVEWAY. NO ADDITIONAL CURB CUT WILL BE NECESSARY. WHILE THIS WILL BE USED PARTICULARLY FOR STATE INSPECTION PURPOSES, MR. WRIGHT CALLED ATTENTION TO THE FACT THAT INSPECTION IS CARRIED ON ONLY AT CERTAIN TIMES. THEY WILL USE THE ADDITION FOR OTHER THINGS ALSO - MINOR REPAIRS, MATERIALS, ETC. IN THE MATTER OF THE APPLICATION OF SHELL OIL COMPANY TO PERMIT EXTENSION OF SERVICE STATION, NORTHEAST CORNER OF ARLINGTON BLVD. AND FALLS CHURCH-ANNANDALE RD., FALLS CHURCH DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE GRANTED. THE PREVIOUS APPLICATION ON THIS WAS DENIED, MR. D. SMITH SAID, BECAUSE THE ADJOINING PROPERTY WAS RESIDENTIAL AND WAS SO USED. HOWEVER, THAT GROUND HAS SINCE BEEN COMMERCIALY ZONED - THEREFORE THIS WOULD NO LONGER HAVE A SPECIAL IMPACT ON THE AREA BUT RATHER IT WOULD BE IN HARMONY WITH THE SURROUNDINGS. THIS EXTENSION WILL BE USED FOR MINOR REPAIRS AND STATE INSPECTION WORK AND FOR STORAGE OF ACCESSORIES THAT WOULD BE REQUIRED IN A NORMAL FILLING STATION OPERATION. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET.

SECONDED, MR. BARNES. CD. UNAN.

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7- RAUL AND GIOCANDA MATEO, TO PERMIT OPERATION OF A BALLET SCHOOL IN HOME, LOT 48, SECTION 5, ROSEMONT, (6009 GIRARD STREET), DRANESVILLE DIST.(R-12.5) MRS. MATEO SAID THEY WISHED TO HAVE SMALL CLASSES FOR CHILDREN FROM FOUR YEARS TO SIXTEEN, IN THEIR RECREATION ROOM. HOURS APPROXIMATELY 4 P.M. TO 6:30 OR 7 P.M. - NO CLASSES AFTER DARK. SATURDAY MORNING CLASSES ALSO. THERE WOULD BE NO MORE THAN TEN IN A CLASS. ALL ACTIVITY WILL BE INSIDE. CLASSES WOULD BE TWICE A WEEK.

MRS. MATEO SAID SHE HAD CONDUCTED SMALL CLASSES LIKE THIS IN ARLINGTON. SHE ALSO STATED THAT SHE IS EMPLOYED AS A BALLET DIRECTOR IN THREE SCHOOLS IN THE WASHINGTON-VIRGINIA AREA, ALEXANDRIA, SILVER SPRING, AND IN PRINCE GEORGE'S COUNTY. SHE AND HER HUSBAND WOULD BE THE ONLY TEACHERS.

THE PARENTS BRING THEIR CHILDREN BUT MRS. MATEO SAID SHE DID NOT HAVE THE PARENTS WAIT. THEY LEAVE THE CHILDREN AND PICK THEM UP. HER RECITALS ARE GIVEN IN A RENTED HALL. SHE NOW HAS ABOUT 65 PUPILS. SHE COULD HANDLE ABOUT 30 OR 40 PUPILS HERE, IN CLASSES OF TEN EACH.

IT WAS NOTED THAT THIS IS A NEW SUBDIVISION - PEOPLE ARE JUST MOVING IN. OPPOSITION: MRS. DORIS PATTEN PRESENTED AN OPPOSING PETITION SIGNED BY 95 PER CENT OF THE PEOPLE IN THE IMMEDIATE AREA. THEY OBJECTED TO THE TRAFFIC THIS WOULD CAUSE, THE NOISE AND NUISANCE FACTOR AND INCOMPATIBILITY WITH A RESIDENTIAL AREA. ONLY ONE HOUSE ON THIS STREET IS OCCUPIED. MR. PAUL BURKE SAID HE HAD MOVED HERE WITHIN THE PAST YEAR. THEIR COVENANTS SAY THIS PROPERTY IS FOR RESIDENTIAL USE ONLY. MR. BURKE AGREED WITH THE OBJECTIONS ON THE PETITION - ESPECIALLY THE ADDITIONAL TRAFFIC.

THE VAN ZANTS WHO NOW SAY THEY CANNOT GO THROUGH WITH THE PURCHASE IF THIS SCHOOL GOES IN.

MAJOR BLOCK SAID THEY WOULD WELCOME THE MATEOS AS NEIGHBORS BUT THEY DO NOT WANT THE SCHOOL. MANY ARE ENCHANTED WITH THE BALLET AND WOULD LIKE TO HAVE A SCHOOL UNDER OTHER CIRCUMSTANCES, BUT NOT IN A RESIDENTIAL AREA.

MRS. GEORGE YOUNT, WHO OWNS LOT 59 BEHIND THIS PROPERTY, CALLED ATTENTION TO THE SMALL AMOUNT OF PARKING SPACE, WHICH, IF IT IS IN THE MATEO'S BACK YARD (AS SHOWN ON THE PLAT), WOULD BE PRACTICALLY AGAINST THEIR BACK LINE. IT WAS ALSO STATED THAT McLEAN WAS WELL SUPPLIED WITH DANCE SCHOOLS WHICH ARE QUITE PROPERLY LOCATED IN A COMMERCIAL ZONE, AND FOR ONE TO OPERATE FROM A PRIVATE HOME WAS UNFAIR COMPETITION.

MRS. HENDERSON READ A LETTER FROM THE ROSEMONT CITIZENS ASSOCIATION OPPOSING.

MRS. MATEO SAID THEY WOULD NOT GO AHEAD WITH THIS - SHE DID NOT KNOW OF THE FEELING AGAINST THESE CLASSES AND WOULD NOT WISH TO GO INTO A NEIGHBORHOOD WHERE THE SCHOOL WAS NOT WANTED.

MRS. CARPENTER SAID SHE CONSIDERED THIS TO BE PREMATURE. HAD THEY LIVED IN THE SUBDIVISION AND THE NEIGHBORS WANTED A SMALL SCHOOL OF THIS KIND FOR THE IMMEDIATE AREA, IT MIGHT BE A GOOD THING. BUT SINCE THE MATEO'S DO NOT LIVE HERE AND ARE BUYING INTO A NEW NEIGHBORHOOD FOR THE PURPOSE OF HAVING A SCHOOL, SHE THOUGHT IT PREMATURE.

MRS. HENDERSON POINTED OUT THAT THE PARKING, WHICH WOULD HAVE TO BE 25 FT. FROM SIDE AND REAR PROPERTY LINES, WOULD SHRINK TO A VERY SMALL AREA - NOT ENOUGH TO TAKE CARE OF THE CARS.

MR. E. SMITH AGREED WITH THE STATEMENT THAT THIS IS PREMATURE. HE SAID HE KNEW OF THE MATEO'S REPUTATION - AND IT IS VERY FINE - THEY CONDUCT A VERY GOOD SCHOOL IN ARLINGTON, AND HE HOPED THEY COULD LOCATE IN FAIRFAX COUNTY AT A LATER TIME WHEN THIS PROBABLY COULD BE WORKED IN WITH A NEIGHBORHOOD AND BE HARMONIOUS. THIS WOULD NOT APPEAR TO BE A NEIGHBORHOOD SCHOOL.

MR. E. SMITH MOVED THAT THE APPLICATION OF RAUL AND GIOCANDA MATEO, TO PERMIT OPERATION OF A BALLET SCHOOL IN HOME, LOT 48, SECTION 5, ROSEMONT (6009 GIRARD STREET), DRANESVILLE DISTRICT, BE DENIED DUE TO THE LACK OF PARKING FACILITIES AND BECAUSE <sup>OF</sup> THE ADVERSE IMPACT THIS WOULD HAVE ON THIS NEWLY DEVELOPING NEIGHBORHOOD.

SECONDED, MRS. CARPENTER. Cd. UNAN.

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THE BOARD ADJOURNED FOR LUNCH AND UPON RE-CONVENING CONTINUED THE AGENDA.

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8- SHELL OIL COMPANY, TO PERMIT REVISION OF PERMIT GRANTED BY BOARD OF ZONING APPEALS, MAY 16, 1961 FOR SERVICE STATION AND EXTENSION OF TIME, LOT 1 SECTION 2, ENGLANDBORO, MASON DISTRICT. (C-N).

MR. J. GRANT WRIGHT REPRESENTED THE APPLICANT.

MR. WRIGHT RECALLED THAT THIS USE WAS GRANTED IN MAY OF 1961. THEY DID NOT START CONSTRUCTION AS THEY FOUND THAT THEY WOULD HAVE TO SHIFT THE LOCATION OF THE BUILDING BECAUSE OF HIGHWAY DEPARTMENT REQUIREMENTS.

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THEREFORE IT BECAME NECESSARY TO RE-APPLY FOR AN EXTENSION OF TIME AND FOR RE-LOCATION OF THE BUILDING.

Mr. WRIGHT SHOWED PICTURES OF THE PROPERTY AND CHARTS OF WHAT THE BOARD GRANTED IN 1961, AND IMPROVEMENTS REQUESTED IN THIS APPLICATION. THIS WAS DISCUSSED AT LENGTH WITH THE PLANNING STAFF, COMPANY ENGINEERS AND THE HIGHWAY DEPARTMENT, WHO WERE ESPECIALLY CONCERNED ABOUT THE LOCATION OF THE ENTRANCES ON COLUMBIA PIKE, MR. WRIGHT SAID. THEY WISHED TO KEEP AWAY FROM THE CORNER, MR. WRIGHT CONTINUED. THEY THEN RE-DESIGNED THE WHOLE SETUP, WHICH IS PRESENTED HERE, MR. WRIGHT SAID, AND WHICH IS A COMBINATION OF THE THINKING OF THE PLANNING STAFF AND THE HIGHWAY DEPARTMENT. HE SHOWED THE PROPOSED WIDENING OF COLUMBIA PIKE. BY MOVING THE BUILDING LOCATION AND HAVING AN ENTRANCE AND EXIT ON OLD COLUMBIA PIKE, AND ONE ENTRANCE ON COLUMBIA PIKE, AWAY FROM THE CORNER, THE CIRCULATION WAS GREATLY IMPROVED, MR. WRIGHT POINTED OUT. THE SECOND ENTRANCE ON COLUMBIA PIKE THEY WISH TO BRING THROUGH THE RESIDENTIAL LOT ADJOINING, WHICH THEY WILL ACQUIRE, AND ASK FOR THIS SPECIAL USE UNDER SECTION 30-5, (A) 1, WHICH RELATES TO ".....NO OTHER MEANS OF ACCESS IS AVAILABLE OR REASONABLY POSSIBLE, ETC....." MR. WRIGHT SAID HE HAD DISCUSSED THIS WITH THE COMMONWEALTH'S ATTORNEY AND MR. MOORELAND, AND THE COMMONWEALTH'S ATTORNEY SAID THAT IF IT IS THE OPINION OF THIS BOARD THAT THE ACCESS AVAILABLE IS NOT A REASONABLE ONE OR IS NOT SUFFICIENTLY ADEQUATE, IT HAS THE JURISDICTION TO GRANT ACCESS TO A COMMERCIAL USE OVER A RESIDENTIALLY ZONED PIECE OF GROUND. THAT LOT WOULD BE RETAINED IN RESIDENTIAL ZONING AS A TRANSITIONAL USE AND WILL BE USED ONLY FOR ENTRANCE PURPOSES. THIS WOULD MEAN THAT THE HEAVIEST TRAFFIC WOULD BE KEPT AWAY FROM THE INTERSECTION.

THIS WILL BE A CALIFORNIA RANCH TYPE BUILDING - THREE BAYS.

ASKED ABOUT A DRAINAGE PROBLEM HERE, MR. E. SMITH SAID HE WAS VERY SURE STORM SEWER WAS AVAILABLE DOWN OLD COLUMBIA PIKE.

MRS. HENDERSON NOTED THE SPACE IN THE REAR, WHICH SHE CAUTIONED AGAINST USING FOR A USED CAR LOT. MR. WRIGHT SAID THAT WOULD BE FOR EMPLOYEE PARKING.

MR. E. SMITH SAID THIS APPEARED TO BE A BIG IMPROVEMENT OVER THE OLD SITUATION.

MRS. HENDERSON POINTED OUT THAT ANY USE OF ANY PART OR ALL OF THE BALANCE OF THE RESIDENTIAL LOT ADJOINING WOULD HAVE TO BE PERMITTED BY THE BOARD OF COUNTY SUPERVISORS.

MR. WRIGHT AGREED. HE SAID THEY HOPED TO GET STARTED ON THIS WITHIN FROM 60 TO 90 DAYS.

IN THE MATTER OF SHELL OIL COMPANY, TO PERMIT REVISION OF PERMIT GRANTED BY BOARD OF ZONING APPEALS, MAY 16, 1961 FOR SERVICE STATION AND EXTENSION OF TIME, LOT 1, SECTION 2, ENGLANDBORO, MASON DISTRICT, MR. E. SMITH MOVED THAT A PERMIT BE GRANTED FOR THE ERECTION AND OPERATION OF A FILLING STATION WITH A SETBACK OF 20 FT. FROM THE WEST SIDE LINE, AND 25 FT. FROM OLD COLUMBIA PIKE, AND WITH PERMISSION ALSO GRANTED TO PLACE THE PUMP ISLANDS AS SHOWN ON THE REVISED PLAT - 25 FT. FROM COLUMBIA PIKE - AND ALSO BECAUSE NO OTHER MEANS OF ACCESS IS AVAILABLE OR REASONABLE, MR. E. SMITH MOVED THAT THE APPLICANT BE GRANTED THE RIGHT OF INGRESS AND EGRESS OVER RESIDENTIALLY ZONED GROUND ADJACENT TO THE SUBJECT PROPERTY TO THE WEST, KNOWN AS LOT 2, ENGLANDBORO, HAVING A FRONTAGE OF 50 FT. ALONG COLUMBIA PIKE. AND FURTHER, MR. E. SMITH CONTINUED, THIS IS GRANTED BASED ON THE FACT THAT ALL PROVISIONS OF THE ORDINANCE SHALL BE MET. IT IS ALSO AGREED BY THIS BOARD THAT THIS PERMIT <sup>extension</sup> SHALL BE GRANTED FOR A PERIOD OF ONE YEAR.

SECONDED, MR. BARNES                      CD. UNAN.

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AMERICAN LEGION POST #176, SPRINGFIELD, VIRGINIA, TO PERMIT ERECTION OF A POST HOME, PROPERTY LOCATED 312 FEET WEST OF BACKLICK ROAD ON AN ACCESS ROAD AND SOUTH OF ROUTE #644, MASON DISTRICT. (RE-1).

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THIS WAS DEFERRED FOR PLATS TO SHOW ENTRANCES AND 75 PARKING SPACES. THE NEW PLATS WERE PRESENTED. THE PLAT SHOWED BUILDING LOCATION WITH THE VARIANCES AND THE ENTRANCE AT ONE POINT AND EXIST AT ANOTHER, WHICH WAS SATISFACTORY TO THE BOARD.

WITH REGARD TO APPLICATION OF AMERICAN LEGION POST #176, SPRINGFIELD, VA. TO PERMIT ERECTION OF A POST HOME, PROPERTY LOCATED 312 FEET WEST OF BACKLICK ROAD ON AN ACCESS ROAD AND SOUTH OF ROUTE #644, MASON DISTRICT, MR. BARNES MOVED THAT THE APPLICATION BE GRANTED ACCORDING TO THE NEW PLATS RECEIVED AT THIS MEETING, SHOWING THE PARKING LOT AND CHANGE IN THE PROPOSED BUILDING LOCATION, AND THE ACCESS ROAD. THESE THINGS COMPLY WITH THE REQUEST OF THE BOARD.

SECONDED, MR. E. SMITH Cd. UNAN.

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NEW CASE:

JAMES R. AND ELIZABETH B. CRIGLER, TO PERMIT OPERATION OF A PRIVATE SCHOOL, KINDERGARTEN THROUGH TENTH GRADE, AT THE SOUTHWEST CORNER OF ARLINGTON BLVD. AND PROSPERITY AVE., PROVIDENCE DISTRICT. (RE-1).

MR. LEONARD WICKSON REPRESENTED THE APPLICANT, WHO WAS ALSO PRESENT.

MR. WICKSON SHOWED PICTURES OF THE PROPERTY, INDICATING ITS PARTICULARLY GOOD LOCATION FOR THIS USE. THERE ARE NO DWELLINGS TO THE NORTH, EAST OR WEST. THE HOME OF THE NEWLANDS IS ABOUT 250 FT. TO THE SOUTH, MR. WICKSON POINTED OUT. MR. WICKSON RECALLED THAT THIS PROPERTY HAD BEEN USED FOR A TEA ROOM, AT WHICH TIME SOME REMODELLING HAD BEEN DONE. THE CHANGES MADE AT THAT TIME MAKE THE HOUSE ESPECIALLY ADAPTABLE TO SCHOOL USE. THE HOUSE IS LOCATED WELL WITHIN THE PROPERTY, 185 FT. FROM ARLINGTON BLVD. AND 76 FT. FROM PROSPERITY AVENUE. THREE PARKING AREAS WERE PROVIDED FOR THE TEA ROOM. IT WAS NOTED, HOWEVER, THAT ALL PARKING WOULD HAVE TO BE AT LEAST 25 FT. FROM SIDE AND REAR LINES AND NOT WITHIN THE SETBACK AREAS FROM THE HIGHWAYS. THEY CAN PROVIDE FOR 20 CARS IN THE PRESENT PARKING AREA. AT NO TIME WILL THEY ALLOW PARKING ON PROSPERITY AVENUE. THIS IS NOT PART OF A SUBDIVISION, BUT IS AT THE ENTRANCE TO PINE RIDGE. THEY WILL KEEP THE PROPERTY IN EXCELLENT CONDITION - THE YARD IS PRESENTLY WELL PLANTED AND LANDSCAPED.

MR. WICKSON SAID THE CRIGLERS WOULD WELCOME GROUP MEETINGS FOR SCOUTS OR BROWNIES.

THEY PLAN TO HAVE 65 CHILDREN - THROUGH THE 10TH GRADE - FIVE TEACHERS. THE BUILDING HAS EIGHT ROOMS AND FIVE TOILETS - THERE IS SPACE FOR MORE WASH ROOMS IF NECESSARY. THE EXISTING FACILITIES ARE MORE THAN ADEQUATE. THERE ARE A FEW MINOR CHANGES TO BE MADE TO MEET THE FIRE MARSHALL'S REQUIREMENTS. THEY HAVE FIVE OUTSIDE DOORS.

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MR. WICKSON GAVE A RESUME OF MR. AND MRS. CRIGLER'S EXPERIENCE AND EDUCATIONAL BACKGROUND. THEY HAVE OUT-GROWN THEIR PRESENT LOCATION, THE LEASE UPON WHICH MAY BE CANCELLED AT ANY TIME. THEY HAVE SEARCHED FOR A LONG TIME FOR A PERMANENT LOCATION AND THEY FEEL THAT THIS MEETS ALL REQUIREMENTS.

MR. WICKSON SAID THEY WOULD USE THREE VOLKSWAGON BUSES - TWO TEACHERS AND MR. CRIGLER WILL DRIVE. THEY HAVE OPEN HOUSE ONCE A YEAR AND DO NOT HAVE A P.T.A. - THEY CARRY OUT A PROGRAM OF INDIVIDUAL CONSULTATION WITH PARENTS. THEY DO NOT ANTICIPATE A NEED FOR MUCH PARKING AREA. IT WAS NOTED THAT 20 SPACES WERE SHOWN ON THE PLAT.

MR. WICKSON SAID HE HAD MANY LETTERS, WHICH HE WOULD READ IF THE BOARD WISHED, TESTIFYING TO THE VERY FINE WORK THE CRIGLERS ARE DOING IN THEIR PRESENT SCHOOL.

OPPOSITION: COLONEL CLEMENT A. WALL FROM THE PINE RIDGE CITIZENS ASSOC. SAID THE MEMBERS OF HIS ASSOCIATION HAD BEEN CANVASSED REGARDING THEIR FEELING ABOUT THIS USE, AND OF THE 72 RESPONSES 21 WERE IN FAVOR AND 51 OPPOSED. THEY OBJECTED MOSTLY BECAUSE OF THIS VERY BUSY AND DANGEROUS INTERSECTION - A STEEP GRADE ON PROSPERITY AVE. LEADING INTO ARLINGTON BLVD., AND THEY WERE FEARFUL THAT A SCHOOL HERE WOULD ALTER THE CHARACTER AND APPEARANCE OF THE AREA - ENCOURAGING OTHER COMMERCIAL PROJECTS TO COME IN HERE. THE COLONEL TOLD OF MANY ACCIDENTS AT THE INTERSECTION. HOWEVER HE STATED THAT THE PEOPLE IN PINE RIDGE WERE NOT VEHEMENTLY OPPOSED TO THIS. HE ASKED - IS THIS FOR HANDICAPPED CHILDREN?

MRS. CRIGLER ANSWERED - NO, (THREE OF THEIR PUPILS WERE PRESENT - VERY NORMAL CHILDREN) BUT THEY DID HAVE SOME CHILDREN WHO WERE HARD OF HEARING, ONE WITH PALSEY - SENT TO THEM FROM THE PUBLIC SCHOOLS - THEY ARE EXCELLENT STUDENTS IN EVERY WAY.

IN ANSWER TO THE QUESTION AS TO THE AREA THEY DRAW FROM, MRS. CRIGLER SAID - FROM ALL OVER FAIRFAX, ARLINGTON AND ALEXANDRIA. THEY GIVE INDIVIDUAL HELP TO THOSE WHO NEED IT - BOTH THE BRIGHT AND THE SLOW CHILD.

AT SOME FUTURE TIME THEY MAY INCREASE THE NUMBER OF PUPILS, BUT WHATEVER EXTENSION THEY WOULD DO IN THE BUILDING WOULD BE IN KEEPING WITH THE PRESENT STRUCTURE AND NEIGHBORHOOD.

NO MATTER WHAT GOES ON THIS PROPERTY, MR. D. SMITH POINTED OUT, THERE WILL BE AN INCREASE IN TRAFFIC AT THIS INTERSECTION. HE WAS VERY CONSCIOUS OF THE FACT THAT IT IS A BAD INTERSECTION AND THE HIGHWAY DEPARTMENT WILL NO DOUBT SLOW THE TRAFFIC HERE OR PUT IN A LIGHT. HE SUGGESTED THAT THE CITIZENS ASSOCIATION MIGHT WORK TOWARD THAT END.

IT WAS NOTED THAT THE WRITTEN NOTICE SENT TO THE ASSOCIATION MEMBERS WOULD INDICATE THAT THIS WAS A REZONING - WHICH, MRS. HENDERSON POINTED OUT, IT IS NOT, AND SUCH AN INFLUENCE COULD VERY WELL HAVE PREJUDICED MANY AGAINST THIS WHICH IS ONLY A USE PERMIT. SHE ALSO NOTED THAT PINE RIDGE DID NOT OBJECT TO THE ELKS LODGE.

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FOLLOWING REASONS: THESE PEOPLE ARE PLANNING AN EXTENSION EVEN BEFORE THEY GET INTO THE PLACE, HE COULD FORSEE A LARGE COMMERCIAL OPERATION HERE WHICH WOULD BE OUT OF KEEPING AND BE DETRIMENTAL TO RESIDENTIAL PROPERTY. THIS WOULD BE NOISY - TRAFFIC PROBLEMS - HAZARDOUS FOR THE CHILDREN - DANGEROUS ESPECIALLY IN WINTER - NOT ENOUGH AREA FOR SO MANY CHILDREN. (MR. D. SMITH COMPARED THIS ACREAGE PER CHILD TO THAT REQUIRED IN THE PUBLIC SCHOOLS, AND FOUND THAT THIS GROUND WOULD BE FAR FROM OVERCROWDED).

MR. NEWLAND CONTINUED, SAYING HE WAS AGAINST THIS BECAUSE IT IS NEAR HIM. THE RESTAURANT HAD NOT BEEN OPERATED FOR MANY YEARS AND IT WAS A VERY LIMITED USE. (IT WAS NOTED THAT MR. NEWLAND BOUGHT HIS PROPERTY WHILE THE RESTAURANT WAS IN USE). MR. NEWLAND SAID HIS HOUSE IS ABOUT 250 FT. FROM THE PROPERTY LINE. HE ASKED FOR A BUFFER ALONG THE LINE.

MR. E. SMITH SAID IF THIS IS GRANTED IT WOULD IN EFFECT CREATE A BUFFER BETWEEN RESIDENTIAL PROPERTY AND BUSINESS WHICH COULD VERY WELL COME ON ARLINGTON BOULEVARD. HE POINTED OUT THAT APPLICATIONS FOR APARTMENTS AND BUSINESS ARE PENDING ON ALL THESE CORNERS AT PROSPERITY AND ARLINGTON BLVD. HE ALSO PREDICTED THAT MORE TRAFFIC AND MORE DENSITY OF SOME KIND WAS COMING TO THIS AREA.

MR. NEWLAND INSISTED THIS WOULD DEVALUE HIS AND OTHER PROPERTY, ALTHOUGH HE COULD NOT INDICATE ANY PARTICULAR LOCATION WHERE THAT HAD HAPPENED WHEN A PRIVATE SCHOOL MOVED INTO A NEIGHBORHOOD.

IT WAS NOTED THAT A RIGHT-OF-WAY OF RECORD - 10 FT. WIDE - RUNS BETWEEN THE NEWLAND PROPERTY AND THIS TRACT. IT IS OWNED BY THE COUNTY AND IS TREE COVERED, MR. WICKSON SAID.

IF THIS IS GRANTED, MR. NEWLAND ASKED FOR THE FOLLOWING RESTRICTIONS: LIMIT THE NUMBER TO 65; SUITABLE FENCING BETWEEN PROPERTIES; TRAFFIC LIGHT; NO PARKING NOR STANDING ON PROSPERITY AVENUE.

MR. HOCKMAN, WHO OWNS PROPERTY ADJOINING TO THE WEST AND ACROSS THE STREET, SPOKE IN FAVOR OF THIS USE.

MR. MATHY SAID THESE PEOPLE OWN A VERY GOOD SCHOOL AND HE THOUGHT THAT SUCH SCHOOLS HAD A TENDENCY TO INCREASE VALUES, RATHER THAN DEPRECIATE. HE CITED WOODSON SCHOOL NEAR HIS PROPERTY, WHICH HAS BECOME A REAL ASSET. THE PLANNING COMMISSION RECOMMENDED FAVORABLY ON THIS.

IN THE APPLICATION OF JAMES R. AND ELIZABETH B. CRIGLER, MR. D. SMITH STATED THAT THE LOCATION AND THE SURROUNDINGS MEET ALL REQUIREMENTS OF THE ORDINANCE. THIS IS AT A RECOGNIZED HAZARDOUS INTERSECTION BUT THIS WILL NOT AFFECT THE SCHOOL, AND ALSO THE APPLICANT STATES THAT THEY TRANSPORT MOST OF THE STUDENTS BY BUS WHICH HAS BEEN PROVED TO BE THE BEST AND SAFEST MEANS OF TRANSPORTATION. MR. SMITH SAID HE DID NOT FEEL THAT THE INTERSECTION PRESENTED A REAL HAZARD TO THIS LOCATION OF THE SCHOOL. AS THE AREA DEVELOPS THIS HAZARD WILL BE OVERCOME BY A STOP LIGHT AND TRAFFIC SPEED LIMITATION, BECAUSE THIS IS GOING TO BE A HEAVILY DEVELOPED AREA.

THE PROPERTY AND THE SURROUNDINGS ARE COMPATIBLE AND MANY PEOPLE IN THE COUNTY HAVE TESTIFIED TO THE FINE CHARACTER OF THE APPLICANTS.

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HE HAS HAD NO EXPERIENCE WITH SCHOOLS OF THIS KIND, AND HE MAY FEEL DIFFER-  
ENTLY ABOUT THIS WHEN HE SEES THE RESULTS - THEREFORE, MR. SMITH MOVED  
THAT THE APPLICATION BE APPROVED WITH THE FOLLOWING PROVISIONS:

1. THAT THE MAXIMUM NUMBER OF PUPILS BE NOT MORE THAN 65.
2. THAT A SUITABLE FENCING OR SCREENING BE ERRECTED AD-  
JOINING MR. NEWLAND'S PROPERTY AT ALL POINTS.
3. PARKING WILL MEET THE REQUIREMENTS OF THE ORDINANCE  
WITH A TOTAL NUMBER OF SPACES TO BE NOT LESS THAN 20.

SECONDED, MR. BARNES

MR. MOORELAND SAID THEY SHOULD PRESENT NEW PLATS SHOWING WHERE THE PARKING  
WILL BE FOR 20 CARS - WITHIN THE SETBACK REQUIREMENTS.

IT WAS ADDED TO THE MOTION THAT THE FENCE MUST BE UP BY THE TIME SCHOOL  
OPENS IN THE FALL, BUT THE PARKING AREA MUST BE SHOWN ON A PLAT IMMEDIATE-  
LY.

CD. UNAN.

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MRS. HENDERSON ANNOUNCED THE DEFERRED CASE OF SIBARCO CORPORATION, TO PER-  
MIT ERECTION AND OPERATION OF A GASOLINE STATION WITH PUMP ISLANDS 25 FT.  
FROM ROAD RIGHT-OF-WAY LINE, LOT 3, BLOCK D, INGLESIDE SUBDIVISION, DRANES-  
VILLE DISTRICT, PURSUANT TO COURT ORDER - WHICH WAS DEFERRED FOR THE BOARD  
TO STUDY AND TO MAKE A DECISION TODAY. MRS. HENDERSON ASKED - WHAT IS THE  
PLEASURE OF THE BOARD?

MRS. CARPENTER: I WOULD MOVE, FOR THE FOLLOWING REASONS, THAT THIS BOARD  
UPHOLD THEIR DECISION OF JULY 1961 -- JULY 25TH -- TO START WITH, SECTION  
30-125 STATES "THE FOLLOWING SPECIAL PERMIT USES MAY BE AUTHORIZED BY THE  
BOARD OF ZONING APPEALS IN CERTAIN DISTRICTS 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 EMBODIED IN THIS CHAPTER." I FEEL THE APPLICATION DOES NOT COMPL  
WITH THIS SECTION, NOR WITH SECTION 30-127 FOR THE FOLLOWING REASONS: -  
TO BEGIN WITH, OUR ORDINANCE THAT WE ARE GOVERNED BY STATES ON PAGE 577,  
SECTION 30-141 THAT A GASOLINE STATION IS A USE OF SPECIAL IMPACT. MR.  
HANSBARGER HAS HAD A GROUP OF WITNESSES STATING THAT GASOLINE STATIONS DO  
NOT HAVE SPECIAL IMPACT - ALTHOUGH THE ORDINANCE SAYS THEY DO. IT APPEARS  
TO ME MR. HANSBARGER'S WITNESSES' STATEMENTS MIGHT BE TRUE WHEN THE USE  
C-D IS ADJOINED BY C-G ZONING AND THERE IS NO RESIDENTIAL ZONING DIRECTLY  
ACROSS THE STREET. THE CASE IN QUESTION IS LOCATED IN THE MIDDLE OF THE  
C-D DISTRICT AND WITH RESIDENTIAL ACROSS THE STREET. THERE ARE ALSO  
RESIDENCES AT THIS MOMENT TO THE REAR OF THIS PROPERTY, EVEN THOUGH THEY  
ARE LOCATED IN THE C-D PLAN. I FEEL THIS APPLICATION DOES NOT CONFORM TO  
SECTION 30-127, SUBSECTION (A) AND THIS USE WILL CREATE TRAFFIC PROBLEMS -  
FIRSTLY, THERE IS A DANGEROUS INTERSECTION 200 FT. AWAY WHERE SIGHT DIS-  
TANCE IS DETRIMENTAL. SECONDLY, MOST OF THE TRAFFIC BEING SERVICED BY THIS  
USE WOULD BE COMING FROM THE WEST, THUS A LEFT HAND TURN WOULD HAVE TO BE  
EMPLOYED. WITH REGARD TO SUBSECTION (B), A SERVICE STATION AT THIS POINT

JOINING PROPERTY - A RESIDENTIAL HOUSE - IS GOING TO BE USED FOR A DENTAL OFFICE. THE OTHER USES IN THIS C-D ZONE ARE MORE IN KEEPING WITH THE RESIDENTIAL PROPERTY ACROSS THE STREET. THE PLANNING DIRECTOR SAID THIS SITE WAS NOT SIMILAR TO ANY OTHER APPLICATION WHERE WE HAD GRANTED SPECIAL USE PERMITS IN C-D ZONING IN THE McLEAN AREA. WITH REGARD TO SUBSECTION (C) THE FACT THAT THE SITE LAYOUT SHOWS PUMPS AND PUMP ISLANDS 25 FT. FROM A WELL-TRAVELLED THOROUGHFARE AND THE OTHER ADJOINING BUILDING USES WILL HAVE TO SIT 50 FT. BACK COULD IN ALL PROBABILITY HINDER THE APPROPRIATE DEVELOPMENT AND USE OF THE ADJACENT LAND AND BUILDING AND IMPAIR THE VALUE THEREOF. LASTLY, SUBSECTION (D) THE PROPOSED USE OF THIS PROPERTY WHICH IS ZONED C-D WOULD CREATE A GREATER NOISE LEVEL DUE TO THE FACT THAT IT IS PRIMARILY AN OUTSIDE OPERATION, GEARED TO OPEN BAY-TYPE SERVICE AND WOULD CERTAINLY CREATE A MORE OBJECTIONABLE USE TO NEARBY DWELLINGS BY REASON OF NOISE THAN IS NORMAL WITH RESPECT TO THE PROXIMITY OF COMMERCIAL TO RESIDENTIAL USES. THE OBJECTION OF FUMES AND LIGHT ARE QUESTIONABLE, UNDER A PROPERLY MANAGED AND PROPERLY OPERATED SERVICE STATION UNDER MODERN DAY METHODS, ~~and so~~ <sup>and so</sup> I STATED BEFORE, FOR THESE REASONS I MOVE THAT WE UPHOLD OUR PREVIOUS DECISION.

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MR. D. SMITH: I SECOND THAT MOTION AND ALSO POINT OUT THAT THE FACT THAT THE TESTIMONY BY THE OIL COMPANY EXPERTS AND THE PEOPLE WHO WERE IN CHARGE OF PURCHASING PROPERTY - THE MAN STATED THAT HE FELT THAT A LARGE PERCENTAGE OF THEIR BUSINESS WOULD BE COMING FROM THE BY-PASS - THE PROXIMITY OF THE BY-PASS, HAD A GREAT DEAL OF BEARING ON THE SELECTION OF THIS SITE. THIS IS IN THE MIDDLE OF A PIECE OF C-D ZONING AWAY FROM A VERY DANGEROUS INTERSECTION AND THE FACT THAT THERE WOULD BE NO SERVICE ROAD INTO IT AND ALSO THE FACT THAT THERE WILL - A MAJORITY OF THE CUSTOMERS IT WOULD SERVE WOULD BE CUSTOMERS MAKING A LEFT HAND TURN ACROSS A VERY HEAVILY TRAVELLED, NARROW, HAZARDOUS ROAD - I FEEL THAT A SERVICE STATION AT THIS TIME IS PREMATURE. IT CERTAINLY IS NOT IN KEEPING WITH THE RESIDENTIAL PROPERTY ACROSS THE STREET, IT IS ON A HIGHER LEVEL - I DON'T THINK THAT THE MATTER OF FUMES AND LIGHTS HAS ANY BEARING ON SERVICE STATION OPERATION TODAY EITHER, BECAUSE I FEEL THAT THEY ARE, IF PROPERLY INSTALLED, MAINTAINED AND THE STATION IS PROPERLY MANAGED THAT YOU HAVE NO PROBLEM. I DO FEEL THAT SETTING GAS TANKS OUT IN FRONT OF WHAT COULD VERY WELL BE BUILDINGS, OFFICE BUILDINGS AND THAT SORT OF THING - IT COULD VERY WELL BE DETRIMENTAL TO THE BUILDINGS - THE SITE, AND ALSO IMPAIR THE VALUE OF THE PROPERTY. THIS IS NOT A GOOD LOCATION FOR A SERVICE STATION - THIS WAS ADMITTED BY THE PEOPLE WHO WERE MAKING THE APPLICATION. THEY WOULD HAVE MUCH RATHER HAD IT ON A CORNER. I WOULD HAVE BEEN MUCH MORE IN FAVOR OF A SERVICE STATION IN THE GENERAL AREA HAD IT BEEN ON THE CORNER, WHERE THE TRAFFIC HAZARD WOULD NOT BE SO PREDOMINANT. TRAFFIC HAZARD IS A BIG FACTOR HERE. I WOULD HOPE THAT MAYBE IN THE FUTURE THERE COULD BE SOME WAY TO DEVELOP THE C-D ZONING IN THAT AREA, WHICH IS PRACTICALLY VIRGIN AT THIS TIME IN THIS PARTICULAR BLOCK, IN SOME PLAN THAT COULD BE IN



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LITTLE IMPACT AS POSSIBLE. OF COURSE IMPACT OF SERVICE STATIONS IN RESIDENTIAL - I DO FEEL THERE IS AN IMPACT AND THE MODERN DAY PLANNERS FEEL THAT THERE IS AN IMPACT. IF THEY DON'T FEEL THIS THEY WILL NOT ALWAYS HAVE THE SERVICE STATION OPERATIONS IN THE SPECIAL EXCEPTIONS OR SPECIAL USE PERMIT PROVISION OF THE ORDINANCE. THIS IS TRUE ALL OVER THE COUNTRY AND THIS IS TRUE ALSO IN THE TOWN I BELIEVE WAS REPRESENTED HERE IN THE FORM OF A ZONING EXPERT OR PLANNING EXPERT, WHOM I BELIEVE CAME FROM FALLS CHURCH. THE TOWN HE REPRESENTS - THE ORDINANCE HE HAS A PART IN WRITING AND ADMINISTERING - HAS SEVERAL PROVISIONS FOR SERVICE STATIONS WHERE THE SERVICE STATION DOES NOT ENJOY THE SAME RIGHT AS OTHER SERVICES, SIMILAR BUSINESSES. THEY MUST GO IN CERTAIN AREAS UNDER SPECIAL USE PERMITS OR SPECIAL EXCEPTIONS. THERE IS AT LEAST ONE OTHER TOWN IN THE COUNTY OF FAIRFAX THAT IN RECENT MONTHS HAS SEEN FIT TO PUT THE SERVICE STATION UNDER A SPECIAL EXCEPTION OR SPECIAL USE PERMIT IN CERTAIN AREAS TO PROTECT CERTAIN TYPES OF ZONING. FOR THESE REASONS, I WOULD UPHOLD THE FORMER DECISION -- I DID NOT FEEL AT THAT TIME THAT THIS WAS THE PROPER PLACE FOR A SERVICE STATION UNDER THE CONDITIONS THAT NOW EXIST, AND I DO NOT FEEL THAT IT IS TODAY. THEREFORE I WOULD VOTE TO SUSTAIN THE BOARD'S PREVIOUS DECISION.

Mrs. HENDERSON: IT HAS BEEN MOVED AND SECONDED THAT THE DECISION OF JULY 25, 1961 BE UPHOLD - IN OTHER WORDS, THEY ARE DENIED A GAS STATION. ANY FURTHER DISCUSSION?

ALL IN FAVOR OF THE MOTION SIGNIFY BY SAYING AYE.

Mrs. CARPENTER, Mr. D. SMITH AND Mrs. HENDERSON VOTED FOR THE MOTION  
Mr. E. SMITH AND Mr. BARNES VOTED AGAINST THE MOTION

CARRIED.

Mr. E. SMITH SAID IN SUPPORT OF HIS DISSENT - THAT HE FELT THAT THIS PROPERTY SUBSTANTIALLY MEETS THE BASIC STANDARDS SET UP IN SECTION 30-127 OF THE CODE. HE FELT THAT A VERY CAREFUL PRESENTATION HAD BEEN MADE BY THE APPLICANT, SHOWING THAT THIS PROPERTY IS IN BASIC CONFORMANCE WITH THOSE STANDARDS.

Mr. BARNES SAID HE AGREED WITH Mr. E. SMITH - HE FELT THAT THE APPLICANT HAS ESTABLISHED THE FACT THAT THIS PROPERTY MEETS THE REQUIREMENTS OF THE ORDINANCE.

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NEW CASE:

1- YEONAS DEVELOPMENT CORPORATION

Mr. ROBERT MURPHY REPRESENTED THE APPLICANT. THIS WAS AN OFFICE ERROR, Mr. MURPHY TOLD THE BOARD. THE LOCATIONS WERE SET UP FOR LOAN PURPOSES INCORRECTLY, AND THESE ERRORS WERE CARRIED THROUGH. THEY MADE CHECKS ALONG, BUT FOR SOME REASON THIS SLIPPED BY AND WAS NOT CAUGHT UNTIL CONSTRUCTION HAD BEGUN. THEY HAVE A VERY COMPLETE CHECK SYSTEM, Mr. MURPHY SAID, AND HAVE ALWAYS FOUND ERRORS BEFORE AND CORRECTED THEM, BUT FOR SOME REASON IT DID NOT WORK THIS TIME.

THE PLATS WERE SUBMITTED TO THE ZONING OFFICE AND THEY CAUGHT THE ERROR.  
IT WAS NOT THAT CONSIDERABLE TIME ELAPSED (FEBRUARY TO APRIL) BETWEEN THE  
ACTUAL WALL CHECK AND THE TIME THE PLATS WERE SUBMITTED TO THE ZONING  
OFFICE - AND DURING THAT TIME THE CONSTRUCTION HAD CONTINUED.

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MR. MURPHY SAID THEY HAD HAD TROUBLE WITH A NEW ENGINEER - FROM OUT OF  
STATE - AND HAD FOUND A NUMBER OF INACCURACIES IN HIS WORK, BECAUSE HE DID  
NOT KNOW OUR REGULATIONS.

MRS. HENDERSON NOTED THAT ON LOT 25 THE VIOLATION IS ONLY ON THE PORCH,  
WHICH HAS A 3 FT. HANGOVER. THIS WOULD BE ALLOWED IF THE POSTS ARE MOVED  
BACK. MR. MURPHY SAID THAT COULD BE WORKED OUT.

MR. BARNES MOVED TO DENY THE APPLICATION FOR LOT 25.

SECONDED, MRS. CARPENTER. Cd. UNAN.

MR. E. SMITH MOVED THAT THE VARIANCE BE GRANTED ON LOT 45. NO ONE COULD  
EVER SEE THAT THERE IS A VIOLATION ON THIS, MR. E. SMITH SAID, AND THIS  
WOULD HAVE NO DETRIMENTAL AFFECT ON OTHER PROPERTY OWNERS. IT WAS AN  
HONEST ERROR - THIS IS ON A CUL-DE-SAC WHICH DOES CREATE SOMETHING OF A  
TOPOGRAPHIC SITUATION - THE LOT IS VERY ODD SHAPED, AND THE ERROR IS AN  
~~HONEST~~  
HONEST ONE.

SECONDED, MRS. CARPENTER. Cd.

ALL VOTED "YES" ON THIS EXCEPT MRS. HENDERSON, WHO VOTED "NO".

IT WAS NOTED THAT ON LOT 54 THE ANGLE AT WHICH THE HOUSE IS PLACED CREATES  
MORE OF A VARIANCE THAN IF THE HOUSE WERE STRAIGHT. MR. MURPHY SAID FHA  
REQUESTS THAT THE HOUSES BE ANGLED WHEN THEY CAN DO IT - THEY THINK IT  
GIVES MORE VARIETY TO THE DEVELOPMENT AND THEY THINK IT INCREASES THE  
VALUE OF THE HOMES.

MRS. CARPENTER MOVED THAT LOTS 54 AND 45 BE GRANTED AS THEY COMPLY WITH  
AMENDMENT UNDER SECTION 30-37 - IN THAT THIS DOES NOT APPEAR TO HAVE BEEN  
THE FAULT OF THE APPLICANT.

SECONDED, MR. BARNES

VOTING FOR THE MOTION: MR. E. SMITH, MRS. CARPENTER, MR. D. SMITH AND  
MR. BARNES.

MRS. HENDERSON VOTED "NO" - STATING THAT SHE DID NOT FEEL THAT THIS AMEND-  
MENT WAS ADOPTED TO COVER AN ERROR OF THIS KIND.

Cd.

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5 2 216 THE BOARD AGREED TO HEAR THE HALLOWING POINT MARINA CASE AT THE END OF THE  
AGENDA ON JUNE 12TH, 1962.

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MR. MOORELAND READ A LETTER FROM MR. THORPE RICHARDS REGARDING MOOSE  
LODGE, WHICH DETAILED THE SITUATION WITH REGARD TO THE LOAN AND LOCATION  
OF THE MOOSE LODGE BUILDING. IT IS NECESSARY TO REDUCE THE BUILDING TO A  
ONE STORY AND TO CHANGE THE LOCATION. THE LETTER SAID THE APPLICANT HAD  
TALKED WITH THE SUNSET MANOR PEOPLE AND ALL HAVE AGREED ON A RELOCATION

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OF THE BUILDING, PROVIDED THE BOARD WILL EXTEND THE PERMIT. THE LETTER SAID THE APPLICANT HAD HELD A MEETING WITH SUNSET MANOR CITIZENS ASSOCIATION AND THE TERMS OF THE AGREEMENT HAVE BEEN WORKED OUT WITH THEM. MR. RICHARDS SHOWED PLATS WITH THE NEW BUILDING LOCATION AND SCREENING WHICH HAD BEEN AGREED UPON. THEY WILL LOCATE THE BUILDING 150 FT. FROM SCOVILLE STREET.

THIS AGREEMENT IS ON RECORD AND IS MADE A PART OF THESE MINUTES. (IT WAS NOTED THAT THE RESTRICTIONS IN THIS AGREEMENT ARE MORE RIGID THAN THOSE ORIGINALLY PROPOSED).

MRS. CARPENTER MOVED THAT THE BOARD EXTEND THE TIME OF THIS PERMIT FOR A PERIOD OF ONE YEAR AND PERMIT THE REVISION OF THE BUILDING LOCATION AND DESIGN AS SHOWN ON THE PLATS PRESENTED AT THIS MEETING. IT IS ALSO AGREED THAT THE CONDITIONS SET FORTH IN THE NEW AGREEMENT APPROVED BY THE PEOPLE OF SUNSET MANOR SHALL BE ADHEARED TO.

SECONDED, Mr. E. SMITH. Cd. UNAN.

THE MEETING ADJOURNED.

Mary K. Henderson  
MRS. L. J. HENDERSON, JR.

June 26, 1962  
DATE

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THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, JUNE 12, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, EXCEPT MR. E. SMITH, MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH.

NEW CASES:

1- CRESTWOOD CONSTRUCTION CORP., TO ALLOW DWELLING TO REMAIN 39.6 FT. FROM ELLET ROAD, LOT 7, BLOCK 18, SECTION 8, RAVENSWORTH, FALLS CHURCH DISTRICT. (R-12.5)

MR. WILLIAM HANSBARGER REPRESENTED THE APPLICANT.

MR. HANSBARGER SAID THIS WAS DISCOVERED WHEN THE BUILDING WAS UP TO THE FIRST FLOOR WALL CHECK. THEY TRY TO ALLOW A TWO FOOT LEEWAY IN CASE OF AN ERROR. THIS WAS MISSED THROUGH AN ENGINEERING ERROR. IT WAS PICKED UP BY THE ENGINEER ALMOST IMMEDIATELY, AND CONSTRUCTION WAS STOPPED. THIS IS THEIR FIRST LOCATION MISTAKE IN 3500 HOUSES, MR. HANSBARGER POINTED OUT. HE DISCUSSED THIS UNDER SECTION 30-36, PAR. 4, STATING THAT THEY HAD OBTAINED A BUILDING PERMIT. THIS WILL NOT ADVERSELY AFFECT THE NEIGHBORHOOD, THE PURCHASER WILL BE ADVISED OF THE ERROR AND THE SMALL VARIANCE DOES NOT VIOLATE THE INTENT OF THE ORDINANCE. IT WOULD BE DIFFICULT TO REMOVE THIS SMALL EXTENSION ON THE FRONT OF THE HOUSE.

MR. MOORELAND ASKED THAT THIS VARIANCE, IF GRANTED, BE PUT ON THE LINEN AND THAT THE DATE OF THE GRANTING BE SHOWN SO THERE WILL BE NO QUESTION IN THE FUTURE JUST WHAT HAPPENED AND WHEN.

MR. HANSBARGER NOTED THAT THIS PARTICULAR PARAGRAPH (4) HAS BEEN PUT IN THE ORDINANCE PARTICULARLY TO TAKE CARE OF THIS KIND OF ERROR.

MRS. CARPENTER MOVED THAT THE APPLICATION BE GRANTED CRESTWOOD CONSTRUCTION CORP., TO ALLOW DWELLING TO REMAIN 39.6 FT. FROM ELLET ROAD, LOT 7, BLOCK 18, SECTION 8, RAVENSWORTH, FALLS CHURCH DISTRICT, AS IT COMPLIES WITH SECTION 30-36, PAR. 4. THE APPLICANT WILL SHOW THIS GRANTING ON THE LINEN SO THE COUNTY AND THE APPLICANT WILL HAVE A PERMANENT RECORD INDICATING WHAT WAS DONE IN THIS CASE, AND WHY.

SECONDED, MR. BARNES Co. UNAN.

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2- EUGENE CARLAND, TO PERMIT ERECTION OF CARPORT 7.8 FEET FROM SIDE LINE AND 23.4 FEET FROM LAKEVIEW DRIVE, LOT 114, SECTION 2, LAKE BARCROFT, (817 LAKEVIEW DRIVE), MASON DISTRICT. (R-17).

MR. JACK ZIRKLE REPRESENTED THE APPLICANT.

TOPOGRAPHY AND THE SHAPE OF THE LOT (NARROW FRONTAGE AND WIDE AT THE REAR TO GIVE MORE WATER FRONTAGE) ARE THE REASONS FOR THIS REQUEST, MR. ZIRKLE SAID.

THIS IS ON A CUL-DE-SAC. THERE WOULD BE NO QUESTION OF VISIBILITY ON LAKEVIEW TERRACE. THE CARPORT WHEN CONSTRUCTED WOULD BE ABOUT 30 FEET FROM THE STREET PAVING. THE GROUND DROPS OFF ALMOST IMMEDIATELY FROM THE STREET. THERE IS A 12 FOOT DROP BETWEEN THE STREET SURFACING AND THE CARPORT. TO THE REAR OF THE HOUSE IS A 20 FOOT DROP. THEN THE LAND SLOPES EVEN MORE ON THE SHORE LINE. WHEN MR. CARLAND PURCHASED THIS PROPERTY THE DRIVEWAY AND THE CARPORT CONCRETE SLAB WERE IN EXISTENCE.

IT WAS NOTED THAT THE FRONTAGE ON LAKEVIEW TERRACE IS CONSIDERABLY LESS THAN THE WIDTH AT THE BUILDING SETBACK LINE. THIS BRINGS THE LOT LINE CLOSE TO THIS ONE CORNER OF THE CARPORT. IT WAS NOTED THAT THIS IS IN THE FIRST SECTION OF BARCROFT UNDER THE OLD SUBDIVISION RESIDENCE ZONING. THIS IS A SINGLE CARPORT, MR. ZIRKLE POINTED OUT - 16 FEET WIDE. IT IS A LITTLE WIDER THAN ABSOLUTELY NECESSARY, HE CONTINUED, BECAUSE IN WINTER IT IS DIFFICULT TO GET IN AND OUT, AND BECAUSE OF THE EXTREME SLOPE IT IS HARD TO EVEN SEE THE CARPORT WHEN ONE COMES IN OVER THE GRADE - IT IS SUCH A BIG DROP.

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MRS. HENDERSON SAID IT WAS NEVER INTENDED THAT THESE HOUSES SHOULD HAVE CARPORTS WHEN THESE LOTS WERE DESIGNED UNDER THE OLD ORDINANCE, BECAUSE THERE OBVIOUSLY WAS NOT ROOM.

THE SAFEST THING WOULD BE TO HAVE THE CARPORT OPEN, MR. D. SMITH SAID, BUT HE DID NOT THINK A 16 FT. WIDTH JUSTIFIABLE. THIS IS TWICE THE WIDTH OF A CAR, HE THOUGHT 2 FT. ON EACH SIDE OF THE CAR ADEQUATE.

BECAUSE OF THE SLOPE AND THE PRESENT LOCATION OF THE DRIVEWAY, MR. ZIRKLE SAID THE DRIVEWAY WOULD HAVE TO BE RE-CONSTRUCTED IF THE CARPORT WIDTH WERE REDUCED.

THE CONDITIONS HAVE NOT CHANGED SINCE THIS HOUSE WAS BUILT, MR. D. SMITH POINTED OUT AND THE APPLICANT IS ASKING FOR A 16.5 FT. CARPORT, WHICH HE CONSIDERED UNREASONABLE.

MRS. HENDERSON NOTED THAT A REFUSAL OF THIS WOULD NOT DEPRIVE THE APPLICANT OF A REASONABLE USE OF HIS GROUND.

HOWEVER, IT WAS AGREED TO DEFER THE CASE TO VIEW THE PROPERTY.

MR. D. SMITH MOVED THAT THE APPLICATION OF EUGENE CARLAND, TO PERMIT ERECTION OF CARPORT 7.8 FEET FROM SIDE LINE AND 23.4 FEET FROM LAKEVIEW DRIVE, LOT 114, SECTION 2, LAKE BARGROFT, (817 LAKEVIEW DRIVE), MASON DISTRICT, BE DEFERRED TO JUNE 26, 1962, TO VIEW THE PROPERTY.

SECONDED, MRS. CARPENTER Co. UNAN.

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3- FRANK J. SLATTERY, TO PERMIT ERECTION OF DWELLING 25 FEET FROM WALTONWAY ROAD AND FORT WILLARD CIRCLE, LOT 24, BLOCK 11, SECTION 3, BELLE HAVEN, MT. VERNON DISTRICT. (R-10).

MR. SLATTERY POINTED OUT THAT HE IS BOUNDED BY ROADS ON THREE SIDES. THIS IS AN OLD SECTION OF BELLE HAVEN COMPLETELY BUILT UP AND MANY OF THE HOUSES HAVE A 25 FOOT SETBACK. IF HE WERE TO TAKE ANOTHER 10 FEET OFF FROM EACH SIDE, MR. SLATTERY POINTED OUT, HE WOULD HAVE NO LOT LEFT AND WOULD NOT HAVE A REASONABLE USE OF HIS LAND. THIS IS A GOOD AREA, DEVELOPED WITH REASONABLY LARGE HOMES AND THE PEOPLE IN THE AREA WOULD BE UNHAPPY WITH A SMALL HOUSE THAT WOULD MEET THE REQUIRED SETBACKS. SUCH A HOUSE WOULD BE OUT OF KEEPING WITH WHAT IS ALREADY THERE.

MR. MOORELAND SAID THIS HOUSE IS A RAMBLER TYPE - DIFFERING FROM THE CONVENTIONAL STYLE HOUSE IN THE AREA - MOST HOUSES IN THE AREA ARE TWO STORY.

MR. SLATTERY SAID THIS WOULD ALSO BE TWO STORY IN EFFECT - THE GARAGE IS ON A LOWER LEVEL. HE ALSO STATED THAT HE WENT BEFORE THE BELLE HAVEN CITIZENS ASSOCIATION AND THEY APPROVED THE ARCHITECTURAL DRAWING AND THEY HAD NO OBJECTION TO THESE VARIANCES. HE WENT ON TO SAY THAT THERE IS AN EXISTING WALL BETWEEN THE REAR NEIGHBOR AND THIS PROPERTY WHICH WOULD MORE OR LESS ENCLOSE A PATIO AREA, AND WOULD MAKE AN ATTRACTIVE REAR YARD.

MRS. HENDERSON NOTED THAT THE ENTIRE HOUSE IS NOT IN VIOLATION - ONLY A CORNER AND ONE WING AND THE CORNER OF THE GARAGE. SHE SUGGESTED PUSHING THE HOUSE BACK FROM WALTON WAY TO ALLOW MORE STREET SETBACK - THIS WOULD PROBABLY PICK UP 5 FEET AND ALLOW A 30 FOOT SETBACK FROM WALTON WAY.

MR. SLATTERY SAID THAT WOULD CROWD GETTING IN AND OUT. THEY WOULD HAVE TO PUT IN A RETAINING WALL BECAUSE OF THE SLOPE IN THE GROUND. THERE IS ONLY ONE HOUSE ON WALTON WAY, MR. SLATTERY SAID - IT IS A DEAD END STREET. IN FACT VERY FEW PEOPLE WOULD EVER USE WALTON WAY AND EDGEWOOD TERRACE - THE ONLY USED STREET HERE IS FORT WILLARD CIRCLE.

THERE WERE NO OBJECTIONS FROM THE AREA.

IN THE APPLICATION OF FRANK J. SLATTERY, TO PERMIT ERECTION OF DWELLING 25 FEET FROM WALTONWAY ROAD AND FORT WILLARD CIRCLE, LOT 24, BLOCK 11, SECTION 3, BELLE HAVEN, MT. VERNON DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE GRANTED DUE TO THE MERITS OF THE CASE AS CONSIDERED UNDER SEC. 30-36, PAR. 1. PARAGRAPH 1 DOES APPLY, AND THE STRICT APPLICATION OF THE ORDINANCE TO THIS PROPERTY WOULD CERTAINLY DENY THE APPLICANT A REASONABLE USE OF HIS LAND - THE LOTS IN THIS AREA BEING AS THEY ARE. PARAGRAPH 2: THE CIRCUMSTANCES AND CONDITIONS SURROUNDING THIS APPLICATION ARE PECULIAR TO THIS PROPERTY AS THERE ARE NO OTHER UNDEVELOPED LOTS IN THE AREA SIMILAR TO THIS AND NO OTHER APPLICATIONS LIKE THIS COULD COME UP. HE MOVED THAT THE APPLICATION BE APPROVED AS APPLIED FOR.

SECONDED, MRS. CARPENTER Co. UNAN.

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MR. MOORELAND ASKED THE APPLICANT TO HAVE A SURVEYOR PUT ON THE PLAT THAT THE VARIANCE WAS GRANTED THIS DATE, SO THERE WILL BE NO QUESTION ABOUT THIS AT SOME LATER TIME. THIS SHOULD BE PUT ON THE LINEN, MR. MOORELAND SAID - THAT IT WAS GRANTED UNDER SEC. 30-36. THE APPLICANT AGREED TO DO THIS.

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4- SHERWOOD ESTATES, INC., TO PERMIT ERECTION OF THREE DWELLINGS 35 FEET FROM COURTLAND ROAD, LOT 9, 10 AND 11, FOURTH ADDITION TO HOLLINDALE, MT. VERNON DISTRICT. (R-12.5).

MR. FRIDENSTEIN REPRESENTED THE APPLICANT, SAYING HE ASKED THIS VARIANCE BECAUSE OF THE FLOOD PLAIN WHICH IS CLOSE TO THE REAR OF THESE THREE HOUSES.

THE BOARD DISCUSSED AT LENGTH THE FACT THAT ONLY TWO PEOPLE IN THE AREA WERE NOTIFIED OF THIS VARIANCE. MR. FRIDENSTEIN STATING THAT SINCE HE OWNS ALL THE PROPERTY AROUND THESE LOTS HE CONSIDERED THERE WAS NO ONE NEAR ENOUGH TO BE CONCERNED EXCEPT THE TWO WHOM HE HAD NOTIFIED.

THE BOARD SUGGESTED THAT PEOPLE IN HOLLIN HALL VILLAGE IMMEDIATELY TO THE EAST WERE CONCERNED.

MR. D. SMITH MOVED THAT THE CASE BE DEFERRED TO JUNE 26, 1962 AND THAT THE APPLICANT NOTIFY THREE ADDITIONAL NEAREST PROPERTY OWNERS IN ADDITION TO HIMSELF OR THE CORPORATION THAT HE CONTROLS, EVEN IF THESE THREE ADDITIONAL PEOPLE BE ONE-QUARTER OF A MILE AWAY.

SECONDED, MRS. CARPENTER Cd. UNAN.

MRS. HENDERSON ASKED THAT HOLLIN HALL VILLAGE BE NOTIFIED.

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5- MRS. JANE GOLL, TO PERMIT OPERATION OF A PRIVATE SCHOOL, KINDERGARTEN, FIRST GRADE AND SECOND GRADE, (APPROX. 100 CHILDREN, AGES 4-3/4 TO 7), ST. ALBANS CHURCH, ON NORTH SIDE OF COLUMBIA PIKE, APPROX. 800 FT. EAST OF MOSS DRIVE, FALLS CHURCH DISTRICT. (RE-0.5).

MR. DAN HARRISON REPRESENTED THE APPLICANT.

THIS SCHOOL WILL BE CONDUCTED IN THE CHURCH, MR. HARRISON STATED. MRS. GOLL PLANS FOR APPROXIMATELY 100 PUPILS. THIS IS NOT A NURSERY SCHOOL, MR. HARRISON EXPLAINED, IT IS FOR ACTUAL TEACHING. SHE IS ALSO ASKING TO INCLUDE THE SECOND GRADE - A REQUEST FROM PARENTS. MRS. GOLL IS NOW RUNNING THE "FRIENDSHIP SCHOOL" AT ANNANDALE. THAT IS A CHURCH OPERATED SCHOOL. THIS WILL BE OPERATED BY MRS. GOLL - USING CHURCH PROPERTY. THE SCHOOL WOULD BE CARRIED ON IN THE NEW ADDITION AND THE PLAY YARD WILL BE AGAINST THE BANK NEAR THE BUILDING. <sup>THE</sup> SCHOOL ~~WOULD~~ WOULD HAVE MAXIMUM HOURS OF 9 TO 4.

MRS. CARPENTER SAID SHE WAS VERY WELL ACQUAINTED WITH MRS. GOLL'S WORK AS A TEACHER AND CONSIDERED HER HIGHLY QUALIFIED.

TRANSPORTATION WILL BE THE RESPONSIBILITY OF THE PARENTS, MRS. GOLL SAID. THEY WILL USE THE CHURCH PARKING LOT WITH SPACE FOR 125 CARS. THERE WILL BE NO PARKING BETWEEN COLUMBIA PIKE AND THE CHURCH.

THIS IS A CONTRACT ARRANGEMENT WITH THE CHURCH, MRS. GOLL SAID, OTHERWISE HER SCHOOL IS NOT CHURCH CONNECTED.

MR. KENDALL, THE NEAREST NEIGHBOR SAID HE HAD NO OBJECTION.

MRS. GOLL SAID THEY WOULD HAVE NO MORE THAN 20 CHILDREN AT ONE TIME IN THE PLAY AREA.

THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT IN THE APPLICATION OF MRS. JANE GOLL, TO PERMIT OPERATION OF A PRIVATE SCHOOL, KINDERGARTEN, FIRST GRADE AND SECOND GRADE, (APPROX. 100 CHILDREN, AGES 4-3/4 TO 7), ST. ALBANS CHURCH, ON NORTH SIDE OF COLUMBIA PIKE, APPROX. 800 FT. EAST OF MOSS DRIVE, FALLS CHURCH DIST., MRS. GOLL BE PERMITTED TO OPERATE A PRIVATE SCHOOL FOR KINDERGARTEN, FIRST AND SECOND GRADE, AS THIS COMPLIES WITH SEC. 30-125 AND IT WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA. THIS PERMIT IS ISSUED TO MRS. GOLL ONLY AND IS LIMITED TO 100 CHILDREN.

SECONDED, MR. BARNES Cd. UNAN.

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MARTIN-LEPPERT SIPES POST, 9274 VETERANS OF FOREIGN WARS, TO PERMIT ERECTION OF AN ADDITION TO POST HOME CLOSER TO SIDE PROPERTY LINES THAN ALLOWED BY THE ORDINANCE, AT 113 SHREVE ROAD, PROVIDENCE DISTRICT. (R-10). MR. ROBERT RYAN REPRESENTED THE APPLICANT. THEY WILL TAKE DOWN THE REAR OF THE EXISTING BUILDING, MR. RYAN SAID, AND REPLACE IT WITH THIS NEW ADDITION. THEY HAVE BEEN OPERATING HERE SINCE THE ORIGINAL PERMIT WAS GRANTED THREE YEARS AGO, AND, MR. MOORELAND SAID, WITHOUT COMPLAINT FROM THE AREA.

THEIR QUARTERS ARE CRAMPED, MR. RYAN SAID, THE NEW ADDITION WOULD BE 40 X 40 PERMITTING FROM 150 TO 190 PEOPLE. THIS IS USED FOR MANY SERVICES IN THE COMMUNITY, MR. RYAN POINTED OUT - TEENAGE GROUPS AND OTHER ORGANIZATIONS.

MRS. HENDERSON THOUGHT THERE WAS NOT ENOUGH ROOM HERE FOR THIS OPERATION. THEY CANNOT MEET THE REQUIRED SETBACKS. THEY SHOULD HAVE 100 PARKING SPACES - THE PLAT SHOWS 54, AND UNDER NEW REGULATIONS PARKING REQUIRES A 25 FT. SETBACK. THE PLAT SHOWS PARKING UP TO THE LINE.

MR. RYAN SAID THE VOLUNTEER FIRE DEPARTMENT OWNS THE GROUND NEXT DOOR AND WHILE THAT IS NOT YET BUILT THEY HAVE AN AGREEMENT WITH THEM THAT THEY WILL USE EACH OTHERS' PARKING SPACE.

IN CONSIDERATION OF THAT, MR. D. SMITH SAID THE BOARD SHOULD SEE A PLAT OF THE FIRE DEPARTMENT PARKING AREA, AND SHOULD HAVE SOME ASSURANCE THAT THIS PARKING WOULD BE AVAILABLE AND THAT SUCH AGREEMENT WILL CONTINUE IN FORCE. SITE PLAN APPROVAL IS REQUIRED, MR. D. SMITH CONTINUED, AND LOCATION OF THE PARKING WILL HAVE TO BE SHOWN THEN. HE THOUGHT ALSO THAT THE BOARD SHOULD HAVE SOME IDEA WHEN THE FIRE DEPARTMENT WILL BE BUILT.

MR. RYAN SAID THEY HAVE ONLY 50 (APPROX.) ACTIVE MEMBERS - TOTAL MEMBERSHIP IS 150. HE THOUGHT THE 50 SPACES THEY CAN PROVIDE NOW WOULD BE SUFFICIENT FOR THE PRESENT.

MR. MOORELAND SAID THE BOARD COULD APPROVE COOPERATIVE PARKING UNDER SEC. 30-13-C. THE ACTUAL AMOUNT OF THE PARKING COULD BE DETERMINED BY THE PLANNING COMMISSION, MRS. HENDERSON NOTED. HOWEVER, SHE SAID THERE SHOULD BE AN AGREEMENT IN WRITING WITH THE FIRE DEPARTMENT.

THERE WAS NO OBJECTION FROM THE AREA.

MR. D. SMITH MADE THE FOLLOWING MOTION, RE APPLICATION OF MARTIN-LEPPERT SIPES POST, 9274 VETERANS OF FOREIGN WARS, TO PERMIT ERECTION OF AN ADDITION TO POST HOME CLOSER TO SIDE PROPERTY LINES THAN ALLOWED BY THE ORDINANCE, AT 113 SHREVE ROAD, PROVIDENCE DIST.,: THAT THE APPLICATION BE APPROVED AS APPLIED FOR WITH THE FOLLOWING STIPULATION; THAT THE ORDINANCE REQUIREMENT OF A 25 FT. SETBACK FROM PROPERTY LINES FOR ALL PARKING BE OBSERVED AND THAT AN AGREEMENT SHALL BE MADE WITH THE VOLUNTEER FIRE DEPT. WHICH IS CONTIGUOUS, WITH REGARD TO PARKING ON THEIR PROPERTY - WHICH AGREEMENT WILL BE MUTUALLY BENEFICIAL TO BOTH THE APPLICANT AND THE VOLUNTEER FIRE DEPT.

WHILE THE NUMBER OF PARKING SPACES APPEARS TO BE ADEQUATE FOR THE PRESENT THE APPLICANT WILL WORK OUT AN AGREEMENT WITH THE VOLUNTEER FIRE DEPT. FOR ADDITIONAL PARKING ON THEIR PROPERTY AND THE APPLICANT SHOULD ALSO GET INFORMATION FROM THE VOLUNTEER FIRE DEPT. AS TO WHEN THEY EXPECT TO START CONSTRUCTION. (IT WAS NOTED THAT THE LOT IS UNDEVELOPED AT THIS TIME.)

IN VIEW OF THIS AGREEMENT WITH THE FIRE DEPARTMENT, THE 25 FT. SETBACK FOR THE PARKING WILL NOT BE REQUIRED ON THE SIDE OF THE PROPERTY WHICH IS CONTIGUOUS TO THE VOLUNTEER FIRE DEPARTMENT.

THE PRESENT BUILDING ON THE PROPERTY WILL BE REMOVED AND REPLACED WITH A CINDERBLOCK STRUCTURE - THE EXTERIOR OF WHICH WILL BE FACED OR PAINTED IN SUCH A MANNER THAT THIS WILL NOT HAVE THE APPEARANCE OF A CINDERBLOCK BUILDING.

SECONDED, MR. BARNES            Cd. UNAN.

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MRS. HENDERSON SAID DEFERRAL BY THE ATTORNEY FOR MR. DALTON (NURSING HOME) HAD BEEN REQUESTED IN ORDER TO CLEAR UP CERTAIN THINGS WITH THE DALTONS BEFORE PRESENTING THE CASE. SINCE IT IS NECESSARY THAT THE BOARD HAVE A FULL HEARING, MRS. HENDERSON SUGGESTED THAT THE BOARD PROBABLY WOULD DEFER THIS TO JULY 19, 1962, BUT WOULD ASK THE ATTORNEY TO PRESENT HIS REASONS FOR THE DEFERRAL AT 10:40 IF THOSE PRESENT IN OPPOSITION SO DESIRED.

THEY DID.

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7- R. M. AND RUTH CANTRELL, TO PERMIT ERECTION OF SERVICE STATION 47 FEET FROM ANNANDALE ROAD, ROUTE 649, AND 6 FEET FROM REAR PROPERTY LINE, AND TO PERMIT PUMP ISLANDS 25 FEET FROM ROUTE 236 AND ANNANDALE ROAD, PROPERTY AT THE N.W. CORNER OF ROUTE 236 AND ANNANDALE ROAD, FALLS CHURCH DISTRICT (C.G.)

MR. ROY SWAYZE REPRESENTED THE APPLICANT.

THE MASONRY BUILDING USED FOR A CONSTRUCTION OFFICE AND AUTO REPAIR WILL BE REMOVED, MR. SWAYZE SAID. HE NOTED THE FILLING STATION NEXT DOOR, WHICH IS CLOSE TO THE PROPERTY LINE.

MR. SWAYZE POINTED OUT THAT RAVENSWORTH ROAD DEAD ENDS AT ROUTE #236 AND THE TRAFFIC PATTERN HERE IS VERY DIFFICULT. MR. CANTRELL HAS AN OPTION TO BUY THIS LAND AND PROPERTY ADJOINING. HE HAS A PROBLEM OF VARIANCES. THEY CAN MEET THE 75 FOOT SETBACK FROM ROUTE #236, BUT MR. CHILTON HAS SAID FALLS CHURCH-ANNANDALE ROAD IS THE FRONT OF THE PROPERTY, SINCE IT IS THE NARROWER FRONTAGE. THEY SET 47 FEET FROM THAT. THE REAR OF THE BUILDING IS TO THE WEST, THEY HAVE A 16 FOOT DISTANCE THERE - THE ORDINANCE REQUIRES 20 FEET IN THE REAR. IF THE BUILDING WERE MOVED EAST BY 4 FEET IT WOULD BE 43 FEET FROM ANNANDALE ROAD AND GIVE THE 20 FOOT REAR SETBACK.

THIS WILL BE WELL DESIGNED TO MEET THE NEEDS OF THIS CORNER, MR. SWAYZE SAID, IT WILL BE PORCELAIN TYPE, METAL WALLS AND BAY. THE BUILDING COULD BE SHORTENED BY 4 FEET TO MEET THE 47 FOOT SETBACK AND 20 FEET ON THE REAR. THEY ARE SETTING AWAY FROM THE NORTH BOUNDARY LINE ALTHOUGH THEY COULD COME TO THAT LINE. THIS IS NOT UNLIKE OTHER FILLING STATION SETBACKS IN THE AREA, MR. SWAYZE SAID.

THE ISSUE HERE IS THE 47 FT. SETBACK FROM ANNANDALE ROAD, MR. SWAYZE WENT ON TO SAY. THIS IS AN EXCELLENT LOCATION FOR A FILLING STATION. THIS IS A CASE WHEN THE HIGHEST AND BEST USE OF THE LAND COMES INTO CONFLICT WITH THE ROAD SYSTEM. THE COUNTY HAS ADOPTED A MASTER PLAN OF ROADS IN THIS AREA, MR. SWAYZE POINTED OUT, AND IF THE TRAFFIC PATTERN AS PLANNED BY THE COUNTY IS PUT INTO EFFECT THE TRAFFIC WOULD GO THROUGH RAVENSWORTH ROAD AND CUT THROUGH THIS PROPERTY. THIS WOULD ALMOST ENTIRELY ELIMINATE THIS PARCEL OF LAND.

THE COUNTY'S HIGHWAY PATTERN IS VERY FINE, MR. SWAYZE SAID - TO HAVE ANNANDALE ROAD FEED INTO RAVENSWORTH ROAD WOULD BE A GREAT HELP, BUT THERE ARE NO PLANS BY THE HIGHWAY DEPARTMENT TO DO THIS - NO ONE KNOWS IF THIS ROAD CONNECTION WILL EVER BE BUILT. IT IS IN THE PLAN, BUT HOW IMMINENT IS CONSTRUCTION? NO ONE KNOWS, HE ANSWERED HIMSELF. THEREFORE, THE QUESTION IS - CAN THE PROPERTY OWNER HAVE THE HIGHEST AND BEST USE OF HIS LAND OR SHALL HE WAIT FOR SOME DISTANT TIME WHEN THE STATE MAY OR MAY NOT WANT TO BUILD THE ROAD. IF THE STATE REALLY WANTS TO PUT THIS THROUGH THEY SHOULD CONDEMN THIS PROPERTY OR BUY IT. THEY CAN DO THAT WHEN THE ROAD IS BUILT. IT WILL BE SAID THAT THE LAND WILL COST MORE IF THE FILLING STATION IS PUT HERE, BUT THAT IS NOT NECESSARILY TRUE, MR. SWAYZE WENT ON. THIS MAN MAY CHOOSE TO PUT UP AN OFFICE BUILDING OR STORE, WHICH WOULD COST FAR MORE THAN A FILLING STATION. A FILLING STATION IS ACTUALLY ONE OF THE LEAST EXPENSIVE BUSINESSES THAT COULD BE PUT HERE. ECONOMICS DO NOT MITIGATE AGAINST THIS APPLICATION, MR. SWAYZE SAID.

THE VARIANCE IS NOT ABNORMAL AND IT WILL NOT BE DETRIMENTAL TO THE COMMUNITY.

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THERE IS NO TOPOGRAPHIC SITUATION HERE, MR. SWAYZE SAID. THE LOT IS NOT BIG ENOUGH TO MEET THE TWO STREET SETBACKS, BUT THIS IS A REASONABLE USE, A VERY FINE LOCATION FOR THIS PARTICULAR USE.

IT WAS NOTED THAT TEXACO SETS BACK ABOUT 80 FT. AND ATLANTIC 75 FT. BACK. OPPOSITION:

MR. STEPHEN CREEDEN SAID HE OPPOSED THIS BECAUSE OF THE ROAD PROBLEM THEY HAVE IN ANNANDALE, AND BECAUSE OF THE FACT THAT THEY HAVE A MASTER PLAN FOR ANNANDALE AND ON THAT PLAN THE ROAD PATTERN IS CHANGED TO CONNECT THE FALLS CHURCH ANNANDALE ROAD WITH RAVENSWORTH ROAD. THIS IS ONE OF THE BIGGEST PROBLEMS IN ANNANDALE, MR. CREEDEN SAID, AND IT IS THEIR HOPE THAT THE PLAN WILL CORRECT THIS PARTICULAR INTERSECTION. THIS INTERSECTION IS CONSIDERED TO BE FIRST AND SECOND OF THE PRIMARY PROBLEMS BY THE CHAMBER OF COMMERCE AND THE COUNTY CONFERENCE. MR. CREEDEN SAID THEY REALIZED THAT THIS MAN CANNOT BE RESTRICTED FROM BUILDING ON HIS PROPERTY - THEY ARE ASKING THAT THIS EXCEPTION TO THE ORDINANCE NOT BE GRANTED BECAUSE IT WILL MAKE ACQUISITION OF THIS ROAD MORE DIFFICULT. THERE ARE NO FUNDS IN THE COUNTY BUDGET TO BUY RIGHT-OF-WAY FOR THE ROAD AND THEY DO NOT KNOW WHAT THE STATE WILL DO - NOR WHEN. THE APPLICANT CAN BUILD OTHER BUSINESSES HERE, MR. CREEDEN AGREED, BUT THERE ARE SETBACKS AND PARKING REQUIREMENTS THAT WILL HAVE TO BE MET, WHICH MIGHT BE DIFFICULT WITHOUT A VARIANCE. HE ASKED THE BOARD TO DENY THIS OR REFER IT BACK TO THE PLANNING COMMISSION OR TO THE BOARD OF COUNTY SUPERVISORS. THEY HAVE SO MANY PROBLEMS IN ANNANDALE, MR. CREEDEN SAID, IF THEY CANT GET THIS ROAD IT WOULD BE A GREAT BLOW TO THEIR ENTIRE PLAN.

MR. CREEDEN SHOULD BE HERE IN FAVOR OF THIS, MR. SWAYZE SAID, IF THE PEOPLE WANT THIS NEW HIGHWAY PATTERN THEY SHOULD TRY TO KEEP THIS PROPERTY SO THE STATE CAN BUY IT AT A MINIMUM COST. A FILLING STATION CAN EASILY BE REMOVED, ESPECIALLY THIS TYPE OF CONSTRUCTION, AND AT A MINIMUM COST. IF THE ROAD IS CHANGED THIS STATION COULD BE SHIFTED TO ANOTHER SITE. ANOTHER BUILDING WOULD COST THE HIGHWAY DEPARTMENT A CONSIDERABLE SUM TO MOVE THE STRUCTURE. MR. SWAYZE SAID TO APPROVE THIS WAS A MOVE IN THE INTERESTS OF THE HIGHWAY DEPARTMENT.

MR. CREEDEN SAID THEY MIGHT ENTER INTO AN AGREEMENT WITH THESE PEOPLE AS TO WHAT THEY WOULD DO IN THE EVENT THE ROAD IS TAKEN.

MRS. HENDERSON SAID THAT WAS UP TO THEM - IT HAD NOTHING TO DO WITH THE VARIANCE.

MR. SWAYZE SUGGESTED THAT THE CASE BE DEFERRED FOR DISCUSSIONS BETWEEN THEM. MR. SWAYZE SAID HE WOULD LIKE TO SPEAK WITH MR. CREEDEN AND THE COUNCIL - HE THOUGHT HE MIGHT BE ABLE TO COME BACK TO THE BOARD WITH THEIR SUPPORT.

MRS. HENDERSON SAID SHE COULD SEE NO PROVISION IN THE ORDINANCE WHERE THE BOARD COULD GRANT THIS VARIANCE - SINCE THE BOARD HAS VERY LITTLE LATITUDE.

MR. D. SMITH THOUGHT DEFERRAL MIGHT BE THE THING - SINCE THIS IS A SMALL UNSIGHTLY PIECE OF PROPERTY - OLD BUILDINGS RIGHT IN THE MIDDLE OF WHAT SHOULD BE A GOOD AREA. HE SUGGESTED THAT A SOLUTION MIGHT BE REACHED THAT WOULD HAVE AN IMPORTANT BEARING ON ANNANDALE'S PROBLEMS. HE HIMSELF WOULD LIKE TO DO SOME RESEARCH TO SEE WHERE THE BOARD HAS THE JURISDICTION TO GRANT A VARIANCE ON THIS TYPE OF APPLICATION. HE WOULD LIKE TO EXPLORE THE WHOLE SITUATION FURTHER. HE MOVED TO DEFER THE CASE TO JUNE 26, 1962 - DEFER SO THE APPLICANT, THE PLANNING COMMISSION AND THE PEOPLE WHOM MR. CREEDEN REPRESENTS COULD GET TOGETHER AND TRY TO WORK OUT A SOLUTION THAT MAY BE IN THE INTERESTS OF ANNANDALE.

SECONDED, MR. BARNES

VOTING "YES" - MR. D. SMITH AND MR. T. BARNES

VOTING "NO" - MRS. HENDERSON AND MRS. CARPENTER

TIE VOTE

MRS. CARPENTER THOUGHT THE VARIANCE TOO MUCH AND DENYING THIS STILL WOULD NOT RESTRICT THE APPLICANT FROM A REASONABLE USE OF HIS LAND.

TIE TO BE BROKEN AT THE NEXT MEETING - JUNE 26, 1962

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WELLS OIL COMPANY, TO PERMIT ERECTION OF PUMP ISLANDS 25 FT. FROM RIGHT-OF-WAY LINE OF RAVENSWORTH ROAD, PORTION OF LOTS 14 AND 15, D. F. HANNAH SUBD., (ON RAVENSWORTH ROAD), FALLS CHURCH DISTRICT. (C-G).

MR. J. GRANT WRIGHT REPRESENTED THE APPLICANT.

MRS. HENDERSON POINTED OUT THAT THE PLATS WERE INADEQUATE AND NOT CERTIFIED.

MR. WRIGHT SAID HE HAD CALLED THIS TO THE ATTENTION OF THE BALTIMORE OFFICE AND ASSURED THE BOARD THAT PROPER PLATS WOULD BE FURNISHED HEREAFTER. THERE APPEARED TO BE NO COMPLICATIONS IN THIS - THE LAND CARRIES A C-G ZONING AND IF THE APPLICANT MEETS THE 75 FT. SETBACK ON THE BUILDING IT WAS REASONABLE TO GRANT.

IN THE APPLICATION OF SHELL OIL COMPANY, TO PERMIT ERECTION OF PUMP ISLANDS 25 FT. FROM RIGHT-OF-WAY OF RAVENSWORTH ROAD, PORTION OF LOTS 14 AND 15, D. F. HANNAH SUBD., (ON RAVENSWORTH ROAD), FALLS CHURCH DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED AND THAT A USE PERMIT FOR PUMP ISLANDS TO BE LOCATED 25 FT. FROM RAVENSWORTH ROAD BE APPROVED WITH THE STIPULATION THAT THE BUILDING BE SET BACK 75 FT. FROM RAVENSWORTH RD. IN ACCORDANCE WITH THE AGREEMENT WITH THE APPLICANT'S ATTORNEY AT THIS MEETING. THE BUILDING WILL BE CONSTRUCTED OF STONE AND REDWOOD. THIS IS GRANTED FOR A FILLING STATION ONLY AND SHALL NOT INCLUDE RENTAL OF TRAILERS OR OTHER ACCESSORY USES. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE ADHERED TO.

SECONDED, MRS. CARPENTER      Cd. UNAN.

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9- KARLOID CORPORATION., TO PERMIT ERECTION OF AN EXTENSION TO LABORATORY USE, ON LEESBURG PIKE, ROUTE #7, AT LEIGH MILL ROAD, DRANESVILLE DIST. (RE-1).

MR. LYTTON GIBSON REPRESENTED THE APPLICANT.

MR. GIBSON SAID HE HAD NOT BEEN ABLE IN THE TIME BETWEEN THE PLANNING COMMISSION HEARING AND THIS HEARING TO MEET AND REPORT ON THE CONDITIONS SUGGESTED BY THE PLANNING COMMISSION. THEY DO NOT HAVE THE INFORMATION ON THE SEPTIC TESTS. THE TESTS ARE BEING RUN TODAY, MR. GIBSON SAID, ACCORDING TO A LETTER FROM DOCTOR KENNEDY. THEY MUST HAVE DEFINITE INFORMATION THAT SEWAGE FACILITIES WILL BE ADEQUATE. MR. GIBSON ASKED FOR A DEFERRAL OF TWO WEEKS.

MR. BARNES SO MOVED - DEFER TO JUNE 26, 1962.

SECONDED, MR. D. SMITH      Cd. UNAN.

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MR. LYTTON GIBSON DISCUSSED THE DALTON CASE.

WHEN THIS WAS HEARD BEFORE THE PLANNING COMMISSION TWO WEEKS AGO, MR. GIBSON SAID, THERE WERE FIVE QUESTIONS RAISED AS TO THE PROPER AND LEGAL OPERATION OF THIS NURSING HOME. THE FIRE ESCAPES WERE QUESTIONED, THE ADDITION TO THE BUILDING WITHOUT A PERMIT, PARKING WAS NOT RIGHT, PROPER SETBACKS FOR PARKING WERE NOT OBSERVED, AND THE AFFECT OF THE CHANGE IN THE ORDINANCE WHICH TOOK THIS OUT OF GROUP 4 OR 5 AND PUT IT IN GROUP 6.

AT THAT PLANNING COMMISSION HEARING, MR. GIBSON SAID, HE TOLD MR. H. F. SCHUMANN, JR. THAT THERE WERE MANY THINGS HE HAD TO GO IN TO BEFORE HE COULD BE PREPARED TO BRING THIS BEFORE THE BOARD OF ZONING APPEALS, AND HE COULD NOT BE READY IN THE USUAL 15 DAYS. HE ASKED MR. SCHUMANN TO NOT ADVERTISE THE CASE UNTIL HE COULD HAVE THE ANSWERS TO THESE QUESTIONS.

IF THERE ARE VIOLATIONS IN THIS OPERATION MR. GIBSON SAID HE COULD NOT BRING THIS BEFORE THE BOARD FOR FURTHER EXTENSION UNTIL THOSE VIOLATIONS ARE CLEARED UP. HE KNEW THIS WOULD TAKE TIME. HE UNDERSTOOD THAT THE CASE WOULD NOT BE ADVERTISED. AS A RESULT OF THIS, WHEN HE GOT THE NOTICE THAT IT WAS TO BE HEARD JUNE 12TH HE DISREGARDED THE NOTICE, THINKING IT WAS SENT HIM IN ERROR. HE DID NOT NOTIFY THE FIVE PEOPLE.

MR. GIBSON SAID HE HAD NO OBJECTION TO THOSE IN OPPOSITION TO THIS FILING A STATEMENT OF THEIR COMPLAINTS, BUT HE WAS NOT PREPARED TO PRESENT THIS TO THE BOARD. HE ASKED FOR A 5 OR 6 WEEKS DEFERRAL -PROBABLY UNTIL SEPTEMBER.

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THE BOARD AGREED THAT THIS WAS A REASONABLE REQUEST.

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MR. JOHN FINKIN, WHO LIVES ON BRADDOCK ROAD ACROSS FROM THIS HOME, SAID THEY HAD THE PROOF OF AT LEAST ONE OF THE FIVE VIOLATIONS WHICH WAS SUFFICIENT TO DENY THIS CASE. THEREFORE THE OTHER FOUR VIOLATIONS WOULD BECOME MOOT. HE SAID THERE WERE EIGHT PEOPLE PRESENT OPPOSED TO THIS. THESE THINGS WILL BE LOOKED IN TO AND CORRECTED BEFORE THIS CASE COMES BEFORE THE BOARD, MRS. HENDERSON SAID.

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MR. GIBSON SAID THE APPLICANT WILL CORRECT THESE THINGS, WHETHER HE GETS ADDITIONAL BEDS OR NOT.

MR. D. SMITH RECALLED THAT THIS PERMIT WAS GRANTED UNDER THE OLD ORDINANCE, AND IT IS QUESTIONABLE IF SOME OF THESE THINGS COULD BE ENFORCED BECAUSE THEY WERE NOT INCLUDED IN THE OLD PERMIT. THERE ARE MANY THINGS THAT SHOULD HAVE BEEN INCLUDED IN THE ORIGINAL MOTION, MR. SMITH WENT ON TO SAY, THERE WERE CERTAIN THINGS THAT WERE SUPPOSED TO BE DONE BUT THEY WERE NOT INCORPORATED IN THE MOTION, AND THEY CANNOT BE ENFORCED.

MR. FINKIN SAID THEY HAVE ADDED BEDS WHICH THEY WERE NOT SUPPOSED TO DO.

MR. MOORELAND SAID THEY RAISED THE ROOF OF THE BUILDING TO MAKE ROOM FOR MORE BEDS. THERE WAS NO LIMITATION ON THE NUMBER OF PATIENTS IN THE ORIGINAL GRANTING.

MRS. HENDERSON SAID THE BOARD ALSO NEEDED A DEFERRAL ON THIS TO GO BACK OVER THE PREVIOUS HEARINGS.

MR. GIBSON SAID THAT BY DEFERRING THIS IT MIGHT BE THAT SOMETHING BETTER WILL COME OUT OF IT, SOMETHING THAT WILL PERMANENTLY IMPROVE THE CONDITIONS.

MR. D. SMITH THOUGHT IT IN THE BEST INTERESTS OF THE COMMUNITY TO GIVE MR. GIBSON THIS DEFERRAL, AND TIME TO CORRECT THE VIOLATIONS, AND GIVE THE BOARD TIME TO GO BACK OVER THE PREVIOUS HEARINGS.

MR. D. SMITH MOVED TO DEFER THE CASE TO SEPTEMBER 11, 1962.

SECONDED, MR. BARNES

MR. ERWIN WAS OPPOSED TO THIS, HE SAID HE WAS LEAVING FOR OVERSEAS VERY SOON AND HE WANTED TO SEE THE CORRECTIONS MADE NOW.

MOTION CO. UNAN.

MRS. HENDERSON SAID THERE WOULD BE NO FURTHER DEFERRALS FROM SEPTEMBER 11 1962 - DECISION WILL BE MADE THAT DAY.

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10-

ALBERT E. HUSSEY, TO PERMIT ERECTION AND OPERATION OF A NURSING HOME, ON NORTH SIDE OF COLLINGWOOD ROAD, APPROX. 800 FT. WEST OF FORT HUNT ROAD, MT. VERNON DISTRICT. (R-12.5).

MR. DOUGLAS ADAMS REPRESENTED THE APPLICANT. MR. ADAMS DESCRIBED THE PROJECT AS PLANNED AND SHOWED A DRAWING OF THE BUILDINGS. THIS IS A 3-1/3 ACRE TRACT WITH 340 FT. FRONTAGE ON COLLINGWOOD ROAD. SEWER, WATER AND GAS ARE AVAILABLE. THE PROPERTY IS ATTRACTIVE, WELL WOODED, AND THEY WILL BE ABLE TO PRESERVE SOME OF THE MOST BEAUTIFUL TREES. THE TWO ADJACENT PROPERTY OWNERS HAVE NO OBJECTION. MR. ADAMS POINTED OUT THE LAND USE IN THE AREA. HE PRESENTED A PETITION SIGNED BY 20 PEOPLE IN THE IMMEDIATE AREA INDICATING NO OBJECTION. THIS WILL BE A 60 BED NURSING HOME. MR. ADAMS STATED THAT MR. HUSSEY AND FAMILY HAVE LIVED IN THE COUNTY FOR 20 YEARS, AND HAVE BEEN ACTIVE IN THEIR COMMUNITY. THE DAUGHTER, MRS. FRICK, A TRAINED NURSE, WILL DIRECT THE OPERATIONS OF THE NURSING HOME IF APPROVED.

MRS. FRICK EXPLAINED THE BUILDING PLAN - TWO CIRCULAR BUILDINGS WITH PATIENT UNITS - ALL FACILITIES AVAILABLE. THESE BUILDINGS WILL CONNECT WITH AN ELONGATED STRUCTURE WHICH CONTAINS THE MAIN ENTRANCE, OFFICES, LOBBY, DINING ROOM, THERAPY AND SOLARIUM. SEPARATE ENTRANCE FOR SERVICE AND AMBULANCE.

MRS. FRICK SAID THE CIRCULAR TYPE BUILDINGS ARE VERY EFFICIENT IN THIS TYPE OF FACILITY AS IT AFFORDS GOOD PATIENT CONTROL, EASY ACCESSIBILITY TO THERAPY, AND IT ELIMINATES THE LONG-HALL INSTITUTIONAL APPEARANCE. THEY WOULD PLAN FOR 30 PATIENTS TO EACH BUILDING - TEN PRIVATE ROOMS - THE BALANCE SEMI-PRIVATE AND THREE OR FOUR ROOMS FOR INTENSIVE CARE. THIS IS TO BE PARTICULARLY FOR ELDERLY PEOPLE AND CONVALESCENTS - WITH EMPHASIS ON OCCUPATIONAL AND PHYSICAL THERAPY.

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MRS. HENDERSON POINTED OUT THAT THE STATE HAS REPORTED THAT THERE ARE MANY MORE BEDS IN NURSING HOMES THAN ARE NEEDED IN THE COUNTY, AND THERE ARE MANY VACANCIES.

MR. ADAMS ANSWERED THAT BECAUSE OF THE LOCATION OF THIS PROJECT HE THOUGHT THEY WOULD DRAW A GREAT DEAL FROM ALEXANDRIA - WHERE THERE ARE NOT ENOUGH BEDS. HE CALLED ATTENTION TO A LETTER FROM DOCTOR MCGOUGH, DIRECTOR OF PUBLIC HEALTH IN THE CITY OF ALEXANDRIA, WHO SAID THERE WAS A NEED FOR NURSING HOME BEDS IN ALEXANDRIA, AND HE THOUGHT THIS WOULD BE USED BY PEOPLE IN ALEXANDRIA.

MR. ADAMS SAID HE HAD MADE A CHECK OF THE AREA THEY WOULD SERVE - APPROX. 75,000 PEOPLE - AND THERE ARE NO AVAILABLE BEDS. THEY NEED 150. WITH THE NEW BRIDGES THIS WOULD BE VERY ACCESSIBLE TO THE DISTRICT AND THE METROPOLITAN AREA. THIS WILL NOT BE DETRIMENTAL TO THE AREA, MR. ADAMS CONCLUDED, IN FACT IT WOULD ENHANCE THE AREA AND THE PEOPLE WANT IT. THEY WILL PROVIDE FOR 32 PARKING PLACES.

MRS. HENDERSON POINTED TO THE PARKING SHOWN ON THE PLAT - TOO CLOSE TO THE LINE.

MR. HUSSEY SAID THEY WOULD HAVE A FEASIBILITY STUDY MADE BEFORE PRESENTING A SITE PLAN, TO ASSURE COMPLIANCE WITH ALL REQUIREMENTS.

THERE WERE NO OBJECTIONS FROM THE AREA, ELEVEN FAMILIES NOTIFIED SIGNED STATEMENTS SAYING THEY HAD NO OBJECTION.

MRS. CARPENTER MOVED THAT IN THE CASE OF ALBERT E. HUSSEY, TO PERMIT ERECTION AND OPERATION OF A NURSING HOME, ON NORTH SIDE OF COLLINGWOOD RD., APPROX. 800 FT. WEST OF FORT HUNT RD., MT. VERNON DISTRICT, THAT MR. HUSSEY BE PERMITTED TO ERECT AND OPERATE A NURSING HOME. THIS IS GRANTED FOR A 60 PATIENT FACILITY AND THIS APPLICATION SHALL BE SUBMITTED FOR SITE PLAN APPROVAL SHOWING ADEQUATE PARKING WITHIN THE REQUIRED SETBACK LINES. IT IS THE OPINION OF THIS BOARD THAT THIS USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA. IT IS NOTED THAT 32 PARKING SPACES ARE SHOWN ON THE PLAT, WHICH NUMBER APPEARS TO BE SUFFICIENT - HOWEVER, THE LOCATION OF THESE SPACES SHALL CONFORM TO SETBACK REQUIREMENTS.

SECONDED, MR. BARNES Cd. UNAN.

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DEFERRED CASES:

THOMAS R. ATKINS, TO PERMIT ERECTION OF CARPORT CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE ORDINANCE, LOT 6, RESUB. LOT 33, BRIARWOOD FARM, PROVIDENCE DISTRICT. (RE-1).

THIS CASE WAS DEFERRED TO VIEW THE PROPERTY.

MRS. HENDERSON STATED THAT THERE ARE NO OTHER GARAGES OR CARPORTS ON THE STREET, AND SHE COULD SEE NO REASON TO JUSTIFY GRANTING THIS. THE SITUATION ON THIS PROPERTY IS NOT UNUSUAL, AND IT WOULD NOT BE UNLIKELY THAT ALL THE OTHERS ON THE STREET WOULD ASK THE SAME THING.

MR. BARNES SAID THIS WOULD SET A PRECEDENT FOR OTHERS TO FOLLOW AND HE DID NOT THINK THE LOT WAS WIDE ENOUGH. HE SAW NOTHING IN THE ORDINANCE TO JUSTIFY GRANTING THIS. THEREFORE, HE MOVED, IN THE CASE OF THOMAS R. ATKINS, TO PERMIT ERECTION OF CARPORT CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE ORDINANCE, LOT 6, RESUB. LOT 33, BRIARWOOD FARM, PROVIDENCE DISTRICT, TO DENY THE CASE.

MRS. CARPENTER SECONDED THE MOTION, STATING THAT BY DENYING THIS CASE THE BOARD WAS NOT DENYING THE APPLICANT A REASONABLE USE OF HIS LAND, BECAUSE THIS IS NOT A SPECIAL CIRCUMSTANCE THAT APPLIES ONLY TO THIS LOT AND THE SAME CONDITIONS ACTUALLY APPLY TO ALL OTHER LOTS IN THE NEIGHBORHOOD.

Cd. UNAN.

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JOHN R. GRAYBILL, TO PERMIT OPERATION OF A RIDING STABLE AND SCHOOL, ON NORTH SIDE OF COMPTON ROAD, ROUTE 658, APPROX. .9 MILE WEST OF INTERSECTION WITH ROUTE 645 NEAR CLIFTON, CENTREVILLE DISTRICT. (RE-1).

MR. FARNUM JOHNSON REPRESENTED THE APPLICANT. THIS WAS DEFERRED TO VIEW THE PROPERTY.

MRS. HENDERSON SAID THE BOARD VISITED THE PROPERTY AND DID NOT LIKE WHAT THEY SAW. SHE CONSIDERED THIS PREMATURE. IF THE APPLICANT WANTS A RIDING STABLE, SHE CONTINUED, HE SHOULD GET THE PLACE ORGANIZED FOR THAT PURPOSE BEFORE MAKING THIS REQUEST.

MR. JOHNSON DISCUSSED THIS AT LENGTH, SAYING THEY HAD THOUGHT THIS A VERY APPROPRIATE USE AND THAT THEY HAD MET THE STANDARDS. IF THIS IS GRANTED WITH A THREE YEAR PERMIT AND A THREE YEAR RENEWAL THEY COULD DEVELOP IT IN TO A FIRST CLASS USE. HE DID NOT KNOW OF THE NEIGHBORHOOD OBJECTION, BUT HAD TALKED WITH HIS CLIENT AND ASSURED THE BOARD THAT ALL THE OBJECTIONABLE FEATURES WOULD BE CORRECTED. SOME ONE WILL BE ON THE PROPERTY AT ALL TIMES, HE SAID, TO ACT AS MANAGER. HE ASKED THE BOARD TO SPECIFY CONDITIONS THEY MUST MEET.

THE BOARD MEMBERS AND MR. MOORELAND OUTLINED WHAT THEY FOUND ON THE PROPERTY: NO <sup>REAL</sup> STABLE, VERY LITTLE FENCING, AND THAT WAS NOT ADEQUATE, INADEQUATELY OPERATED. IT APPEARED THAT THE HEALTH AND SAFETY OF THOSE USING THE FACILITIES WOULD BE ENDANGERED. HORSES WERE NOT ADEQUATELY TAKEN CARE OF - HOUSING FACILITIES FOR A MANAGER OR CARETAKER WERE SUBSTANDARD.

MR. GRAYBILL SAID HE HAD HAD AN UNHAPPY EXPERIENCE WITH PEOPLE IN THE NEIGHBORHOOD, BECAUSE THE MAN HE HAD ON THE PROPERTY DID NOT CARRY OUT HIS AGREEMENT. NOW HE IS WORKING WITH MR. VALE, WHO IS KNOWN TO HAVE A FINE REPUTATION ALONG THIS LINE, AND HE WAS SURE THE PLACE COULD BE PUT IN SHAPE AND WELL RUN.

MRS. HENDERSON SUGGESTED THAT THE PLACE SHOULD BE ADEQUATELY FENCED, PROPER EQUIPMENT FOR TEACHING - THAT THE HORSES SHOULD BE HOUSED AND THE HOUSE ON THE PROPERTY BE BROUGHT UP TO LIVING STANDARDS - THEN COME BACK TO THE BOARD.

MR. JOHNSON SAID MR. VALE HAD GROUND IN PRINCE WILLIAM COUNTY, WHICH COULD BE USED, RATHER THAN THE 57 ACRES ACROSS THE ROAD, WHICH THE BOARD AGREED WAS NOT PRACTICAL TO USE IN THIS CONNECTION.

MR. D. SMITH SAID HE KNEW MR. VALE'S REPUTATION WITH HORSES, AND HE IS VERY GOOD, BUT THAT THIS BOARD HAS NO JURISDICTION IN PRINCE WILLIAM COUNTY TO ISSUE A PERMIT FOR ANY PART OF THIS OPERATION.

MR. D. SMITH RELATED EXPERIENCES OF THE NEIGHBORS, AND THE CLIFTON FIRE DEPARTMENT IN TRYING TO LOCATE MR. GRAYBILL - ONE OF THE MANY THINGS THAT HAPPENED DURING THE YEARS' OPERATION OF THIS RIDING STABLE - WITHOUT A PERMIT - AND DURING WHICH TIME MR. GRAYBILL VIOLATED MANY OF THE PROVISIONS THAT WOULD HAVE BEEN IN A PERMIT. HE ALSO POINTED OUT THAT THEY USED THE HIGHWAYS FOR BRIDLE PATHS, THE ANIMALS GOT OUT AND BOTHERED NEIGHBORS, DESTROYED PROPERTY - THE GENERAL CONDUCT OF THE PLACE DOES NOT WARRANT ENDORSEMENT OF THIS TYPE OF OPERATION, MR. D. SMITH SAID. SINCE THIS WAS CONDUCTED IN SUCH A MANNER IN THE PAST, MR. D. SMITH SAID HE COULD NOT GO ALONG WITH APPROVING A PERMIT FOR THE FUTURE.

MRS. HENDERSON SAID 10 ACRES WAS NOT ENOUGH GROUND AND SHE WAS OPPOSED TO USE OF THE 57 ACRES ACROSS THE ROAD - IT WAS ON A NARROW CURVED ROAD - COMPLETELY UNSAFE.

MR. JOHNSON SAID THE ADDITIONAL GROUND WAS NOT NECESSARY TO THIS TYPE OF OPERATION - THIS IS PURELY A TEACHING OPERATION. HE INSISTED THAT THEY WOULD MEET ALL REQUIREMENTS OF THE BOARD IF GIVEN THE OPPORTUNITY.

MR. D. SMITH SAID HE COULD SEE NOTHING HERE BUT PROMISES AND BASED ON PAST PRACTICE THAT DID NOT APPEAR TO BE TOO FAVORABLE. HE QUESTIONED WHAT THE ZONING ADMINISTRATOR MIGHT BE CONFRONTED WITH IF THIS WERE GRANTED. THIS IS A GOOD LOCATION, AND COULD BE MADE VERY ATTRACTIVE - BUT IT WOULD MEAN A GREAT EFFORT ON THE PART OF THE APPLICANT TO OVERCOME WHAT HAS TAKEN PLACE IN THE PAST. HE THOUGHT THE CASE SHOULD BE DENIED. HOWEVER, MR. SMITH SAID HE DID NOT QUESTION MR. VALE'S QUALIFICATIONS.

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AND HAS SEEN THE PROPERTY, AND THE ONLY QUESTION IS - IS THIS DETRIMENTAL TO THE SURROUNDING AREA? IN HER OPINION, MRS. CARPENTER SAID, IT IS - DEFINITELY. THERE WILL BE AN IMPACT UPON THE NEIGHBORHOOD AND FROM WHAT HAS BEEN GOING ON HERE THIS USE WILL BE HARMFUL TO THE CHARACTER AND DEVELOPMENT OF THE AREA. THIS HEARING SHOULD NOT BE PROLONGED - THE APPLICANT HAS PRESENTED HIS CASE, MRS. CARPENTER WENT ON, AND THE BOARD HAS SEEN THE PROPERTY. ANYTHING ELSE HE HAS TO SAY IS UNNECESSARY AT THIS TIME.

MR. BARNES SUGGESTED A POSSIBLE DEFERRAL TO SEE IF THE APPLICANT COULD BRING THIS UP TO STANDARD. THE LOCATION IS GOOD, MR. VALE IS A VERY REPUTABLE PERSON - THEY COULD OPERATE A SCHOOL ON 10 ACRES IF IT IS PROPERLY EQUIPPED.

MR. D. SMITH DISAPPROVED OF THE HANDLING OF THE WHOLE THING. THE HOUSE WOULD HAVE TO BE BROUGHT UP TO BUILDING CODE STANDARDS BEFORE IT COULD BE LIVED IN - IT IS DISGRACEFUL IN ITS PRESENT CONDITION - NOTHING COULD BE SAID HERE TODAY, MR. SMITH SAID, TO WARRANT FURTHER CONSIDERATION OF THIS.

MR. VALE SPOKE - URGING THE BOARD'S CONSIDERATION, STATING THAT THEY HAD ALREADY STARTED ON IMPROVEMENTS - FENCING AND PLUMBING FOR THE HOUSE, ETC.

MRS. HENDERSON SAID IT WOULD BE IMPOSSIBLE TO GRANT THIS NOW. SHE SUGGESTED DEFERRAL FOR THREE OR FOUR MONTHS TO GIVE MR. GRAYBILL THE OPPORTUNITY TO MAKE THE IMPROVEMENTS. THE BOARD THEN WOULD MAKE AN INSPECTION AND SEE IF A PERMIT IS WARRANTED.

MR. D. SMITH SUGGESTED A 120 DAY DEFERRAL FOR THE APPLICANT TO RECONSTRUCT THE HOUSE TO MEET THE BUILDING CODE STANDARDS, AND TO GET AN OCCUPANCY PERMIT. THE 10 ACRES SHOULD BE FENCED AS SUGGESTED BY MR. VALE (OAK BOARD).

MR. D. SMITH MOVED TO DEFER THE CASE OF JOHN R. GRAYBILL, TO PERMIT OPERATION OF A RIDING STABLE AND SCHOOL, ON NORTH SIDE OF COMPTON ROAD, ROUTE 658, APPROX. .9 MILE WEST OF INTERSECTION WITH ROUTE 645 NEAR CLIFTON, CENTREVILLE DISTRICT, FOR 120 DAYS TO ALLOW THE APPLICANT TO BRING THESE PREMISES UP TO STANDARD AS SET FORTH IN THE HOUSING CODE, TO FENCE THE 10 ACRES, TO HAVE ADEQUATE STABLING FOR THE HORSES, WITH WATER FACILITIES, ETC., IN THE STABLES, WITH THE UNDERSTANDING THAT MR. GRAYBILL WILL NOT USE THE PREMISES FOR ANY TYPE OF OPERATION IN THE NATURE OF A RIDING SCHOOL ACTIVITY OR TEACHING OF EQUITATION. HE MAY KEEP THE HORSES ON THE PROPERTY BUT WILL STOP ALL OPERATION AS FAR AS THE SCHOOL IS CONCERNED - AND NO ONE SHALL BE TEACHING. HE WILL TAKE THE EXISTING FENCE DOWN - THERE SHALL BE NO ADVERTISING. IF THE SIGN IS LEFT UP HE SHALL ALSO PUT UP A SIGN SAYING "CLOSED FOR THE TIME BEING".

SECONDED, MRS. CARPENTER

THE BOARD AGREED TO INSPECT THE PREMISES BEFORE THIS COMES BACK - AT THE END OF 120 DAYS.

MR. D. SMITH ADDED TO HIS MOTION THAT IF THESE THINGS ARE NOT ACCOMPLISHED WITHIN 120 DAYS THIS CASE WILL AUTOMATICALLY BE DENIED.

CB. UNAN.

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THE BOARD ADJOURNED FOR LUNCH, AND UPON RE-CONVENING CONSIDERED MISCELLANEOUS MATTERS.

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MR. MOORELAND RECALLED TO THE BOARD THAT THE CITY OF FALLS CHURCH HAD BEEN GRANTED A PERMIT TO INSTALL A PUMPING STATION ON APRIL 11, 1961, ON THE SOUTH SIDE OF THE McLEAN BY-PASS. THEY RAN IN TO TROUBLE AND THE TIME PERIOD HAS ELAPSED. THEY ARE ASKING A THREE MONTHS EXTENSION. THEY ARE NOW READY TO AWARD THE CONTRACT.

JOHN PATTERSON, DIRECTOR OF PUBLIC WORKS AT FALLS CHURCH WAS PRESENT.

MR. BARNES MOVED TO EXTEND THE TIME AS REQUESTED - FOR THREE MONTHS

SECONDED, MR. D. SMITH      Co. UNAN.

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POTOMAC SCHOOL: QUESTION - IF POTOMAC SCHOOL WOULD BE REQUIRED TO GO BEFORE THE BOARD OF ZONING APPEALS FOR AN EXTENSION TO THEIR MUSIC ROOM? MRS. HENDERSON RECALLED THAT THEY HAD PUT ON A VERY LARGE EXTENSION A FEW YEARS AGO - SHE ASKED IF THEY CAME IN AT THAT TIME FOR A PERMIT? MR. MOORELAND SAID THEY DID COME BEFORE THE BOARD FOR A FACULTY HOUSE OR SOMETHING. IT WAS AGREED TO READ THE ORIGINAL GRANTING MOTION, AND DISCUSS THIS LATER.

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MR. MOORELAND SAID CONCESSIONARIES WERE WANTING, OCCUPANCY PERMITS TO SELL A GREAT VARIETY OF TRINKETS AND TOYS AT OLD VIRGINIA CITY. THEY WISH PARTICULARLY TO SELL TOY FIRE ARMS. HE ASKED THE BOARD IF THEY CONSIDERED THIS A PART OF THE PERMIT TO OLD VIRGINIA CITY.

IF THEY GET A PERMIT TO SELL THESE THINGS, MR. D. SMITH SAID, THERE WILL BE REQUESTS FOR ALL KINDS OF OTHER RELATED MERCHANDISE. HE THOUGHT THE BOARD SHOULD STICK TO ITS ORIGINAL GRANTING OF THIS PERMIT. THIS IS THE TYPE OF OPERATION THAT COULD GET OUT OF HAND, MR. D. SMITH CAUTIONED. THEY OWN FIVE ACRES OF COMMERCIAL PROPERTY THAT IS NOT BEING USED. THEY PROBABLY HAVE GONE BEYOND THEIR PERMIT NOW, MR. D. SMITH WENT ON, THEY SELL EARRINGS AND OTHER SMALL JEWELRY WITHIN THEIR ENCLOSURE - ALSO INDIAN CRAFTS (MANUFACTURED IN JAPAN) AND OTHER THINGS THAT ARE UNRELATED TO THEIR OPERATION.

THE BOARD AGREED THAT THERE WAS NO INTENTION IN THE ORIGINAL PERMIT THAT THEY SHOULD BE ALLOWED TO SELL THESE MISCELLANEOUS ARTICLES.

THERE ARE MERCHANTS IN THE COUNTY WHO SELL THESE SAME THINGS, MR. SMITH POINTED OUT - THIS WOULD APPEAR TO BE UNFAIR COMPETITION - THESE PEOPLE HAVE GONE FAR BEYOND THEIR PERMIT.

MR. MOORELAND SAID ALSO THAT THE TRAIN WHISTLE HAS CREATED SOMETHING OF A HAZARD TO MOTORISTS. HE HAD HAD COMPLAINTS. MR. SPRINKLE HAS SAID HE WILL DO SOMETHING ABOUT THIS, MR. MOORELAND SAID.

THE BOARD AGREED TO VIEW THE PREMISES AT VIRGINIA CITY ON JUNE 19, 1962.

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MR. MOORELAND READ A LETTER FROM JOHN RUST, ATTORNEY FOR OLLIE ATKINS, REGARDING ESTABLISHMENT OF A RETIREMENT HOME FOR CHRISTIAN SCIENTISTS (AND SOME OTHERS) ON HIS PROPERTY. THIS WOULD NOT BE A CHURCH RUN HOME - IT WOULD CONTAIN SMALL APARTMENT UNITS - 40 OR MORE SMALL APARTMENTS. THEY WISH TO START IN THE SPRING OF 1964. THIS WOULD NOT BE A NURSING HOME NOR A HOME FOR THE INDIGENT.

THE PLANNING STAFF THOUGHT IT WOULD NOT BE POSSIBLE TO GET LAND IN THIS AREA REZONED FOR APARTMENTS, BUT SUGGESTED IT MIGHT BE OPERATED UNDER A USE PERMIT, MR. MOORELAND CONTINUED. IF THE BOARD WOULD CONSIDER THIS AN ELEEMOSYNARY INSTITUTION, MR. MOORELAND SAID THESE PEOPLE WOULD INCORPORATE AND SEEK THE PERMIT.

THE BOARD AGREED THAT SINCE THIS IS NOT OFFICIALLY CONNECTED WITH THE CHURCH AND COULD NOT BE CONSIDERED AN ELEEMOSYNARY INSTITUTION, SINCE IT IS FOR PROFIT AND HAS ALL THE EARMARKS SIMPLY OF AN APARTMENT ZONING FOR THE ELDERLY, THEY DID NOT HAVE THE JURISDICTION TO HANDLE IT, AND THE ONLY SOLUTION WOULD BE A REZONING.

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THE BOARD READ THE MINUTES OF MAY 17, 1949 ON POTOMAC SCHOOL AND THE MOTION SHOWED NO PROVISION FOR THEM TO COME BACK TO THE BOARD FOR AN EXTENSION OF THEIR FACILITIES - THERE WAS NO LIMITATION ON THE NUMBER OF PUPILS.

THE BOARD AGREED THAT THEY COULD GO AHEAD WITH THEIR ADDITION AS LONG AS THEY MEET SETBACK REQUIREMENTS.

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MR. MOORELAND SAID THAT LONG BEFORE THIS APPLICATION WAS MADE, THE QUESTION WAS BROUGHT BEFORE THE BOARD AND THE SUGGESTION WAS MADE THAT HE CONSULT WITH THE COMMONWEALTH ATTORNEY, WHICH HE DID, AND THEY CAME TO THE DECISION THAT IT COULD BE GRANTED BY THE BOARD UNDER GROUP 8 "RECREATION GROUNDS" - UNDER THE DEFINITION WE HAD IN THE ORDINANCE AT THAT TIME. I HAVE THE OLD ORDINANCE HERE, MR. MOORELAND CONTINUED. RECREATION GROUNDS AT THAT TIME WAS ANY ESTABLISHMENT OPERATED AS A COMMERCIAL... IN WHICH SEASONAL FACILITIES ARE PROVIDED FOR ALL OR ANY OF THE FOLLOWING: CAMPING, LODGING, PICNICING, BOATING, FISHING, SWIMMING, OUTDOOR GAMES AND SPORTS, AND ACTIVITIES INCIDENTAL AND RELATED TO THE FOREGOING, BUT NOT INCLUDING MINIATURE GOLF GROUNDS, GOLF DRIVING RANGES OR ANY MECHANICAL AMUSEMENT DEVICE. THAT WAS THE DEFINITION OF "RECREATION GROUND", MR. MOORELAND SAID, AND I THINK IT STILL IS, AND THAT IS WHAT THE OPINION WAS AT THAT TIME AND THAT WAS THE RULING I MADE AFTER DISCUSSION WITH THE BOARD AND THE COMMONWEALTH ATTORNEY. I UNDERSTAND NOW, MR. MOORELAND CONTINUED, THE DECISION HAS BEEN HANDED DOWN WHETHER MY DECISION, AT THAT TIME, WAS PROPER.

MRS. HENDERSON SAID, I HAVE THE ORDER HERE, SECOND PARAGRAPH OF WHICH IS JUDGED AND DECREED THAT THE EMERGENCY AMENDMENT TO THE ZONING ORDINANCE OF FAIRFAX COUNTY ADOPTED MAY 18, 1961, IS VOID AND OF NO EFFECT; AND THE QUESTION OF WHETHER ~~THAT~~ <sup>PETITIONER'S</sup> USE OF ~~THAT~~ <sup>ITS</sup> PROPERTY AS A MARINA IS A USE PERMITTED BY RIGHT UNDER THE ZONING ORDINANCE OF FAIRFAX COUNTY IN EFFECT MAY 18, 1961, ~~AND~~ <sup>IS</sup> ~~REMANDED~~ <sup>AND</sup> TO THE BOARD OF ZONING APPEALS FOR DETERMINATION WITHIN 60 DAYS FROM THE DATE THEREOF." SO THE QUESTION IS, MRS. HENDERSON CONTINUED, IS A MARINA PERMITTED BY RIGHT, OR WAS THE ZONING ADMINISTRATOR'S DECISION THAT IT COME UNDER SPECIAL USE PERMITS IN GROUP 8 CORRECT? THAT IS FOR THE BOARD NOW TO SAY, MRS. HENDERSON STATED.

MR. D. SMITH SAID HE WOULD SAY UNDER THE ORDINANCE THAT EXISTED AT THAT TIME, IN HIS OPINION, THE DECISION OF THE ZONING ADMINISTRATOR SHOULD BE UPHELD IN THE CASE OF THE MARINA IN QUESTION.

MR. MOORELAND POINTED OUT THAT IT WAS NOT A MATTER OF RIGHT AT THAT TIME. A MARINA WAS NOT MENTIONED IN THE ORDINANCE; AND ANYTHING THAT IS NOT MENTIONED IS DEEMED TO BE PROHIBITED UNLESS THE BOARD FEELS THAT CERTAIN THINGS ARE SIMILAR TO OTHER THINGS.

MRS. CARPENTER STATED THAT BOATING IS MENTIONED. I DON'T KNOW WHAT YOU DO AT A MARINA EXCEPT BOAT, MRS. CARPENTER SAID.

MRS. HENDERSON POINTED OUT, IT GOES ON TO SAY, "AND ACTIVITIES INCIDENTAL AND RELATED TO".

MR. MOORELAND SAID, I CAN READ YOU AS A MATTER OF RIGHT WHAT WOULD BE ALLOWED IN THAT ZONE - "ALL AGRICULTURE USES, AUTOMOBILE PARKING AS SPECIFIED IN SECTION 6, CHURCHES, CONVENTS, MONASTERIES AND USES PERTINENT THERETO, HOME OCCUPATIONS AND HOME PROFESSIONAL OFFICES, ONE-FAMILY DWELLINGS, PUBLIC AND COMMUNITY USES EXCEPT FIRE STATIONS." NOW MAYBE THAT IS WHAT THEY ARE GETTING IN TO, MR. MOORELAND ADDED. LET'S LOOK TO THE COMMUNITY USE AS DEFINED IN THIS ORDINANCE, MR. MOORELAND CONTINUED - UNDER USE PUBLIC, "USES OF LAND AND BUILDINGS MAINTAINED BY THE COUNTY" - NO THAT'S PUBLIC-COMMUNITY-- "COUNTRY CLUBS, GOLF COURSES AND SIMILAR RECREATIONAL USES CONDUCTED BY MEMBERSHIP ORGANIZATIONS WHERE USE IS ONLY BY MEMBERS THEREOF AND NOT FOR GAIN." ALSO "COMMUNITY CLUBS OR CENTERS, CIVIC OR CULTURAL CENTERS NOT IN PUBLIC OWNERSHIP AND NOT CONDUCTED FOR GAIN, NOT INCLUDING COMMUNITY SWIMMING POOLS", MR. MOORELAND CONTINUED. I DON'T SEE HOW IN THE WORLD THEY COULD GET IT IN THERE BY RIGHT, MR. MOORELAND STATED.

MR. D. SMITH SAID, ESPECIALLY SINCE THE APPLICATION, AS I READ IT, WAS STRICTLY A COMMERCIAL TYPE OF OPERATION AND NOT A NON-PROFIT ORGANIZATION AS STATED IN THE ORDINANCE THAT EXISTED AT THAT TIME. THE APPLICATION AS I READ IT, AND THE PROPOSED USE OF THIS, AS I READ IT, MR. SMITH CONTINUED, IN THE MINUTES OF THE BOARD OF SUPERVISORS, WAS THAT IT WAS DEFINITELY A



COMMERCIAL TYPE OPERATION—A VERY ELABORATE COMMERCIAL TYPE OPERATION—  
EXPENDITURE OF BETTER THAN ONE MILLION DOLLARS BEFORE IT WAS TO BE COM-  
PLETED I THINK IT SAID—VERY ADEQUATE FACILITIES. IT COULD BE PLACED IN  
THE USE PERMIT, MR. SMITH ADDED - IT CERTAINLY DOES NOT QUALIFY UNDER  
RIGHT ... PERMITTED USE. THE WHOLE PRESENTATION TO THE BOARD OF SUPER-  
VISORS, MR. SMITH CONTINUED, WHERE THE APPLICANTS OR APPLICANTS' REPRESENTATIVE MENTIONED THE FACT THAT IT WAS A COMMERCIAL TYPE AND EVEN...  
THAT IT MIGHT LEASE SOME OF THE FACILITIES TO SOME OTHER YACHT CLUB  
FACILITY, WHICH IS CERTAINLY A COMMERCIAL VENTURE. SOME OF THE ACTIVITIES  
THAT THEY PROPOSE TO CARRY ON HERE ARE CARRIED ON ONLY IN COMMERCIAL TYPE  
OPERATIONS, MR. SMITH SAID, SUCH AS HAS BEEN PERMITTED UNDER USE PERMIT BY  
THIS BOARD IN THE PAST YEAR OR TWO.

MRS. HENDERSON: WHAT WE HAVE TO ESTABLISH CAN BE TAKEN IN TWO STEPS. I  
THINK THAT THE BOARD FEELS THAT THE ZONING ADMINISTRATOR WAS RIGHT IN SAY-  
ING THEY NEEDED A USE PERMIT.

ALL AGREED.

MRS. HENDERSON: AND A MOTION TO UPHOLD THE DECISION OF THE ZONING ADMIN-  
ISTRATOR AND THEN PROBABLY STATE THE REASONS WHY, IF WE DO FEEL SO, IT  
SHOULD COME UNDER GROUP 8 AT THAT TIME.

MR. D. SMITH: MY INTERPRETATION, AT THAT TIME, WHEN MR. MOORELAND ASKED THE  
BOARD FOR A DECISION BEFORE REFERRING TO THE COMMONWEALTH ATTORNEY WAS  
THAT THIS WAS NOT A COMMUNITY USE AND, OF COURSE, AFTER HAVING THE MINUTES  
OF THE MEETING OF THE BOARD OF SUPERVISORS THERE IS NO DOUBT IN MY MIND  
THAT THIS IS NOT A COMMUNITY USE. IT IS A COMMERCIAL TYPE OPERATION WHICH  
SOUNDS LIKE A VERY GOOD TYPE THING, BUT IT CERTAINLY IS NOT A COMMUNITY  
USE. IT IS NOT SOMETHING SET UP FOR THE USE OF THE CITIZENS IN THE COM-  
MUNITY OR THE SURROUNDING COMMUNITY, BUT FOR PEOPLE WHO MIGHT COME IN FROM  
ALL OVER THE STATE AS A MATTER OF FACT TO BECOME MEMBERS OR BUY A SHARE IN  
THIS ORGANIZATION. THE DISCUSSIONS BROUGHT OUT HERE THAT THERE WAS A  
POSSIBILITY OF LEASING THIS THING OR A PART OF IT TO A YACHT CLUB NOW  
OPERATING IN THE DISTRICT OF COLUMBIA OR OTHER AREAS TEN OR FIFTEEN MILES  
AWAY ON THE POTOMAC. SO, IN MY OPINION, GROUP 8 WAS THE ONLY LOGICAL  
PLACE AND ONLY PLACE THAT THIS TYPE OF OPERATION COULD HAVE BEEN PERMITTED  
UNDER A USE PERMIT, AND IT CERTAINLY IS NOT PERMITTED AS A MATTER OF RIGHT.

MRS. CARPENTER: I WOULD MOVE THAT THE DECISION OF THE ZONING ADMINISTRATOR  
BE UPHELD BECAUSE, AS WE INTERPRET THE ORDINANCE, THIS IS NOT A COMMUNITY  
USE AND WE FEEL THAT IT BELONGS AS A RECREATION GROUND WHICH COMES  
UNDER GROUP 8 AND WE ARE TYING IT INTO THE DEFINITION OF "RECREATION  
GROUND", AND, THEREFORE, THE ZONING ADMINISTRATOR'S DECISION SHOULD BE  
UPHELD....ELABORATE ON THAT ANY MORE...

MR. DANIEL SMITH: MADAM CHAIRMAN, I WOULD SECOND THAT MOTION IF WE FURTHER  
ELABORATE OR RATHER MENTION THE FACT THAT THIS MATTER WAS PRESENTED TO THE  
BOARD AT THE TIME THE ZONING ADMINISTRATOR WAS APPROACHED IN REGARD TO  
THIS APPLICATION FOR A COMMERCIAL TYPE MARINA OPERATION ON THE POTOMAC.  
THE BOARD DECIDED AT THAT TIME AND IT IS STILL MY FEELING THAT THIS WAS A  
COMMERCIAL TYPE RECREATION FACILITY TO BE INSTALLED AND MAINTAINED FOR THE  
BENEFIT OF ALL CONCERNED AND AT A PROFIT TO THE INVESTORS; AND AFTER HAVIN  
READ THE MINUTES OF THE MEETING WHEN THE PRESENTATION WAS MADE BEFORE THE  
BOARD OF SUPERVISORS, I FEEL THAT IT WAS A GREATER COMMERCIAL TYPE OPERA-  
TION <sup>THAN</sup> ~~AND~~ HAD BEEN INDICATED TO US THAT IT WOULD BE. THIS IS ONE OF THE  
LARGEST OR PROPOSED TO BE ONE OF THE LARGEST MARINA TYPE OPERATIONS IN  
THIS PART OF THE COUNTRY, WITH SEVERAL COMMERCIAL ASPECTS AND VERY LITTLE,  
IF ANY, ASPECTS OF A COMMUNITY USE. AS I HAD STATED PREVIOUSLY, THIS USE,  
RATHER THIS OPERATION, WAS TO BE USED BY PEOPLE NOT ONLY IN FAIRFAX COUNTY  
BUT AS FAR AWAY AS MIGHT WANT TO BUY SHARES OR MEMBERSHIP IN THE ORGANIZA-  
TION, ALSO THAT PART OF THE OPERATION MIGHT BE LEASED TO OTHER COMMERCIAL  
TYPE OPERATIONS OR OTHER YACHT CLUBS IN OTHER AREAS WHO MIGHT WANT TO BE-  
COME A PART OF THIS PARTICULAR COMMERCIAL TYPE OPERATION. I CERTAINLY  
FEEL THE SAME AS I DID AT THE TIME THE ZONING ADMINISTRATOR PRESENTED THE

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THING FOR OUR DECISION ORIGINALLY --- IT IS A COMMERCIAL TYPE OPERATION AND SHOULD BE UNDER GROUP B IN THE ORDINANCE AT THAT TIME, AND IT WAS NOT PERMITTED BY RIGHT.

Mrs. HENDERSON: THE MOTION HAS BEEN MADE AND SECONDED TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR THAT THE HALLOWING POINT MARINA COMES UNDER GROUP B, USE PERMIT SECTION OF THE ORDINANCE, AS IT EXISTED MAY 18, 1961. IS THERE ANY FURTHER DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION SIGNIFY BY SAYING, "AYE". THOSE OPPOSED, "NO".

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THE "AYES" HAVE IT, AND THE ZONING ADMINISTRATOR'S DECISION IS UPHELD. (THE VOTE WAS UNANIMOUS.)

THE ATTORNEY FOR HALLOWING POINT MARINA ASKED FOR A CERTIFIED COPY OF THE MINUTES. MR. KROUNCE SAID HE CONCURRED IN THE BOARD'S ACTION, HOWEVER, IT WAS HIS OPINION THAT MARINAS WERE EXCLUDED UNDER THE OLD ORDINANCE - BUT IF THEY WERE TO BE PERMITTED AT THAT TIME IT CERTAINLY WOULD HAVE BEEN UNDER GROUP B. IT WILL BE THE OBJECT OF THE COMMONWEALTH ATTORNEY TO SHOW IN COURT THAT THIS DID COME UNDER GROUP B, AND THAT IT DID REQUIRE A USE PERMIT. THE COURT WILL DECIDE IF IT COMES BACK TO THE BOARD OF ZONING APPEALS.

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THE MEETING ADJOURNED.

Mary L. Henderson  
MRS. L. J. HENDERSON, JR., CHAIRMAN

July 17, 1962  
DATE

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, JUNE 26, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, MRS. L. J. HENDERSON, JR., CHAIRMAN PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. DANIEL SMITH

NEW CASES:

1- RAYMOND R. AND LAURA O. FRITTER, JR., TO PERMIT EXTENSION OF AN OPEN PORCH CLOSER TO STREET LINE THAN ALLOWED BY THE ORDINANCE, LOT 198, SECTION 5, TYLER PARK, (1662 ROOSEVELT AVE.), FALLS CHURCH DISTRICT. (R-10).

MR. FRITTER SAID THE EXISTING SMALL FRONT PORCH ON HIS HOUSE IS IN BAD CONDITION. HE WISHES TO TEAR IT DOWN AND RE-BUILD IT WITH A SMALL EXTENSION ACROSS THE FRONT TO GIVE THEM A LITTLE MORE LIVABLE PORCH AREA. IT WILL IMPROVE THE HOUSE AND ADD VALUE TO THEIR PROPERTY. THE SHAPE OF THE LOT (IT NARROWS TOWARD THE FRONT PROPERTY LINE) AND THE STORM SEWER EASEMENT NEAR THE REAR OF THE HOUSE MAKE IT IMPOSSIBLE TO HAVE AN EXTENSION IN ANY OTHER LOCATION. THEY WILL NOT COME OUT BEYOND THE EXISTING PORCH, IN FACT THE DISTANCE ON THE EXTENSION WILL BE FARTHER FROM THE STREET LINE THAN THE PRESENT PORCH.

THERE WERE NO OBJECTIONS.

MR. MOORELAND SAID THIS WAS ADDING TO A NON-CONFORMING CONDITION. THE OLD PORCH WAS BUILT WITH THE HOUSE - IT WAS ALLOWED AT THAT TIME.

MR. DAN SMITH SAID HE CONSIDERED THERE WERE UNUSUAL CIRCUMSTANCES HERE. IN THE CASE OF RAYMOND R. AND LAURA O. FRITTER, JR., TO PERMIT EXTENSION OF AN OPEN PORCH CLOSER TO STREET LINE THAN ALLOWED BY THE ORDINANCE, LOT 198, SECTION 5, TYLER PARK, (1662 ROOSEVELT AVE.), FALLS CHURCH DISTRICT,

MR. DAN SMITH MOVED THAT THE APPLICATION BE GRANTED AS APPLIED FOR - STEP 1 APPLIES, THERE ARE UNUSUAL CIRCUMSTANCES PERTAINING TO THE LAND, THE STORM SEWER EASEMENT AT THE REAR OF THE HOUSE LIMITS THE BUILDING SPACE. THERE IS AN EXISTING PORCH 28 FEET FROM ROOSEVELT AVENUE AND MOST OF THE EXTENSION WILL BE 35 FEET FROM THE STREET. THIS WILL IMPROVE THE LOOKS OF THE HOUSE, IMPROVE THE LIVING CONDITIONS AND TO FAIL TO PERMIT THIS WOULD NOT ALLOW THE APPLICANT A PROPER USE OF HIS LAND.

#2 - THE STRICT APPLICATION OF THE ORDINANCE WOULD DEPRIVE THE APPLICANT OF A REASONABLE AND ADEQUATE USE OF HIS LAND.

#3 - THIS IS NO INCREASE IN VARIANCE FROM THE STREET BUT IS SIMPLY AN EXTENSION OF THE VARIANCE ON THE EXISTING PORCH.

IT IS ALSO AGREED THAT THIS PORCH WILL NOT BE ENCLOSED BUT WILL BE MAINTAINED AS AN OPEN PORCH.

SECONDED, MR. BARNES. Co. UNAN.

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2- STEWART B. WEST, TO PERMIT OPERATION OF A NINE HOLE GOLF COURSE, ON NORTH SIDE OF OUTLET ROAD EAST OF ROUTE 674, DRANESVILLE DISTRICT. (RE-1).

MR. WEST SAID THIS WOULD BE A SEMI-PRIVATE LAYOUT WITH A MINIMUM MEMBERSHIP FEE. HE SHOWED THE PLANS OF THE GOLF COURSE, INDICATING CONTOURS, TREES AND LOCATION OF TEES. THE ONLY GRADING NECESSARY WILL BE AT THE TEES AS THEY WISH TO USE THE NATURAL SLOPES, WHICH LEND THEMSELVES VERY WELL TO THIS USE. IT IS PLANNED TO HAVE A STARTING PAVILION ONLY - NO CLUB HOUSE. THIS WILL BE LAID OUT ON THE FIELDS OF AN OLD FARM - MOST OF THE AREA IS ALREADY CLEARED. THERE ARE WOODS ON ADJOINING PROPERTY. THEY WILL ADD TREES TO DELINEATE THE FAIRWAYS. MR. WEST POINTED OUT THE 20 FOOT ROAD ACROSS THE PROPERTY WHICH THEY WILL NOT USE BECAUSE IT CROSSES THE FAIRWAY. IT WILL BE KEPT OPEN BUT NOT USED AND WILL NOT BE IMPROVED.

MRS. CARPENTER ASKED ABOUT THE "COMMUNITY USE" SINCE THAT IS A COMPLETE MEMBERSHIP ORGANIZATION.

MR. WEST SAID THE MEMBERSHIP IS USED IN ORDER TO CONTROL THE TRAFFIC ON THE COURSE AND TO KEEP CONTROL OVER THE MANAGEMENT. THEY WILL ISSUE MEMBERSHIP CARDS FOR A YEAR.

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MR. WEST SAID HE WAS THE SOLE OWNER AND THE JUDGE OF WHO PLAYS ON THE COURSE. IT IS FOR GAIN. THE USERS WILL COME FROM THE ENTIRE AREA - THIS IS NOT JUST LOCAL.

MRS. HENDERSON SAID THIS SHOULD BE HEARD UNDER SECTION 30-139D, RATHER THAN GROUP 6. THIS WOULD REQUIRE A SITE PLAN. THE APPLICATION WAS SO AMENDED.

## OPPOSITION:

MR. WALTER FUESS SAID HE AND THE THOMPSONS ARE CONCERNED OVER THE ROAD WHICH GOES THROUGH THIS PROPERTY. HE SAID HE HAD NOT BEEN ABLE TO FIND THAT THIS IS A RIGHT-OF-WAY TO ROUTE 681. HE DID NOT WANT TO SEE IT USED FOR COMMERCIAL PURPOSES. THEY CONTEND THERE IS NO RIGHT-OF-WAY FROM THE WEST PROPERTY TO ROUTE 1075 - THE DEED TO THOMPSON AND FUESS DOES NOT MENTION THIS ROAD WHICH IS SHOWN ON THE PLAT FRONTING ON THOMPSON AND FUESS. THAT ROAD WAS A 15 FOOT RIGHT-OF-WAY WHICH WAS USED YEARS AGO AS ACCESS TO THE OLD DUDLEY FARM. THIS IS A PRIVATE DRIVEWAY TO THOMPSON, LEFT TO HIM BY DUDLEY - ORIGINAL OWNER OF THIS LAND. THIS IS NOT A DEDICATED ROAD.

MR. E. SMITH SAID THIS IS A TITLE PROBLEM AND DOES NOT CONCERN THIS BOARD. MR. FUESS ASKED IF THIS ROAD IS TO BE USED AS PART OF THIS COMMERCIAL VENTURE?

MR. MOORELAND SAID THIS IS A RIGHT-OF-WAY FROM ROUTE 674 AND WHAT IS NOW ROUTE 1075. IT WAS A RIGHT-OF-WAY FOR OVER 100 YEARS - HE HIMSELF HAD USED IT FOR A 20 YEAR PERIOD. IT IS A RIGHT-OF-WAY THAT MOST ANYONE COULD ESTABLISH - SINCE IT HAS BEEN SO USED FOR THIS LONG PERIOD OF TIME.

MRS. HENDERSON SAID THE BOARD IS NOT CREATING A RIGHT-OF-WAY - IT IS ALREADY THERE. THE BOARD COULD SAY, HOWEVER, THAT IT COULD NOT BE USED FOR THE GOLF COURSE.

IT WAS NOTED THAT THE ACCESS TO THE GOLF COURSE WOULD BE BY THE 50 FOOT RIGHT-OF-WAY WHICH LEADS TO ROUTE 674, AND THAT THE 20 FOOT OUTLET ROAD COULD BE RESTRICTED FROM USE BY MEMBERS OF THE GOLF CLUB.

IN THE APPLICATION OF STEWART B. WEST, TO PERMIT OPERATION OF A NINE HOLE GOLF COURSE, ON NORTH SIDE OF OUTLET ROAD EAST OF ROUTE 674, DRANESVILLE DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED WITH THE FOLLOWING STIPULATIONS: THE APPLICANT AGREES TO A CHANGE IN THE APPLICATION IN THAT THIS IS HEARD UNDER SECTION 30-139D (GROUP 8) RECREATION GROUND. THIS IS A NINE HOLE GOLF COURSE WITH BUILDING FOR TOILET FACILITIES AND WATER SUPPLY ONLY - NO OTHER BUILDINGS. IT IS A PRIVATELY OWNED MEMBERSHIP CLUB LIMITED BY THE OWNER OF THE PROPERTY.

ALL ACCESS TO THE GOLF CLUB ITSELF SHALL BE THROUGH THE 50 FOOT OUTLET ROAD AS SHOWN ON THE PLAT. THE 20 FOOT OUTLET ROAD SHALL NOT BE USED BY ANY MEMBERS OF THE GOLF CLUB. UNDER THIS GROUP SITE PLAN APPROVAL WILL BE NECESSARY. THE HEALTH DEPARTMENT MUST APPROVE THIS FOR TOILET FACILITIES AND WATER AND HEALTH CONDITIONS. ALL OTHER PROVISIONS OF THE ORDINANCE MUST BE MET. THE 50 FOOT ACCESS ROAD SHOWN ON THE PLAT SHALL BE DEDICATED AND CONSTRUCTED TO STATE STANDARDS. NO PARKING WILL COME CLOSER THAN 50 FEET FROM ANY PROPERTY LINES.

SECONDED, MR. BARNES. Cd. UNAN.

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MRS. THOMAS J. CAIN, TO PERMIT KINDERGARTEN SCHOOL FOR NO MORE THAN 30 CHILDREN, ON SOUTH SIDE OF WHITTINGTON DRIVE, EASTERLY ADJACENT TO RIVERSIDE PARK, MT. VERNON DISTRICT. (R-12.5)

MRS. CAIN APPEARED BEFORE THE BOARD STATING THAT THIS WILL BE A DAY SCHOOL FROM 8 A.M. UNTIL 4 OR 5 P.M. - FIVE DAYS A WEEK, ALL YEAR. CHILDREN THREE THROUGH SIX YEARS. THEY WILL NOT LIVE IN THE HOUSE. THIS IS A THREE BEDROOM HOUSE, FOUR ROOMS DOWN STAIRS, DAYLIGHT BASEMENT. THEY HAVE SEPTIC AND WELL WATER. THEY HAVE DISCUSSED THIS WITH THE FIRE MARSHALL AND WILL ADD A FIRE DOOR AND THE HEALTH DEPARTMENT IS TESTING THE WATER.

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THE NEAREST HOUSE IS ACROSS THE ROAD. THEY EXPECT THE CHILDREN TO COME FROM NEARBY SUBDIVISIONS; STRATFORD, COLLINGWOOD AND WAYNEWOOD. THEY HAVE NOT YET DECIDED ABOUT TRANSPORTATION - THEY HAVE TWO CARS.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. D. SMITH SAID SOME ARRANGEMENTS SHOULD BE MADE SO THE CARS BRINGING THE CHILDREN WOULD NOT HAVE TO BACK OUT INTO THE STREET.

MRS. CAIN SAID THERE WAS ADEQUATE ROOM ON THE LOT - THEY COULD MAKE A CIRCULAR DRIVEWAY AROUND THE SPACES NOW SET OUT FOR THE PARKED CARS, SO PEOPLE COULD COME IN, DRIVE ALL AROUND THE PARKING LOT AND GO OUT.

IN THE APPLICATION OF MRS. THOMAS J. CAIN, TO PERMIT KINDERGARTEN SCHOOL FOR NO MORE THAN 30 CHILDREN, ON SOUTH SIDE OF WHITTINGTON DR., EASTERLY ADJACENT TO RIVERSIDE PARK, MT. VERNON DISTRICT, MR. E. SMITH MOVED THAT THE PERMIT BE APPROVED BECAUSE THE GRANTING OF THIS USE PERMIT WILL NOT BE DETRIMENTAL TO THE CHARACTER AND DEVELOPMENT OF ADJACENT LAND, AND THAT THE LOCATION, SIZE AND NATURE OF THE USE, AND THE USE OF THE STREETS, ARE SUCH THAT THEY WILL NOT BE DANGEROUS AND WILL NOT CHANGE THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. FOR THESE REASONS, MR. E. SMITH MOVED THAT THE APPLICATION BE APPROVED.

THIS GRANTING IS LIMITED TO 30 CHILDREN AND THE DRIVEWAY SHALL BE MADE CIRCULAR SO THERE WILL BE NO BACKING OUT OF CARS INTO THE STREET, AND SINCE THE HOUSE IS 60 FEET FROM THE RIGHT-OF-WAY PEOPLE COULD PARK BACK OF THAT 50 FOOT FRONT SETBACK. THIS IS GRANTED SUBJECT TO APPROVAL OF THE HEALTH DEPARTMENT STATING THAT SEPTIC AND WATER SUPPLY ARE SATISFACTORY.

ALL OTHER PROVISIONS OF THE ORDINANCE PERTAINING WILL BE MET.

SECONDED, MRS. CARPENTER. Cd. UNAN.

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HOLLIN HILLS SWIMMING CLUB, TO PERMIT ERECTION AND OPERATION OF A COMMUNITY SWIMMING POOL, BATH HOUSE AND OTHER RECREATIONAL FACILITIES, ON NORTHERLY SIDE OF WOODLAWN TRAIL, ADJOINING HOLLIN HILLS SUBDIVISION, MT. VERNON DISTRICT. (R-17).

MR. ROBERT DAVENPORT REPRESENTED THE APPLICANT. THIS WILL BE THE SECOND SWIMMING CLUB FOR THE HOLLIN HILLS AREA, MR. DAVENPORT SAID. HE AND MR. RODMAN OWN ALL ADJACENT LAND, BUT THEY NOTIFIED THE NEAREST HOME OWNERS. PURCHASERS OF THE HOUSES ACROSS THE STREET, WHICH ARE UNDER CONSTRUCTION, HAVE BEEN NOTIFIED OF THIS PLAN.

MR. DAVENPORT SAID HE WOULD ASSIST THE COMMUNITY IN GETTING THIS BUILT BUT IT WILL BE OPERATED ENTIRELY BY THE COMMUNITY. THEY WILL COMPLETE CONSTRUCTION AND DURING THE CONSTRUCTION THE COMMUNITY ASSOCIATION WILL BE FORMED AND THEY WILL BE COOPERATIVE PARTIES TO THE WHOLE THING. THEY WILL GET THEIR MEMBERSHIP AS THEY GO ALONG. THEY ALREADY HAVE 22 MEMBERS OF THE COMMUNITY WHO HAD GIVEN \$25.00 TOWARD THE OTHER PROJECT THEY WERE WORKING ON, BUT WHICH DID NOT GO FORWARD. THEY HOPE TO HAVE 100 MEMBERS THE FIRST YEAR. THE POOL IS DESIGNED FOR A MAXIMUM OF 300 MEMBERS. THIS IS A NEW COMMUNITY, MR. DAVENPORT SAID, AND THESE PEOPLE HAVE NO RECREATION FACILITIES. THE POTENTIAL SHOULD BE GOOD.

MR. CHILTON SHOWED AN APPROVED PRELIMINARY PLAT OF THE SUBDIVISION WHICH INCLUDES THIS SITE, MIDWAY MEADOWS, AND STATED THAT THE STAFF RECOMMENDED THAT A 35 FOOT DEDICATION TO WOODLAWN TRAIL BE MADE ALONG THE SOUTH BOUNDARY OF THIS TRACT, AND THAT CONSTRUCTION OF WOODLAWN TRAIL AS A LOCAL THOROUGHFARE BE REQUIRED ALONG THIS BOUNDARY IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAT. THIS ROAD WOULD EVENTUALLY BE THE MAIN CONNECTION WITH ROUTE #1. THIS WOULD BE ABOUT 300 FEET OF DEDICATION AND CONSTRUCTION. MR. DAVENPORT SAID THE DEDICATION WAS ALL RIGHT BUT HE DID NOT SEE HOW THE PURCHASERS OF THIS FIVE ACRE SITE COULD BUILD THIS ROAD. THE COST WOULD BE PROHIBITIVE.

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SINCE THIS PROJECT WILL BRING IN PEOPLE FROM OTHER AREAS, MR. D. SMITH SAID, AND THEY EXPECT A 300 MEMBERSHIP - HE THOUGHT MR. CHILTON'S REQUEST A PLAN FOR ORDERLY DEVELOPMENT.

THAT WOULD COST \$25,000 TO BUILD THE ROAD AND BRIDGE THE STREAM, MR. DAVENPORT SAID. THAT IS THE REASON THE OWNER WILL SELL THIS PROPERTY, MR. DAVENPORT SAID, BECAUSE HE CANNOT AFFORD TO USE IT FOR BUILDING PURPOSES. HE OBJECTED VEHEMENTLY TO THE ROAD CONSTRUCTION.

THE BOARD AND MR. DAVENPORT DISCUSSED CONSTRUCTION OF THIS STRIP OF ROAD FOR CONSIDERABLE TIME - IF MR. DAVENPORT DEDICATES, WHO WILL CONSTRUCT THIS STRIP WHICH WOULD SERVE TO CONNECT THE TWO SUBDIVISIONS?

MR. CHILTON SAID NO ONE COULD BE REQUIRED TO BUILD IT, IF THE COUNTY SHOULD GO IN TO THE ROAD BUSINESS THEY WOULD DO IT - IN ORDER TO ASSURE CIRCULATION IN THE AREA. ON THE PRELIMINARY PLAT SUBMITTED ON THIS SUBDIVISION, MR. CHILTON SAID, THE TRAFFIC PATTERN WAS CONSIDERED ON THE BASIS OF THERE BEING CIRCULATION THROUGH HERE, BUT THE PLAT IS ONLY A PRELIMINARY.

MR. DAVENPORT SAID IN TIME THEY WOULD BUILD THE ROAD FROM ELBA STREET TO U. S. #1, BUT AT PRESENT THERE IS NOTHING PLANNED ON THAT LAND BEYOND THIS PROJECT.

IT WAS SUGGESTED THAT REDMON SOLD THIS FIVE ACRES FOR THE SWIMMING POOL TO AVOID THE COUNTY REQUIREMENT OF BUILDING THE BRIDGE.

MR. DAVENPORT SAID IT WOULD COST AS MUCH TO PUT IN THE BRIDGE AND DEVELOP THIS LAND AS REDMON COULD EVER GET OUT OF IT.

MR. E. SMITH SAID HIS CONCERN WAS - DOES THE COUNTY ACTUALLY NEED THIS LITTLE STRIP OF ROAD IN ORDER TO PROVIDE ACCESS TO U. S. #1 FOR ORDERLY DEVELOPMENT.

THIS WAS DISCUSSED FURTHER - AT LENGTH. MR. E. SMITH SUGGESTED THAT THIS COULD GO INTO A PROLONGED DISCUSSION - WHICH PROBABLY COULD NOT BE SOLVED HERE TODAY. HE THOUGHT THE CASE SHOULD BE DEFERRED IN VIEW OF THE PLANNING STAFF'S RECOMMENDATION AND THE APPLICANT'S STATEMENT THAT IT IS ECONOMICALLY UNFEASIBLE FOR THE BOARD TO REQUIRE THIS ROAD CONSTRUCTION. IT SHOULD BE DEFERRED FOR THE APPLICANT TO WORK FURTHER WITH THE PLANNING STAFF IN AN ATTEMPT TO PROVIDE ALTERNATE ACCESS - AND THAT THIS SHOULD COME BACK TO THE BOARD, WITHOUT THIS STAFF RECOMMENDATION. THIS BOARD IS NOT AWARE OF WHAT IS IN THE MIND OF THE PLANNING STAFF FOR ORDERLY DEVELOPMENT, AND DOES NOT WISH TO IMPEDE WHATEVER PLANS MAY BE NECESSARY AND EQUITABLE.

MR. CHILTON SAID THIS COULD BE AN ADDITIONAL OR SECONDARY ACCESS.

MRS. HENDERSON THOUGHT THE BOARD SHOULD UNDERSTAND THE WHOLE SITUATION BETTER BEFORE VOTING - WHAT ACCESS CAN BE PROVIDED AND WHAT IS PRACTICAL TO PROVIDE.

MR. DAVENPORT OBJECTED TO THE DELAY - SAYING THIS IS THE FIRST TIME HE HAD KNOWN OF THIS OBJECTION. HE THOUGHT WHEN MATTERS OF SUCH IMPORTANCE CAME OUT IN THE STUDY OF THESE CASES THE STAFF SHOULD CONSULT WITH THE APPLICANT.

MR. CHILTON SAID THESE APPLICATIONS ARE NOT SUBMITTED TO THE STAFF UNTIL A SHORT TIME BEFORE THE HEARING.

MR. DAVENPORT SUGGESTED THAT IF THEY REDUCE THE SIZE OF THE PROJECT TO THREE ACRES, WITH NO ACCESS ON WOODLAWN TRAIL THERE WOULD BE NO QUESTION OF THEIR HAVING TO BUILD THE ROAD.

MR. D. SMITH OBJECTED TO A SMALL STRIP OF UNUSED GROUND.

MRS. HENDERSON SAID THE POOL IDEA IS GOOD, AND IT IS IN THE RIGHT PLACE, BUT THAT THE BOARD MUST CONSIDER ACCESS.

NO ONE FROM THE AREA OBJECTED.

MR. E. SMITH MOVED TO DEFER THE CASE UNTIL JULY 17, 1962, FOR STUDY.

MRS. FOSTER SPOKE, URGING THE BOARD TO CONSIDER THE APPLICATION FAVORABLY IN VIEW OF THE GREAT NEED IN THE AREA.

SECONDED, MRS. CARPENTER Cd. UNAN.

(THIS IS TO STUDY THE RECOMMENDATION OF THE PLANNING STAFF AND FOR THE APPLICANT AND MR. CHILTON TO CONSULT).

5-

PATRICK H. MONAHAN, TO PERMIT OPERATION OF A TRAMPOLINE CENTER, ON WESTERLY SIDE OF SEMINARY ROAD, PART OF LEMUEL T. DOWDEN PROPERTY AT BAILEY'S CROSS ROADS, MASON DISTRICT. (C-G).

MR. MONAHAN APPEARED BEFORE THE BOARD. THE OLD HOUSE NOW ON THE PROPERTY WILL BE REMOVED AND AN ANCHOR FENCE WILL BE INSTALLED AROUND THE PROPERTY. THE LEASE HEREIS ON A 30 DAY BASIS, MR. MONAHAN SAID.

THERE WERE NO OBJECTIONS FROM THE AREA.

THE BOARD DISCUSSED INGRESS AND EGRESS AND PARKING - WHICH APPEARED TO BE IN ORDER.

MRS. CARPENTER MOVED THAT THE CASE OF PATRICK H. MONAHAN, TO PERMIT OPERATION OF A TRAMPOLINE CENTER, ON WESTERLY SIDE OF SEMINARY ROAD, PART OF LEMUEL T. DOWDEN PROPERTY AT BAILEY'S CROSS ROADS, MASON DISTRICT, BE APPROVED. THIS IS THE OPINION OF THE BOARD - THAT THIS USE WOULD NOT BE DETRIMENTAL TO THE SURROUNDING AREA. THE APPLICANT WILL PROVIDE ADEQUATE PARKING AND THIS BEING CONSIDERED UNDER GROUP 10, SITE PLAN APPROVAL BY THE PLANNING COMMISSION WILL BE REQUIRED.

MR. CHILTON ASKED THE BOARD TO SAY HOW MUCH PARKING SHOULD BE PROVIDED.

MRS. CARPENTER ADDED TO HER MOTION THAT A MINIMUM OF 15 PARKING SPACES BE PROVIDED - AS SHOWN ON THE PLAT.

SECONDED, MR. BARNES. Cd. UNAN.

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6-

HILLTOP SAND AND GRAVEL COMPANY, TO PERMIT EXTRACTION OF GRAVEL, ON WEST SIDE OF BEULAH ROAD, ROUTE 613, APPROX. 650 FEET SOUTH OF MILLER ROAD, LEE DISTRICT.

MR. RICHARD WATERVAL REPRESENTED THE APPLICANT, ALSO MR. RICHARD LONG AND MR. GUY GALLIOTT WERE PRESENT TO DISCUSS THE CASE. MR. WATERVAL SAID THEY WERE SEEKING THIS PERMIT UNDER GROUP 1, SECTION 30-125. HE SHOWED THE MAP INDICATING THE AREA WHERE THEY ARE PRESENTLY WORKING (PERMIT GRANTED BY THE BOARD OF COUNTY SUPERVISORS.) AND THE AREA PROPOSED TO BE WORKED. THEY HAVE BEEN WORKING FOR ONE YEAR ON THE FIRST TRACT AND IT WILL PROBABLY BE ANOTHER SIX MONTHS BEFORE THAT IS READY FOR GRADING. BOTH TRACTS ARE WITHIN THE NR ZONE. THIS IS AN EXTENSION OF THE ORIGINAL TRACT. THE LAND IS UNDEVELOPED. THEY WILL GRADE THE FIRST TRACT WHILE GRAVEL ON THIS TRACT IS BEING REMOVED, AND BY THE TIME THAT IS FINISHED CAN START REHABILITATING THIS.

MR. WATERVAL INDICATED THE ACCESS ROAD WHICH IS THE SAME ONE AS THAT PRESENTLY BEING USED.

AGREAGE IN THE FIRST TRACT IS APPROX. 24.8 ACRES - THIS HAS ABOUT 18.1 ACRES.

MR. LONG SAID THEY HOPED TO HAVE A PERMIT FOR 2-1/2 YEARS WITH TWO YEARS EXTENSION - BUT THEY DO NOT EXPECT TO EXCEED FOUR YEARS FOR REMOVAL AND RENABILITATION.

COLONEL GRIM APPEARED BEFORE THE BOARD, SAYING HE HAD NO OBJECTION TO THIS OPERATION, BUT HE DID HOPE IT WOULD BE COMPLETED BEFORE FOUR YEARS. THIS OPERATION ADJOINS HIS PROPERTY. IF HE COULD BE ASSURED THAT THIS COULD BE COMPLETED WITHIN TWO YEARS HE WOULD HAVE NO OBJECTION.

MR. GALLIOTT SAID THEY SHOULD BE ABLE TO COMPLEEE THIS IN 2-1/2 YEARS. THEY WILL START IMMEDIATELY, BUT IT WILL BE NECESSARY TO HAVE A HIGH TENSION TOWER MOVED, WHICH MAY HOLD THEM UP. THEY WILL BE WORKING BOTH TRACTS DURING THE FIRST SIX MONTHS, THEN THEY WILL BE REMOVING ON THIS TRACT ONLY. HE FELT SURE THEY COULD WORK WITH COLONEL GRIM ON THIS.

MRS. HENDERSON SUGGESTED THAT THE BOARD MIGHT CONSIDER A 2-1/2 YEAR PERMIT AND THREE MONTHS BEFORE THAT TIME THE BOARD WOULD MAKE AN INSPECTION TO SEE IF IT IS NECESSARY TO HOLD A PUBLIC HEARING OR TO LEARN WHAT THE CONDITIONS ARE ON THE PROPERTY.

MR. MOORELAND SAID THE RESTORATION BOARD WILL MAKE PERIODIC INSPECTIONS AND REPORT.

063

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COLONEL GRIM SAID HE WAS CONCERNED OVER THE TRAFFIC BY HIS HOUSE; HOWEVER HE ASSURED THE BOARD THAT MR. GALLIOTT HAS BEEN VERY FAIR, BUT HE ASKED THAT THE WORK BE COMPLETED AS SOON AS POSSIBLE.

MR. LONG SAID THEY HAD MET ALL REQUIREMENTS OF THE NR ZONE, THE RESTORATION BOARD AND THE PLANNING COMMISSION HAVE APPROVED (THE COMMISSION RECOMMENDED A 2 YEAR PERMIT).

IN THE APPLICATION OF HILLTOP SAND AND GRAVEL COMPANY, TO PERMIT EXTRACTION OF GRAVEL, ON WEST SIDE OF BEULAH ROAD, ROUTE 613, APPROX. 650 FT. SOUTH OF MILLER ROAD, LEE DISTRICT, DATED FEBRUARY 28, 1962, MR. DANIEL SMITH MOVED THAT THE APPLICATION BE APPROVED IN ACCORDANCE WITH THE NR ZONE 1 AND 2 DISTRICT, AND IN ACCORDANCE WITH THE APPROVAL BY THE RESTORATION BOARD AND THE PLANNING COMMISSION, AND OTHER AGENCIES INVOLVED IN THE APPLICATION.

THIS IS GRANTED FOR A PERIOD OF 2-1/2 YEARS AND THE ZONING ADMINISTRATOR SHALL NOTIFY THE BOARD OF ZONING APPEALS 60 DAYS PRIOR TO THE END OF THIS PERMIT - THE STATUS OF THIS OPERATION AND IF IT SHALL BE NECESSARY TO EXTEND THE OPERATION ON THIS 18 ACRE TRACT.

THIS OPERATION SHALL COMPLY WITH NR ZONE 1 AND 2 AND ALL OTHER PROVISIONS OF THE ORDINANCE PERTAINING.

SECONDED, MR. BARNES Cd. UNAN.

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7-

ALEXANDRIA SAND AND GRAVEL COMPANY, TO PERMIT EXTRACTION OF GRAVEL, PROPERTY ON NORTH SIDE OF VEPCO POWER LINE, APPROX. 1/2 MILE WEST OF ROSE HILL SUBDIVISION AND APPROX. 2000 FEET SOUTH OF FRANCONIA ROAD, LEE DIST. MR. DIGIULIAN REPRESENTED THE APPLICANT. MR. RICHARD LONG, ENGINEER, WAS ALSO PRESENT.

THIS IS PART OF THE APPLICATION MADE IN MARCH 1961 WHEN THEY REQUESTED A PERMIT ON 170 ACRES, LOCATED ON BOTH THE NORTH AND SOUTH SIDE OF THE VEPCO POWER LINE. THE BOARD OF COUNTY SUPERVISORS WAS CONSIDERING THE NR ZONE AT THAT TIME, THEREFORE THE BOARD APPROVED THE APPLICATION IN PART - THAT TO THE SOUTH OF THE POWER LINE. THAT GRAVEL IS NOW EXHAUSTED AND THEY ARE ASKING FOR THE BALANCE OF THE 170 ACRES. THIS WILL ALL BE HAULED OUT TRIPLETT ROAD - THE SAME AS THE GROUND THEY HAVE BEEN WORKING.

THEY ARE ASKING A 2-1/2 YEAR PERMIT, MR. DIGIULIAN SAID, BUT THAT PART OF THIS GROUND THAT IS OUTSIDE THE NR ZONE THEY WILL COMPLETE IN TWO YEARS. THAT IS ABOUT 25 ACRES. THAT 25 ACRE AREA IS ALMOST COMPLETELY SURROUNDED BY NR ZONE. THEY CAN WORK ON THAT FIRST AND COMPLETE IT WITHIN TWO YEARS, BUT THEY WOULD LIKE 2-1/2 YEARS ON THE BALANCE. THE TOTAL ACREAGE IS 90.5

MR. LONG SAID THIS 25 ACRES WAS LEFT OUT OF THE NR ZONE BECAUSE IT IS AN INFERIOR GRAVEL, AND COULD NOT BE REMOVED BY ITSELF. IT IS ONLY BECAUSE THEY ARE WORKING IT WITH THE GOOD GRAVEL THAT IT IS WORTH TAKING OUT.

THE PLANNING COMMISSION RECOMMENDED APPROVAL FOR 2 YEARS.

MR. D. SMITH SAID THAT 25 ACRES OUTSIDE WILL BE SUBJECT TO THE SAME REQUIREMENTS AS THAT IN THE NR ZONE.

THERE WERE NO OBJECTIONS FROM THE AREA.

LETTERS FROM VIRGINIA REALTY COMPANY AND MRS. MERLE GREEN WERE READ - WHICH GAVE PERMISSION TO EXCAVATE ALONG THEIR PROPERTY LINES IN ACCORDANCE WITH THE PLAN SUBMITTED TO THEM.

IN THE APPLICATION OF ALEXANDRIA SAND AND GRAVEL COMPANY, DATED FEBRUARY 28, 1962, TO PERMIT EXTRACTION OF GRAVEL, PROPERTY ON NORTH SIDE OF VEPCO POWER LINE, APPROX. 1/2 MILE WEST OF ROSE HILL SUBD., AND APPROX. 2000 FT. SOUTH OF FRANCONIA RD., LEE DISTRICT, MR. D. SMITH MOVED THAT A PERMIT BE ISSUED TO THE APPLICANT TO EXCAVATE GRAVEL ON THIS 90.5 ACRE TRACT, PART OF WHICH IS OUTSIDE THE NR ZONE AND IN COMPLIANCE WITH RECOMMENDATIONS,

MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED. THIS IS GRANTED IN ACCORDANCE WITH THE NR ZONE, SECTION OF THE ORDINANCE AND THE PERMIT IS FOR A PERIOD OF 2-1/2 YEARS WITH EXTENSION OR RENEWAL OF TWO YEARS UPON APPLICATION TO THE ZONING ADMINISTRATOR.



THE APPLICANT WILL COMPLY WITH ALL PROVISIONS OF THE NR SECTION OF THE ORDINANCE, 1 AND 2. THIS ALSO APPLIES TO THE PORTION OF THE LAND LYING OUTSIDE THE NR ZONE. ALL OTHER PROVISIONS OF THE ORDINANCE PERTAINING SHALL BE MET.

SECONDED, MR. BARNES

MRS. HENDERSON ADDED THAT THE LAND OUTSIDE THE NR ZONE SHALL BE COMPLETED WITHIN TWO YEARS.

MR. DiGIULIAN SAID THIS WOULD GIVE THEM TWO YEARS WITH A TWO YEAR EXTENSION ON THE BALANCE.

CO. UNAN.

MR. MOORELAND ASKED WHEN THE TIME BEGINS - FROM THE DATE OF GETTING THE BOND OR TODAY?

MR. DiGIULIAN SAID THEY COULD NOT START BEFORE GETTING THE BOND.

MR. D. SMITH SUGGESTED THAT THE APPLICANT WOULD HAVE TO GET HIS PERMIT WITHIN SIX MONTHS FROM TODAY'S DATE, AND THE TIME SHOULD BE STARTED WHEN THEY GET THE PERMIT. THEY CANNOT GO IN TO WORK UNTIL THE BOND IS APPROVED.

MR. MOORELAND SAID, THEREFORE IT WOULD NOT BE FAIR TO START THE TIME FROM TODAY AND GIVE AN OCCUPANCY PERMIT PROBABLY THREE MONTHS LATER.

MR. D. SMITH MOVED THAT THE APPLICANT ACQUIRE THE BOND AND PERMIT WITHIN A SIX MONTHS PERIOD.

SECONDED, MR. E. SMITH

CO. UNAN.

THE BOARD AGREED THAT THEY SHOULD ADOPT A POLICY ON THIS.

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THE BOARD ADJOURNED FOR LUNCH, AND UPON RE-CONVENING CONTINUED THE AGENDA.

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#### DEFERRED CASES:

1- EUGENE CARLAND, TO PERMIT ERECTION OF CARPORT 7.8 FEET FROM SIDE LINE AND 23.4 FEET FROM LAKEVIEW DRIVE, LOT 114, SEC. 2, LAKE BARCROFT, (817 LAKEVIEW DRIVE), MASON DISTRICT. (R-17).

MR. ZIRKEL WAS PRESENT REPRESENTING THE APPLICANT.

SEVERAL BOARD MEMBERS HAD SEEN THE PROPERTY, MRS. HENDERSON POINTED OUT. THESE HOMES, MRS. HENDERSON CONTINUED, WERE BUILT ABOUT 10 YEARS AGO AND HAVE HAD MANY VARIANCES IN SETBACK. THE LOT NEXT DOOR IS VACANT AND FOR SALE, AND THE HOUSE ON THAT LOT WOULD NECESSARILY BE FARTHER BACK THAN THIS ONE, AND WOULD NOT BE HURT BY THIS VARIANCE. MOST OF THE HOUSES IN THIS AREA HAVE CARPORTS. THIS HOUSE IS VERY LOW - BELOW THE STREET - THE BUILDINGS ARE BARELY VISIBLE FROM THE ROAD, AND THERE IS NO OTHER PLACE ON THE LOT TO PUT THE CARPORT.

MRS. CARPENTER MOVED THAT IN THE CASE OF EUGENE CARLAND, TO PERMIT ERECTION OF CARPORT 7.8 FEET FROM SIDE LINE AND 23.4 FEET FROM LAKEVIEW DRIVE, LOT 114, SEC. 2, LAKE BARCROFT, (817 LAKEVIEW DRIVE), MASON DISTRICT, DUE TO TOPOGRAPHY OF THE LOT, THE SEWER EASEMENT IN THE REAR, AND SINCE MANY OF THE HOUSES IN THIS AREA HAVE CARPORTS AND THIS WOULD NOT ADVERSELY AFFECT OTHER PROPERTY, THE APPLICATION BE GRANTED.

SECONDED, MR. BARNES CO. UNAN.

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2- SHERWOOD ESTATES, INC., TO PERMIT ERECTION OF THREE DWELLINGS 35 FEET FROM COURTLAND ROAD, LOTS 9, 10 AND 11, FOURTH ADDITION TO HOLLINDALE, MT. VERNON DISTRICT. (R-12.5).

MR. FRIDENSTINE REPRESENTED THE APPLICANT. MR. FRIDENSTINE SAID HE WAS ASKING THESE VARIANCES IN ORDER TO PULL THE HOUSES AWAY FROM THE FLOOD PLAIN SHOWN ON THE PLAT AT THE REAR OF THESE HOUSES. THIS IS AN APPROVED SUBDIVISION, HE SAID, ACCEPTED BY THE COUNTY. IN ORDER THAT HE MIGHT USE THESE LOTS HE WILL NEED THE 5 FOOT VARIANCE FROM THE STREET RIGHT-OF-WAY.

MRS. HENDERSON POINTED OUT THAT ON LOT 11 THE FLOOD PLAIN EASEMENT RUNS THROUGH THE HOUSE - EVEN WITH THE VARIANCE THE HOUSE WOULD BE IN THE FLOOD PLAIN.

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DEFERRED CASES

MR. FRIDENSTINE SAID THAT WOULD BE WORKED OUT WITH PUBLIC WORKS.

THEN, MRS. HENDERSON ASKED, WHY HE COULDN'T WORK IT OUT WITH THE OTHER HOUSES?

THE FLOOD PLAIN LINE IS NOT FINALLY ESTABLISHED BY JIM WHITE OF PUBLIC WORKS, MR. FRIDENSTINE ANSWERED. THE ENGINEERS HAVE WORKED ON THIS BUT NOW THEY WILL FIGURE OUT HOW TO USE THE LOTS. THEY MAY HAVE TO PUT THE HOUSE UP OFF THE GROUND OR THEY COULD BUILD A WALL IN BACK - THERE ARE MANY WAYS THIS CAN BE HANDLED.

MRS. HENDERSON NOTED THAT THIS APPEARS TO BE IN THE MIDDLE OF A RESTRICTED DRAINAGE EASEMENT, BUT IF THESE THINGS CAN BE "WORKED OUT" OR "HANDLED" IN VARIOUS WAYS IT MAY BE POSSIBLE THEY COULD ARRANGE THIS SO A VARIANCE IS NOT NECESSARY

THAT IS A PROBLEM FOR STREET DESIGN AND DRAINAGE, MR. FRIDENSTINE ANSWERED, HOW HE WOULD HAVE TO BUILD TO MAKE THIS ACCEPTABLE TO THE DRAINAGE CONDITIONS. THEY DO NOT KNOW YET IF THIS WILL BE CHANGED OR WHAT THEY WILL DO WITH IT, BUT THEY DO KNOW THAT TO MOVE THE HOUSES FORWARD 5 FEET WOULD HELP THE SITUATION.

MR. D. SMITH AGREED THAT THIS WAS A PROBLEM THAT COULD BE LESSENERED BY THE VARIANCE - HE THOUGHT IT WARRANTED CONSIDERATION. IT WAS ALSO POSSIBLE, HE OBSERVED, THAT THE APPLICANT WOULD NOT BE ABLE TO BUILD EVEN WITH THE VARIANCE. THIS IS INDICATED IN THE STAFF REPORT, MR. D. SMITH POINTED OUT. THE BOARD COULD GRANT THIS, MR. D. SMITH SUGGESTED, AND IF THE PUBLIC WORKS AND STAFF CANNOT WORK IT OUT WITHIN THE VARIANCE GRANTED THE APPLICANT COULD NOT BUILD. HE THOUGHT THE BOARD SHOULD CONSIDER THIS ONLY ON THE POINT OF THE VARIANCE.

IF THE DRAINAGE EASEMENT CAN BE ADJUSTED, MRS. HENDERSON ASKED, WHY COULD IT NOT BE MOVED FURTHER AWAY FROM THE HOUSES - AT LEAST THE SAME DISTANCE AS ON THE OTHER LOTS - 9 AND 10?

MRS. CARPENTER THOUGHT THE BOARD SHOULD HAVE A REPORT FROM PUBLIC WORKS INDICATING WHAT COULD BE DONE ON THIS PROPERTY.

MR. FRIDENSTINE SAID PUBLIC WORKS WOULD NOT PROPOSE WHAT THEY WANT HIM TO DO - THEY WANT TO KNOW WHERE THE BOARD SAYS THEY CAN BUILD.

MRS. HENDERSON SUGGESTED THAT THIS BE PRESENTED TO PUBLIC WORKS SHOWING THE HOUSES IN THE DRAINAGE EASEMENT, AND ASK THEM IF THE EASEMENT COULD BE MOVED DOWN LOWER - THEN COME BACK TO THE BOARD AND ASK FOR THE VARIANCE REQUIRED.

MR. FRIDENSTINE SAID HE WAS ADVISED THAT THIS WAS HIS FIRST STEP - TO GET THE VARIANCE, AND PUBLIC WORKS WOULD TAKE IT FROM THERE.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH SAID HE DID NOT FEEL THAT A HARDSHIP EXISTS HERE - THIS IS A NEW SUBDIVISION AND ON BOTH LOTS 9 AND 10 THE PLAT SHOWS THAT THE APPLICANT CAN BUILD WITHIN 35 FEET OF THE FRONT LINE AND STILL BE OUT OF THE FLOOD PLAIN. IN PLACING THIS PLAT ON RECORD, MR. E. SMITH POINTED OUT, IT MUST HAVE BEEN OBVIOUS TO THE DEVELOPER THAT THIS AREA WAS IN FLOOD PLAIN AND THAT HE PROBABLY WOULD NOT BE ABLE TO USE THE LOT.

MR. FRIDENSTINE SAID HE DID NOT WISH TO PUT IN THE HOUSES ON LOTS 9 AND 10 AT THE REQUIRED SETBACK AND COME BACK LATER FOR A VARIANCE ON LOT 11 THAT WOULD SET THAT HOUSE OUT IN FRONT OF THE OTHERS. HE THOUGHT THEY SHOULD HAVE THE SAME SETBACK.

THAT COULD BE HANDLED WHEN IT IS DETERMINED BY PUBLIC WORKS WHERE THE HOUSE ON LOT 11 WOULD HAVE TO SET, MR. E. SMITH STATED. HE OBJECTED TO GRANTING VARIANCES ON STRUCTURES THAT COULD BE BUILT IN CONFORMITY WITH THE ORDINANCE.

MR. D. SMITH THOUGHT MR. FRIDENSTINE HAD A POINT - HE CAN BUILD ON LOTS 9 AND 10, BUT CANNOT BUILD ON LOT 11 - BUT BY GETTING A VARIANCE HE PROBABLY COULD BUILD ON LOT 11, HE HAS REASONS FOR A VARIANCE ON THAT LOT. IT WOULD BE BETTER FOR THE PURCHASERS OF LOT 9 AND 10 TO SET THOSE HOUSES UP 5 FEET -

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DEFERRED CASES

2-  
CONT'D

TO KEEP THEM FARTHER AWAY FROM THE FLOOD PLAIN. MR. D. SMITH SAID HE CONSIDERED THAT THE BOARD WOULD BE DENYING THE MAN A REASONABLE USE OF HIS LAND - TO DENY THE VARIANCE.

MR. FRIDENSTINE SAID IT WAS NOT UNUSUAL TO WORK OUT SITUATIONS LIKE THIS WITH PUBLIC WORKS - HE HAD DONE IT BEFORE AND VERY SATISFACTORILY. HE ALSO NOTED THE CURVE IN THE ROAD WHICH WOULD MAKE A VARIANCE PRACTICALLY UNNOTICED.

067

THIS WAS DISCUSSED FURTHER IN DETAIL - THE OBLIGATION OF THE BOARD TO UPHOLD THE ORDINANCE GRANTING VARIANCES ONLY IN CASE OF PROVEN HARDSHIP - AND THE ACTUAL DETERMINATION OF A HARDSHIP - WHAT AFFECT WOULD GRANTING THIS VARIANCE HAVE ON THE ULTIMATE DEVELOPMENT AND THE PURCHASER.

MRS. HENDERSON SUGGESTED THAT THE BOARD HAVE A STATEMENT FROM PUBLIC WORKS THAT THIS VARIANCE IS THE ONLY SOLUTION UNDER WHICH THEY WOULD ALLOW A HOUSE TO BE BUILT ON THE DRAINAGE EASEMENT.

MR. D. SMITH MOVED TO DEFER THE CASE TO JULY 17, 1962 TO GIVE THE APPLICANT TIME TO CONFER WITH PUBLIC WORKS TO GET THIS INFORMATION; WILL THEY APPROVE THE HOUSE AS LOCATED ON THE PLAT ON LOT 11 OR WILL THEY APPROVE A LOCATION IF IT IS POSSIBLE TO MOVE THE EASEMENT.

SECONDED, MR. BARNES

VOTING AYE: MRS. HENDERSON, MR. D. SMITH, MR. BARNES AND MRS. CARPENTER  
MR. EUGENE SMITH VOTED NO

CARRIED

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3-

R. M. AND RUTH CANTRELL, TO PERMIT ERECTION OF A SERVICE STATION 47 FEET FROM ANNANDALE ROAD, ROUTE 649, AND 6 FEET FROM REAR PROPERTY LINE, AND TO PERMIT PUMP ISLANDS 25 FEET FROM ROUTE 236 AND ANNANDALE ROAD, PROPERTY N. W. CORNER OF ROUTE #236 AND ANNANDALE ROAD, FALLS CHURCH DIST. (C-G) (TIE VOTE).

THE PREVIOUS HEARING ON THIS RESULTED IN A TIE VOTE.

MRS. CARPENTER MOVED TO DENY THE PERMIT FOR ERECTION OF A FILLING STATION AT THE ABOVE DESCRIBED LOCATION, BECAUSE THIS APPLICATION DOES NOT COMPLY WITH SECTION 30-36, PARAGRAPH 2, OF THE ORDINANCE, AS THERE ARE LARGE VARIANCES REQUESTED IN THE APPLICATION AND TO DENY THE APPLICANTS REQUEST DOES NOT DENY A REASONABLE USE OF THE PROPERTY, AND A CASE OF HARDSHIP HAS NOT BEEN SHOWN.

SECONDED, MR. E. SMITH

VOTING YES: MRS. CARPENTER, MR. E. SMITH AND MRS. HENDERSON

VOTING NO: MR. D. SMITH AND MR. BARNES

CARRIED TO DENY

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4-

KARLOID CORPORATION, TO PERMIT ERECTION OF AN EXTENSION TO LABORATORY USE, ON LEESBURG PIKE, ROUTE 7, AT LEIGH MILL ROAD, DRANESVILLE DIST. (RE-1). REPRESENTED BY MR. LYTTON GIBSON, WHO HAD ASKED A DEFERRAL IN ORDER TO COMPLETE THE PERCOLATION TEST.

MR. GIBSON SAID THE APPLICANT HAD ACQUIRED MORE GROUND TO TAKE CARE OF THIS ADDITION - THEY NOW HAVE ABOUT 125 ACRES TOTAL. HE SHOWED A RENDERING OF THE NEW BUILDING AND STATED THAT A LARGE NUMBER OF TREES HAVE BEEN PLANTED AROUND THE EDGE OF THE PROPERTY FOR SCREENING PURPOSES. THIS BUILDING WILL BE USED FOR RESEARCH ON DOGS. THE BUILDING WILL BE AIR CONDITIONED AND SOUND PROOF.

THE PLANNING COMMISSION RECOMMENDED APPROVAL WITH ASSURANCES THAT ALL REQUIRED FACILITIES WILL BE PROVIDED.

MR. GIBSON PRESENTED A LETTER FROM DOCTOR KENNEDY STATING THAT THE RELOCATION OF THE SEPTIC IS SATISFACTORY FOR PERCOLATION. PERMIT WILL BE ISSUED WHEN THE SEPTIC IS COMPLETED IN ACCORDANCE WITH HEALTH DEPARTMENT STANDARDS.

MR. GIBSON SAID PLANS FOR A NEW ADMINISTRATION BUILDING ARE ON THE DRAWING BOARDS.

DEFERRED CASES

4-  
CONT'D

THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT IN THE CASE OF KARLOID CORPORATION, TO PERMIT ERECTION OF AN EXTENSION TO LABORATORY USE, ON LEESBURG PIKE, ROUTE 7, AT LEIGH MILL ROAD, DRANESVILLE DISTRICT, THEY BE PERMITTED TO ERECT AN EXTENSION TO LABORATORY USE, AS THIS WILL NOT BE DETRIMENTAL TO SURROUNDING PROPERTY. THE ADDITION IS TO BE ERECTED AS SHOWN ON THE PLAT DATED MAY 9, 1962, PREPARED BY HOLLAND ENGINEERS - PLAT TO INCLUDE THE ADDITIONAL GROUND ACQUIRED BY THE APPLICANT.

SECONDED, MR. E. SMITH Cd. UNAN.

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MR. MOORELAND SAID THE PERMIT ON SIBARCO ON COLUMBIA PIKE AND OAK STREET WILL RUN OUT IN AUGUST. THEY HAVE HAD DRAINAGE PROBLEMS AND NOW THEY CANNOT MAKE PLANS IN ACCORDANCE WITH THEIR PERMIT AS GRANTED. THEY ARE ASKING A SIX MONTHS EXTENSION. THEY HAVE HAD A SERIES OF DELAYS. THEIR SITE PLAN WAS APPROVED MAY 31, 1962. THE BOARD AGREED TO EXTEND THIS PERMIT FOR SIX MONTHS FROM AUGUST 1962, AND IF CONSTRUCTION PLANS ARE NOT WORKED OUT BY THEN THE PERMIT WILL BE AUTOMATICALLY REVOKED.

MRS. CARPENTER MOVED TO EXTEND THE PERMIT ON SIBARCO, COLUMBIA PIKE AND OAK STREET, FOR SIX MONTHS FROM AUGUST 1962, AND IF CONSTRUCTION PLANS ARE NOT WORKED OUT BY THEN, THE PERMIT WILL AUTOMATICALLY REVOKED.

SECONDED, MR. E. SMITH Cd. UNAN.

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MR. MOORELAND READ A LETTER DATED JUNE 21, 1962, FROM MR. ROBERT McCANDLISH REGARDING INSTALLATION OF AN ANTENNA MOUNTED ON TOP OF THE EXCHANGE BUILDING AT ANNANDALE; TOTAL HEIGHT OF THE ANTENNA, 113 FEET FROM THE GROUND.

MR. McCANDLISH CONTENDED IN HIS LETTER THAT IT IS THE INTENTION OF THE ORDINANCE TO EXCLUDE PUBLIC UTILITIES FROM HEIGHT LIMITATIONS - SEE PAGE 467, SECTION 30-4(A). SINCE THE HEIGHT LIMITATION DOES NOT APPLY ON PUBLIC UTILITIES EASEMENTS, MR. McCANDLISH ARGUED THAT IT WAS NOT REASONABLE THAT THE ORDINANCE WOULD NOT LIKEWISE EXEMPT LAND OWNED BY THE PUBLIC UTILITY.

(B) STRUCTURES THAT ARE NECESSARY APPURTENANCES AND INCIDENTAL TO THE PERMITTED USE, MR. McCANDLISH POINTED OUT, ARE EXEMPT UNDER THIS PARAGRAPH.

MR. MOORELAND SAID HE DID NOT AGREE WITH THIS INTERPRETATION AND ASKED THE BOARD IF THEY WISHED MR. McCANDLISH TO APPEAR BEFORE THEM UNDER SECTION 30-35 AND DISCUSS THIS.

HE ASKED THE BOARD UNDER WHICH PARAGRAPH THIS SHOULD BE CONSIDERED, 30-4 (A) OR (B)? HE NOTED THAT THIS IS NOT FOR COMPANY USE ONLY - IT IS A UTILITY USE FOR WHICH THE PUBLIC WOULD SUBSCRIBE - THE SAME AS A TELEPHONE. THE ORDINANCE MEANS PERTINENT TO THE BUILDING, MR. MOORELAND CONTENDED. THIS IS SIMILAR TO RADIO OR BROADCASTING.

MRS. HENDERSON AND MR. D. SMITH THOUGHT THIS SHOULD BE UNDER (A), AS IT IS IN THE SAME CATEGORY AS RADIO - A RADIO TELEPHONE SIGNAL DEVICE WITH CABLES CONNECTED FROM THERE TO THE MAIN TELEPHONE OFFICE.

MRS. HENDERSON SUGGESTED THAT MR. McCANDLISH COME BEFORE THE BOARD UNDER SECTION 30-35 FOR INTERPRETATION, AND THE BOARD WOULD DECIDE IF THIS COULD GO ON THE LAND OWNED BY THE COMPANY AND WITHOUT THE APPLICATION OF HEIGHT LIMITATION.

THE BOARD AGREED.

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OLD VIRGINIA CITY - MR. SPRINKLE AND DR. HOLLIDAY CAME BEFORE THE BOARD AT THE REQUEST OF MR. MOORELAND, AND THE BOARD, IN RESPONSE TO COMPLAINTS THAT THIS OPERATION HAS EXCEEDED ITS PERMIT.

MRS. HENDERSON ASKED MR. SPRINKLE WHY MANY THINGS WERE BEING SOLD THAT WERE NOT INCLUDED IN THE RESTRICTED LIST THAT THE BOARD GRANTED.

MR. SPRINKLE SAID WHEN HE STARTED HERE - HE WAS VERY NAIVE ABOUT THE ACTUAL OPERATION OF THIS VENTURE. HE HAD THOUGHT HE COULD PUT IN THE CONCESSIONS AND RUN THEM WITH NO DIFFICULTY - BUT HE HAD FOUND THAT THIS IS A SPECIALIZED BUSINESS AND ONE MUST HAVE A SPECIAL KNOW-HOW IN SUCH MATTERS. HE

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## OLD VIRGINIA CITY - (CONTINUED)

THEREFORE HAD TO LEASE OUT THE CONCESSIONS - AND FROM THERE THE DIFFICULTIES STARTED.

MR. MOORELAND READ THE MINUTES OF ALL PREVIOUS HEARINGS ON THIS GRANTING. THIS IS A COMMERCIAL OPERATION, MRS. HENDERSON STATED (AND THE BOARD AGREED), AND SUGGESTED THAT MR. SPRINKLE APPLY IMMEDIATELY FOR REZONING. MR. SPRINKLE AGREED ON THIS, HE DETAILED SOME OF HIS EXPERIENCES AND EXPENSES - WHICH HAVE DEVELOPED HERE - TEN REST ROOMS, DRAINAGE DITCH AND PIPE WHICH HAVE BEEN THE SUBJECT OF CONTROVERSY FOR YEARS. HE SAID THAT WAS SOLVED NOW, BUT HE HAS ABOUT \$300,000 INVESTED HERE IN IMPROVEMENTS AND HE NEEDS TO PUT IN ABOUT TEN GOOD RIDES OF VARIOUS KINDS THAT WILL MEET THE DEMAND AND HELP TO CARRY THIS FINANCIALLY.

THE BOARD AGREED THAT THIS IS AN EXCELLENT THING FOR THE COUNTY - BUT IT COULD NOT GO ON EXCEEDING THE PERMIT - CARRYING ON OPERATIONS THAT REQUIRE A COMMERCIAL ZONING.

MR. MOORELAND NOTED THAT THEY WERE SELLING SUCH THINGS AS WESTERN CLOTHING, INDIAN CRAFTS (MADE IN JAPAN), SOUVENIRS AND TRINKETS OF ALL KINDS, FIRE CRACKERS, AND FOOD - IN ADDITION TO THAT SOLD IN THE SNACK BAR.

MR. MOORELAND SAID THEY NOW WANT TO SELL CAMERAS AND FILM, BUT THE BOARD SAID THESE THINGS COULD BE SOLD ONLY ON THE AREA THAT IS PRESENTLY ZONED C-G - THEY CANNOT BE SOLD IN THE CONCESSION BUILDINGS.

MR. SPRINKLE SAID HE THOUGHT HE HAD AN AMUSEMENT PARK LICENSE, BUT FOUND HE DID NOT. HE ALSO THOUGHT HE HAD BLANKET OCCUPANCY PERMITS - BUT THAT ALSO HE DID NOT HAVE. HE AGREED TO FILE FOR THE REZONING IMMEDIATELY.

IT WAS NOTED THAT THE CARETAKER IS USING THE HOUSE ON THE PROPERTY FOR LIVING QUARTERS - WHICH WOULD NOT BE ALLOWED IN A C-G ZONING. MR. MOORELAND SAID HE COULD STAY THERE ON A NON-CONFORMING BASIS.

MRS. CARPENTER MOVED THAT THE BOARD TAKE NO ACTION ON THIS AT THIS TIME, PROVIDED MR. SPRINKLE FILED FOR A REZONING TO COMMERCIAL CLASSIFICATION WITHIN THREE WEEKS.

SECONDED, MR. BARNES

MR. MOORELAND SAID PEOPLE HAVE BEEN COMPLAINING OF THE TRAIN WHISTLE - WHICH IS TOO LOUD AND FRIGHTENING, ESPECIALLY AFTER DARK.

MR. SPRINKLE SAID THEY WOULD TAKE CARE OF THAT, AND THE WHISTLE WOULD NOT BE BLOWN NEAR THE HIGHWAY.

MR. D. SMITH SAID HE HAD HEARD BOTH THE TRAIN AND THE GUN SHOT FROM HIS RESTAURANT.

DR. HOLLIDAY URGED THE BOARD TO ALLOW THEM TO CONTINUE SELLING THE FILM, BUT MR. D. SMITH SAID IT WAS UNFAIR COMPETITION TO SELL THINGS IN THIS RESIDENTIALLY ZONED AREA - IN COMPETITION WITH PEOPLE WHO RUN BUSINESSES AND HAVE BUSINESS ZONING. HE SUGGESTED THAT THE FILM AND CAMERAS COULD BE SOLD IN THE SNACK BAR AREA, WHICH IS ZONED COMMERCIALY. HE ALSO STATED THAT THE MOST LIMITED PACKAGED FOOD AND BOTTLED DRINKS ONLY WERE ALLOWED IN THE CONCESSIONS - BUT NOTHING FURTHER, NOTHING PREPARED. THAT IS RESERVED FOR THE SNACK BAR.

MR. D. SMITH SAID THEY SHOULD GET RID OF THE THINGS THAT ARE UNRELATED AND ARE OUTSIDE THE SCOPE OF THE PERMIT - FIRE CRACKERS, LITTLE RUBBER DUCKS, TRINKETS, AND A GREAT MANY SMALL THINGS WHICH ARE PURELY TOURIST ITEMS BROUGHT IN FOR QUICK SALE. THEY SHOULD REMOVE ANY KIND OF PREPARED FOOD, HOT DOGS, ETC., AND GO BACK TO THE PACKAGED THINGS.

DR. HOLLIDAY SAID THESE EXTRA THINGS HAVE BEEN DONE WITHOUT MR. SPRINKLE'S KNOWLEDGE - THERE WAS NO INTENTION OF VIOLATING THE ORDINANCE - THESE THINGS JUST DEVELOPED - PERHAPS FROM A DEMAND ON THE PART OF THE PUBLIC.

DR. HOLLIDAY ASKED PARTICULARLY THAT THEY NOT BE REQUIRED TO STOP THE SALE OF THESE ARTICLES, AND THAT THEY CONTINUE TO OPERATE IN THE SAME WAY - PENDING THE REZONING. THEY HAVE A BIG INVESTMENT, HE CONTINUED, AND IT

JUNE 26, 1962

OLD VIRGINIA CITY - (CONTINUED)

WOULD BE AN EXTREME HARDSHIP TO CLOSE OUT THESE THINGS FOR THE PERIOD BETWEEN NOW AND THE REZONING.

MR. D. SMITH STILL OBJECTED - POINTING OUT THAT THIS PLACE STARTED WITH A COMMERCIAL ZONED SNACK BAR, AND IT HAS GROWN INTO A SECOND SNACK BAR - AND THE SALE OF MANY UNRELATED THINGS.

MR. D. SMITH AMENDED THE MOTION TO STATE THAT THE APPLICANT BE REQUIRED TO REMOVE CAMERAS AND FILM FROM THE PHOTOGRAPH SHOP, AND REMOVE ANY KIND OF PREPARED FOOD - SUCH AS HOT DOGS - AND THAT THEY GO BACK TO THE ORIGINAL MEANING OF THE GRANTING OF THIS USE - ONLY PACKAGED CRACKERS, CANDY, COKES, ETC.

THERE WAS NO SECOND.

MR. E. SMITH OBSERVED THAT THESE PEOPLE HAVE AN OUT AND OUT COMMERCIAL OPERATION HERE, AND MERELY BY REMOVING A FEW OF THE MOST FLAGRANT PRACTICES WOULD NOT CHANGE THINGS MUCH - ONLY BY THE REZONING WILL IT REALLY CHANGE THINGS - AND, HE CONTINUED, THE APPLICANT HAS INDICATED HIS WILLINGNESS TO DO THAT. IF THEY ARE UNSUCCESSFUL IN THE REZONING THE BOARD WILL TAKE ANOTHER LOOK. IF THEY ARE SUCCESSFUL THE USES WILL BE PERMITTED, AND IT WOULD ACTUALLY SERVE NO PURPOSE TO GET THESE MINOR CHANGES NOW. THE OVER-ALL PICTURE IS STILL COMMERCIAL. HE URGED MR. SPRINKLE TO MOVE AT ONCE TO GET THE REZONING.

SINCE THERE WAS NO SECOND TO MR. D. SMITH'S AMENDMENT, THE BOARD VOTED ON THE ORIGINAL MOTION - TO TAKE NO ACTION PENDING THE REZONING, WHICH MUST BE APPLIED FOR WITHIN THREE WEEKS.

CD. UNAN.

MR. MOORELAND SUGGESTED TEMPORARY OCCUPANCY PERMITS FOR THESE CONCESSIONS, SO THE ZONING OFFICE WILL KNOW WHO IS OPERATING WHAT.

MR. D. SMITH SAID THE USE PERMIT CALLS FOR A BLANKET OCCUPANCY PERMIT. THE BOARD TOOK NO ACTION ON THIS.

MR. SPRINKLE WAS ADVISED TO COME BACK TO THIS BOARD IF HIS REZONING IS NOT SUCCESSFUL.

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THE MEETING ADJOURNED

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Mary K. Henderson  
MRS. L. J. HENDERSON, JR., CHAIRMAN

July 17, 1962  
DATE

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, JULY 17, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, EXCEPTING MR. BARNES WHO WAS ABSENT DURING THE MORNING SESSION. MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. DANIEL SMITH

NEW CASES:

- 1- DONALD L. & MARY G. PARSON, TO ALLOW PORCH TO REMAIN 18.06 FT. FROM REAR PROPERTY LINE, LOT 39, BLOCK 10, SECTION 13, VIRGINIA HILLS, (#1 RONSON COURT), LEE DISTRICT. (R-10)

MR. PARSON SAID HE HAD NO REASON TO GIVE FOR THIS VIOLATION OTHER THAN IGNORANCE OF COUNTY REGULATIONS. HE DID NOT GET A PERMIT AND THEREFORE DID NOT REALIZE THAT HIS PORCH WAS TOO CLOSE TO THE REAR LINE. HE CALLED ATTENTION TO THE REAR LINE OF HIS LOT WHICH ANGLES IN TOWARD HIS HOUSE. HE HAD NEVER REALIZED THAT THE REAR LINE WAS CROOKED, NEITHER HAD HIS NEIGHBOR ADJOINING. HAD THE LINE BEEN DRAWN STRAIGHT BETWEEN THE TWO REAR STAKES IT IS VERY LIKELY HE WOULD NOT HAVE BEEN IN VIOLATION. HE HAS OWNED THE HOUSE SINCE 1956 AND HAD NEVER HAD THE NEED NOR THE OCCASION TO INQUIRE INTO COUNTY BUILDING REGULATIONS. THE PORCH, WHICH MEASURES APPROXIMATELY 15' x 13', IS PARTIALLY COMPLETED. HE HAS STOPPED WORK ON IT.

MRS. HENDERSON SUGGESTED THAT HE MIGHT BUY A STRIP OF GROUND FROM THE REAR NEIGHBOR AND STRAIGHTEN OUT THE LINE.

MR. MOORELAND SAID THAT WOULD HAVE TO BE CAREFULLY EXPLORED - AS THE LAND AT THE REAR IS PROBABLY UNDER SUBDIVISION CONTROL AND HE COULD NOT REDUCE THAT ADJOINING LOT BELOW THE MINIMUM LOT REQUIREMENT.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH MOVED THAT THE CASE BE DEFERRED TO GIVE MR. PARSON THE OPPORTUNITY TO INVESTIGATE THE POSSIBILITY OF PURCHASE OF SOME OF THE LAND IN THE REAR OF HIS PROPERTY, WHICH WOULD EITHER REDUCE OR CLEAR UP THIS VIOLATION. MR. SMITH SAID HE COULD NOT SEE WHERE A HARDSHIP EXISTED.

SECONDED, MRS. CARPENTER Cd. UNAN.

DEFER TO SEPTEMBER 11, 1962

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- 2- HOMER PRESGRAVES, TO PERMIT DIVISION OF PROPERTY WITH LESS FRONTAGE ON ONE LOT THAN REQUIRED BY THE ORDINANCE, ON WEST SIDE OF RT. #681, NORTH OF PRESGRAVES SUBDIVISION, DRANESVILLE DISTRICT. (RE-2)

MR. WILLIAM HANSBARGER REPRESENTED THE APPLICANT.

THIS IS A TOTAL ACREAGE OF 7.1 ACRES, MR. HANSBARGER SAID. MR. PRESGRAVES WISHES TO CONVEY A LOT TO HIS DAUGHTER FOR A HOME. EXCEPT FOR THE FRONTAGE ON RT. #681 THE LOTS BOTH MORE THAN MEET THE REQUIREMENTS. LOT 1 HAS OVER 5 ACRES AND 200 FT. FRONTAGE - LOT 2, THE LOT IN QUESTION, HAS THE AREA BUT 148.52 FT. FRONTAGE. BOTH LOTS MEET PERCOLATION TESTS. THEY HAVE TO SUBDIVIDE BECAUSE THIS NOW COMES UNDER SUBDIVISION CONTROL.

MR. HANSBARGER MADE SEVERAL SUGGESTIONS WHICH THEY HAD CONSIDERED, BUT WHICH WERE NOT PRACTICAL. THIS IS THE THIRD LOT MR. PRESGRAVES IS GIVING, ONE TO EACH OF HIS THREE DAUGHTERS.

THERE WERE NO OBJECTIONS.

MRS. CARPENTER POINTED OUT THAT THE ORIGINAL PIECE OF GROUND HERE IS SEVEN ACRES, AND FROM LOOKING AT THE PLAT THERE APPEARS TO BE NO OTHER PRACTICAL WAY TO DIVIDE THE LAND. SHE MOVED TO GRANT THE APPLICATION OF HOMER PRESGRAVES, TO PERMIT DIVISION OF PROPERTY WITH LESS FRONTAGE ON ONE LOT THAN REQUIRED BY THE ORDINANCE, ON WEST SIDE OF RT. #681, N OF PRESGRAVES SUBD., DRANESVILLE DISTRICT.

SECONDED, MR. D. SMITH Cd. UNAN.

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3- CAMPBELL AND THOMPSON, TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND, ON A PRIVATE ROAD SW OF HAMPTON ROAD, RT. #647, LEE DIST. (RE-1) MR. MOORELAND SAID MR. PAYNE JOHNSON COULD NOT GIVE HIS REPORT AT THIS TIME - HE WILL TRY TO HAVE IT BY JULY 31ST. THIS REPORT MUST BE GIVEN BEFORE THE BOARD CAN ACT.

MRS. HENDERSON NOTED THAT THIS IS UNDER GROUP B.

RATHER THAN HAVE PART OF THE HEARING, THE BOARD AGREED TO DEFER THE CASE TO AUGUST 7, 1962 FOR FULL HEARING, AND REPORT FROM THE HEALTH DEPARTMENT.

MR. D. SMITH MADE THE MOTION

SECONDED, MR. E. SMITH Cd. UNAN.

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4- GREAT FALLS WATER COMPANY, TO PERMIT ERECTION OF WATER STORAGE TANK AND WELL AND STAND PIPE, OUTLOT A OF PROPOSED WOODHAVEN ESTATES, SECTION 3, DRANESVILLE DISTRICT. (RE-1)

DOUGLAS MACKALL AND ORLO PACIULLI REPRESENTED THE APPLICANT.

MR. MACKALL PRESENTED A PLAT OF THE AREA TO BE SERVED AND A PLAT OF THE LOT UPON WHICH THE STANDPIPE, WELL AND STORAGE TANK WOULD BE LOCATED. HE SAID THE STANDPIPE WOULD BE SET BACK THE DISTANCE OF ITS HEIGHT.

MR. MACKALL SAID THIS COMPANY WAS FORMED TO SERVE THIS AREA BECAUSE THE FAIRFAX WATER AUTHORITY COULD NOT SERVE THEM. IT IS DESIGNED TO TAKE CARE OF 300 HOMES. THEY MAY HAVE TO PUT IN ADDITIONAL WELLS AS CONSTRUCTION DEVELOPES IN ORDER TO MEET THE FIRE REGULATIONS. THIS IS A HEAVILY WOODED AREA AND THE TANK WOULD BE WELL SCREENED.

ASKED WHAT COLOR THEY WOULD PAINT THE STORAGE TANK, MR. PACIULLI SAID SOME SHADE OF GREEN.

THERE ARE VERY LOVELY TREES IN THE AREA, THE LOTS WILL BE EXPENSIVE, THE HOUSES WILL RANGE FROM \$40,000 TO \$60,000. THIS WILL BE OWNED BY THE COMPANY AND THEY WILL TAKE CARE OF THE GROUNDS. THEY WILL ALSO HAVE A SMALL PUMP HOUSE - ABOUT 10 FEET SQUARE, CONSTRUCTED OF BRICK WITH A HIP ROOF - A SUBSTANTIAL LITTLE BUILDING. MOST OF THE AREA WILL BE SERVED BY GRAVITY.

THE PLANNING COMMISSION APPROVED THIS UNDER 15.923 AND SUGGESTED THAT SCREENING WAS NOT NECESSARY BECAUSE OF THE EXISTING TREES.

MRS. CARPENTER MOVED THAT THE APPLICATION OF GREAT FALLS WATER COMPANY, TO PERMIT ERECTION OF WATER STORAGE TANK AND WELL AND STANDPIPE, OUTLOT A OF PROPOSED WOODHAVEN ESTATES, SECTION 3, DRANESVILLE DISTRICT, BE GRANTED AS THIS WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA. THIS IS GRANTED IN CONFORMITY WITH RECOMMENDATION OF THE PLANNING COMMISSION.

IT WAS ALSO STATED IN THE MOTION (BY AMENDMENT) THAT THE STANDPIPE WILL BE PAINTED AN ATTRACTIVE, SUBDUED SHADE OF GREEN.

SECONDED, MR. D. SMITH Cd. UNAN.

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5- SPRINGFIELD MOTORS, INC., TO PERMIT OPERATION OF A USED CAR LOT, PORTION OF PARCEL 4-D, EAST GARFIELD TRACT, NW CORNER OF COMMERCE STREET AND BRANDON AVENUE, MASON DISTRICT. (C-G).

MR. JOHN SCOTT REPRESENTED THE APPLICANT.

MR. SCOTT STATED THAT MR. KENSTEAD, WHO WILL RUN THIS BUSINESS, IS PRESENTLY OPERATING THIS SAME USED CAR LOT ACROSS THE STREET. THIS IS SIMPLY AN APPLICATION TO MOVE THE ENTIRE PROJECT - WITH NO CHANGE IN USE. IT WOULD MOVE FROM THE SOUTHWEST CORNER TO THE NORTHWEST CORNER. MR. LOGAN HAS BOUGHT THREE ACRES <sup>nearby</sup> AND HE WILL BUILD AND OWN THE BUILDING <sup>here</sup>. MR. KENSTEAD HAS BEEN RUNNING THIS FOR TWO YEARS. THE GROUND AREA WILL BE PAVED.

MR. E. SMITH SAID THIS AREA IS DEVELOPING IN ACCORDANCE WITH THE ZONING ORDINANCE, BUT STATED THAT HE WAS VERY DISAPPOINTED IN THE WAY THIS COMMERCIAL SECTION HAS GONE AHEAD. AESTHETICALLY, MR. SMITH WENT ON TO SAY, IT LEAVES MUCH TO BE DESIRED. IF THE BOARD HAS THE JURISDICTION TO REGULATE THIS KIND OF USE GOING INTO A C-G ZONE AREA, MR. SMITH SAID HE THOUGHT THE BOARD SHOULD RESTRICT IT. THIS WOULD MEAN A LOT OF CARS PARKED



## NEW CASES: (CONTINUED)

CONT'D

OUTSIDE HERE ON THIS LARGE LOT. THAT, COUPLED WITH OTHER BUSINESS WHICH BY THEIR NATURE WILL HAVE A GREAT MANY CARS PARKING, AND THE USED CAR LOT ACROSS THE STREET - HE WAS CONCERNED THAT THIS WOULD BECOME A "USED CAR LANE".

MR. D. SMITH SAID - MUCH OF <sup>MR. LOGAN'S</sup> ~~THE~~ THREE ACRES WOULD BE UNDER COVER AND <sup>HIS</sup> ~~THE~~ SALES LOT WOULD BE PARTIALLY SCREENED. THE PLANS SUBMITTED, MR. D. SMITH SAID, WERE AMONG THE BEST HE HAD SEEN. BUT, HE ADDED, HE TOO WAS CONCERNED ABOUT CREATING A USED CAR ROW HERE, A BLOCK FOR AUTO DEALERSHIPS. HE NOTED ONE THING IN ITS FAVOR - THIS KIND OF BUSINESS GENERATES LESS TRAFFIC THAN MANY OTHER USES. FOR EXAMPLE, HAMBURGER STANDS, WHICH DRAW TRAFFIC. MR. D. SMITH NOTED, HOWEVER, THAT IT IS CONSIDERED ECONOMICALLY ADVANTAGEOUS TO HAVE THESE CAR BUSINESSES NEAR ONE ANOTHER.

MR. SCOTT INFORMED THE BOARD THAT SPRINGFIELD IS THE ONLY COMMUNITY IN THE UNITED STATES WITH A POPULATION OF 45,000 PEOPLE AND ONLY ONE AUTOMOBILE AGENCY. LOGAN IS THE ONLY ONE. PEOPLE GO TO OTHER LOCALITIES TO HAVE THEIR CARS INSPECTED AND REPAIRED.

MR. E. SMITH SAID HE HAD LIVED THERE FOR TEN YEARS AND FOUND THAT NO INCONVENIENCE.

MR. SCOTT SAID THE CARS ON THE LOT <sup>IN QUESTION</sup> WERE ALL IN RUNNING ORDER - NO U-HAULS OR TRAILERS.

MR. MOORELAND SAID HE HAD ONE COMPLAINT AGAINST MR. KEMSTEAD - PARKING OLD CARS WHICH ARE IN VERY BAD CONDITION - THE CARS APPEARED TO BE PARTLY BROKEN DOWN, AND SOME OF THE VITAL PARTS MISSING.

MR. KEMSTEAD SAID HE WAS NOT AWARE THAT HE WAS IN VIOLATION OF THE ORDINANCE. HE EXPLAINED THAT HE DID HAVE ONE OR TWO OLD CARS THAT WERE TO BE JUNKED - BUT THE JUNK DEALERS WERE SO FILLED UP THEY HAD NO PLACE TO PUT THE CARS, EVEN THOUGH THEY HAD BOUGHT THEM. ONE CAR WAS WITHOUT FENDER AND HOOD. HE WAS SURE THE DEALER WOULD HAUL THEM AWAY AS SOON AS HE HAD SPACE FOR THEM.

MRS. HENDERSON SAID THIS PERMIT DID NOT ALLOW OLD JUNKED CARS FOR EVEN 24 HOURS - THAT ALL CARS ON THE LOT MUST BE IN RUNNING ORDER.

MR. MOORELAND SAID HIS INSPECTOR REPORTED FIVE OLD CARS PARKED IN THE BACK THAT HAD BEEN SOLD AND WERE WAITING FOR TRANSPORTATION. ONE OLD CAR WAS USED FOR STORAGE - OF TIRES.

MR. SCOTT SAID IT COULD BE PUT IN THE PERMIT THAT OLD CARS CANNOT REMAIN ON THE PROPERTY MORE THAN 24 HOURS.

MR. KEMSTEAD SAID THE CAR WITHOUT HOOD AND FENDER HAD BEEN ON THE PROPERTY SINCE JANUARY. IT HAS NOW BEEN SENT TO THE SHOP.

MR. D. SMITH SAID DISABLED CARS SHOULD NOT BE HAULED ON A USED CAR LOT. THIS IS A HIGHLY DESIRABLE COMMUNITY, HE WENT ON TO SAY, AND WELL PLANNED AND SHOULD NOT BE CLUTTERED UP WITH MIS-HANDLING OF OLD CARS.

MR. KEMSTEAD SAID GETTING RID OF OLD CARS HAS BECOME A MAJOR PROBLEM - THERE IS NO PLACE TO TAKE THEM - AND WHAT IS TO BE DONE ABOUT THEM - HE DID NOT KNOW. IN ALL CASES, MR. KEMSTEAD SAID, THE CARS WERE IN RUNNING CONDITION WHEN THEY CAME TO HIS PLACE.

MRS. HENDERSON NOTED THAT THE ORDINANCE PROHIBITS PARKING WRECKED CARS ON A USED CAR LOT, PERIOD.

MR. D. SMITH SAID IT APPEARED TO HIM THAT THE AUTOMOBILE GRAVE YARD PROBLEM HAS BECOME A REAL ONE HERE IN THE COUNTY. THERE ARE MORE AND MORE CARS FOR JUNK, AND VERY FEW PLACES TO PUT THEM. HE SUGGESTED THAT THIS SITUATION BE BROUGHT TO THE ATTENTION OF THE BOARD OF SUPERVISORS. IF PEOPLE IN THE COUNTY NEED THESE FACILITIES THEY SHOULD HAVE THEM. IT IS NECESSARY FOR THE GOOD OF THE BUSINESS PEOPLE. THIS, OF COURSE, MR. D. SMITH ADDED, IS NO EXCUSE TO LET OLD WRECKED CARS SIT. THEY WILL HAVE TO BE DISPOSED OF AT THE DEALERS OWN EXPENSE IF NECESSARY.

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## NEW CASES: (CONTINUED)

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CONT'D

MR. D. SMITH ASKED IF THE USED CAR PERMIT UNDER WHICH MR. KEMSTEAD IS NOW WORKING STAYS WITH THE PROPERTY WHEN HE MOVES ACROSS THE STREET?

MR. MOORELAND SAID HE DID NOT RECALL IF IT WAS TO THE APPLICANT ONLY.

MR. SCOTT SAID HE AND MR. SIMS OWN THIS LAND AND THEY HAD NO IDEA OF THIS VIOLATION. UNDER THE LEASE THEY COULD TERMINATE THIS USE. THEY HAVE MANY OTHER USES TO WHICH THEY COULD PUT THIS LAND, AND IT IS TO THEIR INTEREST TO SEE THAT THIS BUSINESS IS MAINTAINED IN GOOD CONDITION. HE SAID THEY WOULD ASSURE THE COUNTY THAT THIS WOULD BE DONE.

MR. E. SMITH SAID HE WAS WELL AWARE OF THE FACT THAT MR. SIMS AND MR. SCOTT HAD DONE A GREAT DEAL FOR THE SPRINGFIELD AREA. THEIR CONCERN AND INTEREST IN THIS MATTER HE FELT WAS SINCERE. HE REALIZED THAT IT IS THE JOB OF THE COUNTY TO ENFORCE THE ORDINANCE, BUT IT IS GOOD TO KNOW, MR. SMITH CONTINUED, THAT THEY WILL ASSIST. BUT, MR. E. SMITH SAID, HIS FEELING ABOUT THIS IS THAT THIS APPLICATION FAILS TO MEET THE STANDARDS OF THE ORDINANCE IN THAT THE NATURE AND INTENSITY OF THE USE WOULD APPEAR TO BE INHARMONIOUS IN THIS PARTICULAR LOCATION - ESPECIALLY REGARDING THE CONCENTRATION OF USED CAR LOTS IN THIS AREA.

MR. MOORELAND SAID IT WAS BEING PROPOSED NOW TO ALLOW USED CAR LOTS IN OTHER COMMERCIAL ZONES IN ADDITION TO C-G.

MR. D. SMITH RECALLED THAT ANOTHER USED CAR LOT WAS GRANTED A PERMIT - TO ANOTHER DEALER - AND HE THOUGHT AS LONG AS THESE LOTS ARE OPERATED SATISFACTORILY IT WOULD BE UNFAIR TO GRANT ONE AND DENY ANOTHER. THIS MAN HAS DEVELOPED A BUSINESS AND IF HE IS OPERATING IT SATISFACTORILY, AND THERE HAS BEEN ONLY THIS ONE COMPLAINT, AND ALSO IF USED CAR LOTS WILL BE PERMITTED IN OTHER COMMERCIAL ZONES, HE THOUGHT NOTHING THE BOARD HAS HEARD TODAY WOULD WARRANT DENYING THIS PERMIT. THIS SHOULD NOT BE DENIED BECAUSE OF THE INTENSITY, MR. SMITH WENT ON TO SAY, IT DOES NOT GENERATE TRAFFIC. THE FACT THAT THIS MAN HAS A BUSINESS ACROSS THE STREET IS IMPORTANT - HE WAS THERE BEFORE THIS SECOND USED CAR LOT WAS GRANTED, THEREFORE, MR. D. SMITH MOVED THAT THE APPLICATION OF SPRINGFIELD MOTORS, INC., TO PERMIT OPERATION OF A USED CAR LOT, PORTION OF PARCEL 4-D, EAST GARFIELD TRACT, NW CORNER OF COMMERCE STREET AND BRANDON AVE., MASON DISTRICT, BE GRANTED IN CONFORMITY WITH ALL THE REGULATIONS OF THE COUNTY AND THE COUNTY ZONING ORDINANCE - THAT THE PERMIT BE GRANTED TO THE APPLICANT ONLY AND IN CASE OF ANY VIOLATION THE TWO OWNERS SHOULD BE NOTIFIED OF SUCH VIOLATION.

THERE WAS NO SECOND.

MRS. CARPENTER MOVED THAT THE APPLICATION BE DEFERRED TO VIEW THE PROPERTY - DEFER TO JULY 31, 1962.

SECONDED, MR. D. SMITH                      CD. UNAN.

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## DEFERRED CASES:

1- HOLLIN HILLS SWIMMING CLUB, TO PERMIT ERECTION AND OPERATION OF A COMMUNITY SWIMMING POOL, BATH HOUSE AND OTHER RECREATIONAL FACILITIES, ON NORTHERLY SIDE OF WOODLAWN TRAIL ADJOINING HOLLIN HILLS SUBDIVISION, MT. VERNON DISTRICT. (R-17)

DEFERRED FOR SETTLEMENT REGARDING ACCESS.

MR. KROGH SAID THEY WOULD DEDICATE 35 FT. FOR WOODLAWN TRAIL, WHICH WOULD BE AVAILABLE FOR FUTURE USE WHEN WOODLAWN TRAIL IS OPENED UP. THEY WILL NOT BE REQUIRED TO PAVE THE ROAD. THE APPLICANT AGREED TO HAVE THE NECESSARY PAPERS PREPARED.

IN VIEW OF THE AGREEMENT BETWEEN THE APPLICANT AND THE COUNTY, THAT THE APPLICANT WILL DEDICATE THE 35 FT. FOR WOODLAWN TRAIL WHICH THE APPLICANT WILL NOT BE REQUIRED TO PAVE, MR. D. SMITH MOVED THAT HOLLIN HILLS SWIMMING CLUB, TO PERMIT ERECTION AND OPERATION OF A COMMUNITY SWIMMING POOL, BATH HOUSE AND OTHER RECREATIONAL FACILITIES, ON NORTHERLY SIDE OF WOODLAWN TRAIL ADJOINING HOLLIN HILLS SUBD., MT. VERNON DIST., BE GRANTED A

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CONT'D

PERMIT TO ERECT AND OPERATE A COMMUNITY SWIMMING POOL IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE AND WITH THE PROVISION THAT ALL REGULATIONS OF THE COUNTY PERTAINING SHALL BE MET.

SECONDED, MR. E. SMITH Cd. UNAN.

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2-

SHERWOOD ESTATES, INC., TO PERMIT ERECTION OF THREE DWELLINGS 35 FEET FROM COURTLAND ROAD, LOTS 9, 10, AND 11, FOURTH ADDITION TO HOLLINDALE, MT. VERNON DISTRICT. (R-12.5)

MR. FRIDENSTEIN TOLD THE BOARD THAT MR. JAMES WHITE OF PUBLIC WORKS HAD SAID IT IS ALL RIGHT TO BUILD ON THESE LOTS IF THE STRUCTURES DO NOT PROJECT INTO THE FLOOD PLAIN, AND SUGGESTED THAT ONLY LOT 9 BE CONSIDERED UNTIL THEY HAVE A CONTRACT TO PUT HOUSES ON THE OTHER TWO LOTS. (MR. FRIDENSTEIN SAID HE WAS WITHDRAWING LOTS 10 AND 11).

MRS. HENDERSON ASKED - WHY THIS PARTICULAR HOUSE ON LOT 9 - WHEN THE HOUSE SHOWN ON THE PLAT ON LOT 10 WOULD FIT ON LOT 9 WITHOUT A VARIANCE?

MR. FRIDENSTEIN SAID BECAUSE THE PURCHASER WANTS THIS HOUSE PLAN. HE LIKES BOTH THE LOT AND THE HOUSE. THEY WILL CHANGE THE PORCH SO IT WILL NOT PROJECT INTO THE FLOOD PLAIN.

MR. E. SMITH SAID THE BOARD MUST FIND SOME UNUSUAL CIRCUMSTANCES OR CONDITIONS, AND WOULD HAVE TO FIND THAT THE APPLICANT WOULD BE DENIED A REASONABLE USE OF HIS LAND IF THIS WERE <sup>NOT</sup> GRANTED. THE FACT THAT A PURCHASER WANTS A CERTAIN HOUSE IN A CERTAIN LOT DOES NOT CONSTITUTE DENIAL OF A REASONABLE USE OF THE LAND. THE HOUSE COULD BE RE-DESIGNED OR THE PORCH COULD BE DELETED AND THE HOUSE MOVED BACK AND IT WOULD CONFORM.

MRS. HENDERSON POINTED OUT THAT THE PROPERTY IS BEING SQUEEZED WITHOUT ALLOWING AN INCH FOR ERROR. SHE MADE SEVERAL SUGGESTIONS FOR CHANGES, WHICH MR. FRIDENSTEIN DID NOT GO ALONG WITH.

MR. E. SMITH SAID THE ORDINANCE IS QUITE CLEAR ON THIS PARTICULAR POINT - DENIAL OF A REASONABLE USE OF THE LAND. HE COULD NOT SEE WHERE THE BOARD HAD JURISDICTION TO GRANT THIS WHEN THE LOT COULD BE USED VERY SATISFACTORILY WITHOUT A VARIANCE.

MR. FRIDENSTEIN SAID THIS SAME HOUSE IS ON LOTS 3 AND 5 WHERE THE DRAINAGE EASEMENT IS FARTHER BACK ON THE LOT. IT IS NOT TOO MUCH HOUSE FOR THE LOT, HE CONTENDED - HIS DIFFICULTY IS ONLY THE LOCATION OF THE DRAINAGE EASEMENT. THE HOUSE ITSELF IS 38 FEET AND THE CARPORT WHICH IS OPEN IS 35 FEET FROM THE LINE - A VERY SMALL VARIANCE WHICH WOULD NEVER BE SEEN ON THE CURVED STREET.

MR. E. SMITH AGREED THAT THAT IS PROBABLY TRUE, BUT HE COULD SEE NO JUSTIFICATION FOR THE VARIANCE. HE MOVED THAT IN THE MATTER OF SHERWOOD ESTATES, INC., TO PERMIT ERECTION OF THREE DWELLINGS 35 FEET FROM COURTLAND ROAD, LOTS 9, 10 AND 11, FOURTH ADDITION TO HOLLINDALE, MT. VERNON DISTRICT, THAT THE APPLICATION FOR A VARIANCE BE DENIED BECAUSE IN HIS OPINION THE APPLICANT WOULD NOT BE DENIED A REASONABLE USE OF THE LAND. SECONDED, MRS. CARPENTER

MR. D. SMITH SAID HE AGREED, BUT HE THOUGHT IT NOT QUITE REASONABLE AS FAR AS THE PEOPLE WHO HAVE PURCHASED HOUSES AND LOTS IN THIS SUBDIVISION TO BUILD A HOUSE HERE OF LESSER VALUE.

MRS. CARPENTER NOTED THAT THE HOUSE ON LOT 10, WHICH COULD BE PUT ON THIS LOT WITHOUT A VARIANCE, IS PRACTICALLY THE SAME SQUARE FOOTAGE.

MR. FRIDENSTEIN SAID HE PROBABLY WOULD CONTINUE THE OTHER TWO LOTS.

MR. D. SMITH THOUGHT IT WAS ONLY FAIR THAT THIS MAN HAVE SOME CONSIDERATION - SINCE HE WILL COMBINE THE OTHER TWO LOTS INTO ONE BUILDING LOT, AND IT IS ECONOMICALLY NECESSARY TO BUILD A HOUSE HERE THAT IS IN CONFORMITY WITH THE OTHER HOUSES AND THE MAN HAS A TOPOGRAPHIC PROBLEM HERE IN THE FLOOD PLAIN.

MR. E. SMITH THOUGHT THE HOUSE WHICH WOULD FIT ON THE LOT WAS OF COMPARABLE VALUE AND IT CAN BE DESIGNED AND CONSTRUCTED ON THE LOT WITHOUT A VARIANCE. THEREFORE, MR. E. SMITH ARGUED, THE BOARD HAS NO AUTHORITY TO GRANT THIS. THIS IS A PERSONAL CIRCUMSTANCE, MRS. HENDERSON NOTED, WHICH THE BOARD CANNOT CONSIDER. THESE PEOPLE JUST WANTED THAT PARTICULAR HOUSE ON THAT LOT - AND IT WILL NOT FIT.

MR. D. SMITH SAID THE BOARD SHOULD NOT DEPRECIATE THE AREA BY ALLOWING ONLY A LESSER HOUSE.

VOTE ON THE MOTION TO DENY:

FOR THE MOTION: MRS. HENDERSON, MR. E. SMITH AND MRS. CARPENTER

AGAINST THE MOTION: MR. D. SMITH

MOTION CARRIED TO DENY.

THIS IS A DENIAL ON LOT 9 ONLY - LOTS 10 AND 11 HAVING BEEN WITHDRAWN. THE SECRETARY TO THE FIRM (SHERWOOD ESTATES, INC.) DISCUSSED THE MOTION - DISAGREEING VEHEMENTLY WITH THE BOARD'S JUDGMENT.

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NEW CASE:

6- MR. & MRS. HIRAM L. CLARK, TO PERMIT OPERATION OF A PRIVATE SCHOOL, ON THE EASTERLY SIDE OF OLD DOMINION DRIVE, OPPOSITE RHODE ISLAND AVENUE, (FRANKLIN PARK), DRANESVILLE DISTRICT. (R-17).

MRS. CLARK TOLD THE BOARD THAT SHE HAS BEEN CONDUCTING A SCHOOL IN VIENNA, (CLOVERLAWN) FOR THE PAST SEVEN YEARS - NURSERY, KINDERGARTEN, FIRST AND SECOND GRADES. THEY ARE BUYING THIS PROPERTY WHERE THEY WILL LIVE AND OPERATE THE SCHOOL. SHE HAS AT PRESENT FROM 32 TO 38 CHILDREN, BUT WOULD LIKE TO EXPAND TO INCLUDE 4TH AND 5TH GRADES. SINCE THEY WILL LEAVE THE AREA WHICH NOW SUPPORTS THE SCHOOL SHE DID NOT KNOW EXACTLY HOW MANY PUPILS TO EXPECT.

THE HOUSE ON THIS PROPERTY IS A TWO STORY DUTCH COLONIAL - IT SETS WELL BACK FROM THE ROAD. IT WAS NOTED THAT THERE ARE OTHER SMALL BUILDINGS ON THE PROPERTY, ONE OF WHICH WILL BE TORN DOWN. IT IS ON THE REAR LINE. ONE COTTAGE ON THE PROPERTY IS USED AS A DWELLING BY ONE OF HER TEACHERS. THAT COTTAGE HAS FOUR ROOMS. IT IS ENTIRELY SEPARATE FROM THE HOUSE. IT IS ABOUT 50 YEARS OLD.

THE FIRE MARSHALL HAS INSPECTED THE BUILDING WHERE THE SCHOOL WILL BE CONDUCTED, AND HAS MADE CERTAIN RECOMMENDATIONS, WHICH WILL BE MET. THE HEALTH DEPARTMENT HAS ALSO MADE AN INSPECTION.

THE FRANKLIN PARK CITIZENS ASSOCIATION WERE CONCERNED ABOUT THIS USE BUT THEY HAVE MET AND DISCUSSED HER PLANS, AND MRS. CLARK SAID THEY NOW THINK IT WILL BE A SERVICE TO THE COMMUNITY, AND HAVE NO OBJECTION.

MR. MOORELAND SAID NOTHING COULD BE DONE ABOUT THE USE OF THE SECOND DWELLING ON THE PLACE - IT IS VERY OLD AND HAS BEEN OCCUPIED AS A DWELLING FOR MANY YEARS. HE NOTED, HOWEVER, THAT THE PLAT IS NOT A SURVEY AND DOES NOT SHOW THE STREET. IT IS NOT DRAWN TO SCALE AND DOES NOT SHOW DISTANCES.

MRS. HENDERSON POINTED OUT THAT THE INGRESS AND EGRESS FROM FRANKLIN STREET IS NOT SHOWN.

MRS. CARPENTER SAID A PRIVATE DRIVE COMES IN OFF OF OLD DOMINION FOR ACCESS TO THREE OR FOUR PROPERTIES. ONE GOES FROM FRANKLIN PARK ROAD ON TO THIS PRIVATE DRIVEWAY, WHICH RUNS ALONG OLD DOMINION.

MISS GANNETT FROM ARLINGTON COUNTY (CHILD GUIDANCE TEACHER) FORMERLY WITH THE STATE DEPARTMENT OF WELFARE, SAID SHE KNEW THE QUALITY OF MRS. CLARK'S WORK, AND COMMENDED HER HIGHLY. SHE CONSIDERED HER WORK A VALUABLE ASSET TO ANY COMMUNITY. SHE RECOMMENDED MRS. CLARK HIGHLY.

MRS. CLARK SAID SHE WOULD CONTINUE WITH DAY CARE - SHE HAS ABOUT 5 NOW AND WOULD HAVE NO MORE THAN 10, BUT THEY HOPE TO OUTGROW THE DAY CARE AND HAVE ONLY AN EDUCATIONAL SCHOOL. THE SCHOOL WOULD RUN FROM NURSERY THROUGH 5TH GRADE, WITH A MAXIMUM OF PROBABLY 60.

TRANSPORTATION WILL BE BY STATION WAGON.

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MR. E. SMITH OBJECTED TO THE PLATS, SAYING THEY WERE INCOMPLETE AND HE DID NOT CONSIDER THEM ACCEPTABLE. HE THOUGHT A CASE SHOULD NOT BE PUT ON THE AGENDA UNTIL ADEQUATE PLATS TO SUPPORT THE CASE ARE SUBMITTED.

MRS. CLARK SAID THE SCHOOL WOULD CLOSE THE SAME DAYS AS FAIRFAX AND ARLINGTON COUNTIES AND SOMETIMES OTHER DAYS BECAUSE OF WEATHER.

THE BOARD DISCUSSED DEFERRING FOR PLATS, BUT MRS. CLARK SAID SHE WOULD HAVE TO SETTLE ON THE PURCHASE OF THIS PLACE ON AUGUST 1ST. THE PURCHASE IS CONTINGENT UPON THIS PERMIT. THEN TO OPEN THE SCHOOL IN SEPTEMBER AND TO GET HER NAME IN THE TELEPHONE LISTING SHE WOULD HAVE TO HAVE AN ANSWER BEFORE ANOTHER MEETING DATE. SHE ASKED IF SHE COULD SUBMIT THE PLATS LATER.

MRS. HENDERSON NOTED THAT THERE IS PLENTY OF LAND TO MEET ALL REQUIREMENTS - PARKING AND SETBACKS, AND AN ADEQUATE DRIVEWAY - BUT ALL THESE THINGS SHOULD BE SHOWN.

MR. MOORELAND SAID HE DID NOT THINK MRS. CLARK COULD GET A SURVEY ON THIS WITHIN TWO WEEKS - HE SUGGESTED THAT THE BOARD MIGHT HANDLE THIS SUBJECT TO COMPLETE AND PROPER PLATS BEING PRESENTED TO HIS OFFICE.

MR. D. SMITH AGREED, DUE TO THE TIME OF YEAR AND THE NEED FOR MRS. CLARK TO GET HER NAME IN THE TELEPHONE BOOK, AND THE FACT THAT FAMILIES WISH TO GET THEIR CHILDREN SETTLED IN THEIR SCHOOL ENROLLMENT BY MID-SUMMER, AND NOTING THAT MRS. CLARK CAN MEET ALL REQUIREMENTS FOR THE NUMBER OF CHILDREN SHE WANTS, AND ALSO IN VIEW OF THE FINE RECOMMENDATION GIVEN FROM MISS GANNETT, HE THOUGHT THE BOARD SHOULD GRANT THIS SUBJECT TO THE PLATS.

MR. CHARLES W. RORER, WHO OWNS ADJOINING LAND ON TWO SIDES, GAVE HIS APPROVAL OF THE SCHOOL. HE WAS APPREHENSIVE AT FIRST AT THE THOUGHTS OF A SCHOOL HERE, BUT AFTER MEETING MRS. CLARK AND KNOWING MORE OF HER WORK HE THOUGHT THIS A VERY FINE IDEA.

THE BOARD WAS IN AGREEMENT ON THIS AND ALSO IN AGREEMENT ON THE NEED FOR BETTER PLATS - TO ASSIST THE BOARD IN MAKING THEIR DECISIONS.

MR. D. SMITH POINTED OUT THAT THE APPLICANT HAD NO KNOWLEDGE OF THE PLAT REQUIREMENT, AND THE ZONING OFFICE HAD ACCEPTED THE PLATS - HE THOUGHT SHE SHOULD NOT BE PENALIZED.

THE BOARD ASKED THAT THE ZONING OFFICE REQUIRE COMPLETE PLATS WHEN CASES ARE FILED AND INFORM THE APPLICANT OF THE REQUIREMENTS.

IN THE APPLICATION OF MR. & MRS. HIRAM L. CLARK, TO PERMIT OPERATION OF A PRIVATE SCHOOL, ON THE EASTERLY SIDE OF OLD DOMINION DRIVE, OPPOSITE RHODE ISLAND AVENUE, (FRANKLIN PARK), DRANESVILLE DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION BE APPROVED FOR A MAXIMUM OF TEN DAY CARE CHILDREN, WITH A TOTAL OF 60 CHILDREN RANGING FROM NURSERY THROUGH 5TH GRADE. IT IS ALSO REQUIRED THAT THERE BE NO PARKING WITHIN 25 FT. OF ANY PROPERTY LINES NOR IN THE SETBACK AREA.

THIS PERMIT SHALL BE SUBJECT TO SUBMISSION OF ADEQUATE PLATS SHOWING THE PARKING FACILITIES AND LOCATION, AND INGRESS AND EGRESS AND ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET. THIS IS GRANTED TO THE APPLICANT ONLY.

MR. E. SMITH ADDED TO THE MOTION THAT THE PLATS SHOW ALL EXTERIOR DIMENSIONS OF THE BUILDING AND THAT THE FLOOR AREA OF THE BUILDING SHALL BE COMPUTED. (HE ASKED THAT THIS INFORMATION BE SHOWN ON THESE PLATS IN THE FUTURE IN CASE OF A PRIVATE SCHOOL APPLICATION. THE BOARD SHOULD KNOW HOW MUCH SPACE IS AVAILABLE.)

MR. D. SMITH ACCEPTED THE AMENDMENT.

SECONDED, MRS. CARPENTER CD UNAN.

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077

MR. ROBERT McCANDLISH CAME BEFORE THE BOARD.  
MR. McCANDLISH APPEARED BEFORE THE BOARD UNDER SECTION 30-34 OF THE COUNTY CODE, APPEAL FROM DECISION OF THE ZONING ADMINISTRATOR INVOLVING HEIGHT LIMITATION. MR. McCANDLISH REFERRED TO A LETTER FORWARDED TO MR. MOORELAND SETTING FORTH HIS POSITION - LETTER QUOTED AS FOLLOWS:

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"JUNE 21, 1962

MR. WILLIAM T. MOORELAND  
ZONING ADMINISTRATOR  
COUNTY OFFICE BUILDING  
FAIRFAX, VIRGINIA

RE: THE CHESAPEAKE & POTOMAC TELEPHONE  
COMPANY OF VIRGINIA

DEAR MR. MOORELAND:

I AM WRITING YOU IN CONNECTION WITH AN INTERPRETATION OF THE COUNTY ZONING ORDINANCE WHICH I DISCUSSED WITH YOU ON JUNE 18TH.

THE TELEPHONE COMPANY HAS AN EXCHANGE BUILDING AT ANNANDALE FOR WHICH THE BOARD OF ZONING APPEALS GRANTED A USE PERMIT ON APRIL 20, 1954. THIS PROPERTY IS DESCRIBED ON YOUR RECORDS AS 750 FEET EAST OF ROUTE #620 ON THE NORTH SIDE OF ROUTE #236. THE PROPERTY HAS A FRONTAGE OF 200' ON ROUTE #236 AND A DEPTH OF 400'. IT IS IN AN RE-0.5 ZONE AND APPEARS ON THE ZONING MAP AS #72-1 ((1))-21.

THE TELEPHONE COMPANY WISHES TO INSTALL A MAST SURMOUNTED BY A WHIP ANTENNA ON TOP OF SAID EXCHANGE BUILDING, THE TOTAL HEIGHT OF WHICH WOULD BE APPROXIMATELY 113' FROM THE GROUND. THE PURPOSE OF THE ANTENNA WILL BE AS A MECHANICAL APPURTENANT TO THE EXCHANGE AND IT WILL BE USED TO SEND SIGNALS TO THOSE WHO SUBSCRIBE TO THE SERVICE THAT NOTIFIES THEM THAT THEY ARE WANTED ON THE TELEPHONE.

WE COULD APPLY FOR A USE PERMIT FROM THE BOARD OF ZONING APPEALS FOR A "TELEPHONE FACILITY" UNDER SECTION 30-133(0) OF THE COUNTY CODE, ALTHOUGH I AM NOT SURE THIS IS NECESSARY SINCE THE MAST AND ANTENNA WILL BE AN INTEGRAL PART OF AND APPURTENANT TO THE ANNANDALE EXCHANGE.

IT IS APPARENTLY THE INTENTION OF THE ZONING ORDINANCE TO EXCLUDE PUBLIC UTILITIES FROM THE HEIGHT LIMITATION.

SECTION 30-4 (P. 467) IS THE HEIGHT LIMITATION SECTION. SUBSECTION (A) THEREOF READS IN PART AS FOLLOWS:

"THE HEIGHT LIMITATIONS OF THIS CHAPTER SHALL NOT APPLY TO BARNs, SILOS, RESIDENTIAL CHIMNEYS, SPIRES, FLAG POLES, MONUMENTS OR TRANSMISSION TOWERS AND CABLES; .....; PROVIDED, THIS HEIGHT LIMITATION SHALL NOT APPLY TO ANY OF THE ABOVE ENUMERATED STRUCTURES NOW OR HEREAFTER LOCATED ON EXISTING PUBLIC UTILITY EASEMENTS;....."  
(UNDERLINING SUPPLIED)

IT CAN HARDLY BE THE INTENT OF THE ORDINANCE TO EXEMPT PUBLIC UTILITY EASEMENTS FROM THE HEIGHT LIMITATION AND NOT LIKEWISE EXEMPT LAND OWNED BY THE PUBLIC UTILITY IN FEE SIMPLE.

SUBSECTION (B) OF SECTION 30-4 READS IN PART AS FOLLOWS:

"TOWERS,....., SIMILAR STRUCTURES AND NECESSARY MECHANICAL APPURTENANCES MAY BE ERRECTED ON A BUILDING TO A HEIGHT GREATER THAN THE LIMIT ESTABLISHED FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED;.....; PROVIDED FURTHER, THAT NO SUCH EXCEPTION SHALL BE USED OTHER THAN AS THE FOLLOWING ARE INCIDENTAL TO THE PERMITTED USE OF THE MAIN BUILDING.....(2) FOR ANY COMMERCIAL.....PURPOSE." (UNDERLINING SUPPLIED)

IT WOULD APPEAR, THEREFORE, THAT UNDER EITHER (A) OR (B) THE USE I MENTION IS EXEMPT FROM THE HEIGHT LIMITATION.

IF YOU STILL FEEL THAT THE HEIGHT LIMITATIONS IN A RE-0.5 ZONE APPLY TO SAID MAST AND ANTENNA, I SHOULD LIKE TO APPEAL TO THE BOARD OF ZONING APPEALS UNDER SECTION 30-35 AT THE EARLIEST CONVENIENCE OF THE BOARD AND WOULD APPRECIATE YOUR ADVICE AS TO WHETHER THE EXECUTION OF ADDITIONAL FORMS IS NECESSARY. OF COURSE I WANT AN OPPORTUNITY TO BE HEARD BEFORE THE BOARD SO THAT ITS DECISION MAY BE RECORDED IN THE EVENT WE WISH TO TAKE FURTHER STEPS IN THIS MATTER.

SINCERELY YOURS,

ROBERT J. McCANDLISH, JR.,  
ATTORNEY FOR THE CHESAPEAKE AND  
POTOMAC TELEPHONE COMPANY OF VA. "

079

Mr. ROBERT McCANDLISH (CONTINUED)

Mr. SMITH (FROM THE RICHMOND OFFICE) DESCRIBED THIS SERVICE IN DETAIL - AS A SERVICE TO PAYING SUBSCRIBERS, NOTIFYING THEM, WHILE IN THEIR CARS, THAT THEY ARE WANTED ON THE TELEPHONE. IT IS ONLY A SIGNALING SERVICE, HE EXPLAINED.

Mr. McCANDLISH SAID THEY WOULD APPLY FOR A USE PERMIT FOR THIS SERVICE - HIS ONLY QUESTION HERE WAS THE HEIGHT LIMITATION. THE 113 FT. HEIGHT COULD NOT CONFORM TO SETBACKS ON THIS LOT.

Mr. MOORELAND SAID THE INTERPRETATION OF THOSE PARAGRAPHS TO WHICH Mr. McCANDLISH REFERRED HAS ALWAYS BEEN THAT HEIGHT LIMITATION DOES NOT APPLY TO TELEPHONE POLES OR POLES OF THE POWER COMPANY, BUT GOING ON TO GROUP 2 THE ORDINANCE SAYS "POWER DISTRIBUTION FACILITIES.....BUT NOT INCLUDING ORDINARY TRANSMISSION LINES LOCATED IN THE PUBLIC FACILITY RIGHT-OF-WAY OR EASEMENTS, ETC." HE HAD INTERPRETED THIS TO BE OUTSIDE THAT EASEMENT, Mr. MOORELAND SAID.

Mr. McCANDLISH REFERRED TO PARAGRAPH (B), PAGE 467, WHERE IT SPEAKS OF TOWERS OR SIMILAR STRUCTURES.

Mr. MOORELAND SAID THE ORDINANCE IS SPEAKING OF THINGS THAT ARE "APPURTENANT" TO THE BUILDING. HE DID NOT CONSIDER THIS APPURTENANT.

Mr. McCANDLISH SAID HE CONSIDERED THAT EASEMENTS WOULD BE MORE RESTRICTIVE THAN PROPERTY OWNED OUTRIGHT.

Mr. MOORELAND POINTED OUT THAT AN ORDINANCE CANNOT INCLUDE EVERY CONTINGENCY BUT HE CONSIDERED THIS UNDER 30-133 (D) - THAT YOU HAVE A FACILITY THAT IS NOT GOING INTO AN ORDINARY EASEMENT.

Mr. McCANDLISH REFERRED AGAIN TO PARAGRAPH (B), PAGE 467 - "PROVIDED THAT NO SUCH EXEMPTION SHALL BE USED OTHER THAN.....AS INCIDENTAL TO THE PERMITTED USE OF THE MAIN BUILDING..."

Mr. D. SMITH OBSERVED THAT THIS IS SOMETHING NEW TO THE BOARD AND NEW TO THE TELEPHONE COMPANY, AND WHEN THE ORDINANCE WAS WRITTEN NOTHING WAS KNOWN OF THIS USE AND THEREFORE IT IS NOT SPECIFICALLY PROVIDED FOR IN THE ORDINANCE. IT IS A MATTER OF INTERPRETATION. UNDER THE CIRCUMSTANCES, HE CONSIDERED THAT THIS WOULD BE COVERED UNDER HEIGHT LIMITATIONS AND IF IT IS NECESSARY A VARIANCE IN SETBACK SHOULD BE APPLIED FOR.

Mr. McCANDLISH SAID THEIR LOT WAS ONLY 200 FT. WIDE.

Mrs. HENDERSON ASKED - WHY THE 100 FT. HEIGHT?

Mr. SMITH (FROM RICHMOND) SAID IT WAS DESIGNED TO COVER THE ENTIRE METROPOLITAN AREA, AND THEY HAD FOUND THAT THE 100 FT. TOWER WAS THE MOST ECONOMICAL AND MOST ADEQUATE FOR THAT PURPOSE.

Mr. SMITH GAVE THE FOLLOWING DIMENSIONS: THE TOTAL HEIGHT OF THE TOWER WOULD BE 113 FT. ABOVE GROUND - 34 FT. = HEIGHT OF THE BUILDING, THE TOWER ABOVE THAT WOULD BE 66 FT. PLUS THE 13 FT. = 79 FT. IN OTHER WORDS THE TOWER ITSELF WOULD BE 79 FT. HIGH - ABOVE THE BUILDING - AND, Mrs. HENDERSON NOTED THAT IT COULD FALL WITHIN THE BOUNDS OF THE LOT AND WOULD THEREFORE CONFORM TO ORDINANCE REQUIREMENTS. IT WAS OBVIOUS THAT THE BUILDING WOULD NOT FALL OVER.

ALL AGREED THAT THIS SOLVED THE PROBLEM.

THAT, Mr. MOORELAND SAID, WAS HIS CONTENTION - THAT THE FALLING TOWER SHOULD BE WITHIN BOUNDS OF THE PROPERTY IN ORDER TO CARRY OUT THE INTENT OF THE ORDINANCE.

THE BOARD UPHELD THE OPINION OF THE ZONING ADMINISTRATOR.

Mr. E. SMITH SUGGESTED THAT THE BOARD NOT RULE ON THIS AT THIS TIME, BUT DEFER IT INDEFINITELY - SINCE THIS NO LONGER PRESENTED A PROBLEM TO Mr. McCANDLISH. HE MOVED TO DEFER THIS QUESTION UNTIL IMMEDIATELY FOLLOWING THE APPLICATION FOR THE USE PERMIT, WHICH Mr. McCANDLISH WOULD NOW FILE. HE ASKED Mr. McCANDLISH TO WITHDRAW HIS QUESTION FOR A RULING UNTIL THE USE PERMIT IS COMPLETED. (THIS WAS AGREED UPON).

SECONDED, Mrs. CARPENTER Cd. UNAN.

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Mr. Mooreland told the Board that Vienna had been granted a permit for a water tower but due to many difficulties had been unable to start construction during the life of their permit. They are now ready to go ahead. He asked the Board if they would extend the time. The permit ran out last December. The diameter of the tower will be 70 ft. and 44 ft. high for increased capacity. The original permit was for a 40 ft. tower. The original tower was planned for an 80 ft. diameter. This would be a tower increased in height and decreased in diameter.

If they do not conform to the 40 ft. height, Mrs. Henderson said they would have to come in for a new hearing.

It was suggested that they could go ahead on the 40 ft. height basis with a one year's extension from this date (1-1/2 yr. extension from the date of expiration of their permit) and if they find they must go to 44 ft. high, they shall come in for a new hearing.

Mrs. Carpenter moved that the Town of Vienna Water Company be granted an extension on their permit for one year, extended to November 29, 1962 - provided they meet the original permit which was granted for a tank 40 ft. high. And if it is evident that they cannot meet the 40 ft. high tower, they will necessarily come in for an amendment to their permit under its existing extension and the case will have a full hearing with new advertising, notifications to property owners and posting.

Seconded, Mr. D. Smith Cd. UNAN.

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The Board adjourned for lunch and upon reconvening took up the following questions:

Mr. Mooreland - under Section 30-7, second paragraph

Does the Board consider that this was meant for improved property only - to legalize the setback of a house or building whose setback has been cut back by highway acquisition? Could a reduced setback be allowed if a lot has been cut back by acquisition and a man wishes to put up a new structure? Can he use his lot?

The Board agreed that he could, and this section would apply.

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Mr. Mooreland - under Section 30-66 (c) - Interstate system setback - 75 ft. from right-of-way.

Mr. Mooreland discussed property which was industrial and which included a subdivision. The Board of Supervisors put it in residential classification - then back into industrial. There are two roads in question - Vine Street and the Circumferential. The lots run in depth from 112 ft. to about 210 ft. They will have to come to the Board for a variance. Would the Board prefer to consider a variance from Vine Street or from the Circumferential? These people will have to have relief as they cannot meet both setbacks. Vine Street is dead end, and is practically an industrial street. Mr. Mooreland said also the 20% factor would enter in here.

The Board was in general agreement that a variance from Vine Street would probably be more reasonable.

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Group 8 (page 574). The words "camping", "picnicing" are used. Mr. Mooreland asked - could a man set up a place for over night camping trailers under Group 8 - recreation grounds. These would be small camping trailers - carrying only camp equipment - trailers not to be lived in.

The Board discussed this at length - what was the difference between living like this and in a trailer, was not this a summer trailer park? This is becoming a popular way of vacationing. Mr. Mooreland and Mr. D. Smith said - we would have requests for many such facilities, it is a question to be considered.



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MR. E. SMITH THOUGHT THIS WOULD REQUIRE A GREAT DEAL OF PLANNING FOR SANITARY FACILITIES, POLICING, TRASH COLLECTION, MAINTENANCE, AND WHAT OF THE PEOPLE WHO WOULD LIVE IN THESE PLACES ALL SUMMER? THE COUNTY SHOULD HAVE RESTRICTIONS.

MR. MOORELAND SUGGESTED THAT THE BOARD THINK THIS OVER AND RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ORDINANCE BE AMENDED TO SET UP FACILITIES TO TAKE CARE OF THIS KIND OF RECREATION GROUNDS - AS HE WAS VERY CERTAIN APPLICATIONS WOULD BE COMING IN.

THESE PEOPLE ARE COMING, MR. MOORELAND CONTINUED, AND THE COUNTY SHOULD BE PREPARED IN ONE WAY OR ANOTHER.

MRS. HENDERSON SUGGESTED THAT FACILITIES BE SET UP BY THE PARK AUTHORITY.

MR. D. SMITH THOUGHT NOT - AS THE PARKS ARE FOR THE PEOPLE OF THIS COUNTY AND VISITORS AND TOURISTS SHOULD BE PROVIDED FOR BY PRIVATE INDUSTRY.

MR. D. SMITH MENTIONED OTHER PLACES WHERE THIS PROBLEM IS BEING MET VERY SATISFACTORILY - ON A PURELY RECREATIONAL BASIS. THIS IS A FAD, MR. D. SMITH SAID, IT IS GOOD FOR PEOPLE - MANY GO ACROSS THE COUNTRY CAMPING. IT IS BECOMING A WAY OF VACATION FOR MANY FAMILIES.

MR. E. SMITH SUGGESTED THAT THE BOARD OF SUPERVISORS MIGHT SET UP A SEPARATE ORDINANCE TO HANDLE THIS.

MR. MOORELAND THOUGHT IT SHOULD BE UNDER CONTROL OF THE PLANNING COMMISSION AND HEALTH DEPARTMENT, AND IF IT PASSES THEM TO COME TO THE BOARD OF ZONING APPEALS FOR A PERMIT. IT SHOULD BE CAREFULLY HANDLED, MR. D. SMITH SAID, SO THIS WOULD NOT BECOME A NUISANCE.

THE BOARD AGREED TO THINK THIS OVER.

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SECTION 30-7 (PAGE 472)

MR. MOORELAND - A MAN BUILT ON FOUR 25 FT. LOTS. HE HAS NOW SOLD TWO OF THESE LOTS. THE HOUSE DOES NOT MEET THE SETBACKS - THE PORCH IS .9 FT. FROM THE LINE. ARE THESE LEGAL LOTS - THOSE SOLD AND THE ONES THAT WERE RETAINED? MR. MOORELAND SAID HE WAS NOW REQUIRING PEOPLE TO BUILD SO THE LOTS COULD NOT BE SEPARATED, BUT IN THIS CASE THAT WAS NOT DONE. THIS MAN NOW WANTS TO BUILD ON THE TWO LOTS THAT WERE SOLD. IS THIS A LEGAL LOT? THE ORIGINAL PURCHASER REDUCED THE LOT BY BUILDING SO CLOSE TO THE LINE, MRS. HENDERSON NOTED.

THE PERMIT WAS ISSUED ON THE FOUR LOTS FOR THE ORIGINAL HOUSE, MR. MOORELAND SAID.

THAT MR. D. SMITH SAID, IS THE ANSWER. THIS IS A LEGAL LOT AS LONG AS THE FOUR LOTS ARE INTACT. THAT MAN MADE THAT DECISION HIMSELF WHEN HE PUT THE FOUR LOTS IN THE PERMIT AND PUT THE HOUSE NEAR THE MIDDLE.

THE BOARD AGREED. THE PURCHASER OF THE TWO LOTS SHOULD BE TOLD THAT THAT IS AN ILLEGAL LOT - THEN IF HE WISHES TO PURCHASE IT - IT IS UP TO HIM - THE BOARD SAID.

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THE MEETING ADJOURNED.

Mary K. Henderson  
MRS. L. J. HENDERSON, JR.  
CHAIRMAN

August 7, 1962  
DATE

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, JULY 31, 1962 AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT, MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH.

NEW CASES:

1-

WILLIAM G. HENDERSON, TO PERMIT OPERATION OF AN EQUITATION SCHOOL AND VARIANCE FOR BARN TO REMAIN 65.75 FEET FROM EAST SIDE LINE AND 58 FEET FROM WEST SIDE LINE, NORTH SIDE OF POLE ROAD EASTERLY ADJOINING FORT BELVOIR, LEE DISTRICT. (RE-1)

COLONEL HENDERSON EXPLAINED THAT ON THE FIRST OF JUNE HE ENTERED INTO A CONTRACT WITH MR. GRIFFITH SHELLHORN, PRESENT OWNER OF THE PROPERTY IN QUESTION, WITH THE VIEW OF PURCHASING THIS PROPERTY AND OPENING A SCHOOL OF EQUITATION. MR. SHELLHORN, HE CONTINUED, HAS RAISED THOROUGH-BRED HORSES AND PONIES ON THIS PROPERTY FOR THE PAST 17 YEARS OR MORE, AND WAS UNDER THE IMPRESSION THAT THERE WOULD BE NO DIFFICULTIES IN CONNECTION WITH COLONEL HENDERSON OPERATING A SCHOOL OF EQUITATION ON THIS PROPERTY.

SOON AFTER THEY ENTERED INTO THIS CONTRACT, COLONEL HENDERSON WENT ON TO SAY, MR. SHELLHORN MADE AVAILABLE TO HIM SEVEN STALLS, AND COLONEL HENDERSON PURCHASED FIVE HORSES AND ADDED TO THEM TWO HORSES WHICH HE ALREADY HAD (SHOW HORSES), AND MOVED THEM INTO THESE STALLS.

SHORTLY AFTER, COLONEL HENDERSON STATED, HE CAME OUT HERE TO THE FAIRFAX COURTHOUSE TO MAKE APPLICATION FOR A SPECIAL USE PERMIT TO START THE SCHOOL OF EQUITATION, AND WAS ADVISED THAT A SPECIAL USE PERMIT COULD NOT BE ISSUED SINCE THE CODE OF FAIRFAX COUNTY PRECLUDED THE ISSUANCE OF A SPECIAL USE PERMIT FOR THIS OPERATION ON PROPERTY WHICH IS ZONED R-12.5. HE THEN CONSULTED WITH MR. MASSEY, THE COUNTY EXECUTIVE, AND HE INDICATED THAT THE APPROPRIATE THING FOR COLONEL HENDERSON TO DO WAS TO APPLY FOR REZONING TO RE-1, WHICH HE IMMEDIATELY DID. THE CASE WAS HEARD ON JULY 1 1962 BY THE BOARD OF COUNTY SUPERVISORS AND THE PROPERTY WAS REZONED TO RE-1 AT THAT TIME. <sup>ON AN Emergency Basis</sup>

IN THE MEANTIME, COLONEL HENDERSON CONTINUED, HE HAD APPLIED FOR A SPECIAL USE PERMIT - AND THIS IS THE REASON FOR HIS PRESENCE HERE THIS MORNING. MRS. HENDERSON ASKED IF COLONEL HENDERSON WAS APPLYING FOR THE PERMIT ON THE ENTIRE THREE ACRES - OR ONLY ON THE TWO ACRES?

COLONEL HENDERSON STATED THAT HE WAS APPLYING FOR THE PERMIT ON THE THREE ACRES - THE ENTIRE AREA WHICH WAS REZONED TO RE-1.

MRS. HENDERSON QUESTIONED THE PLATS SUBMITTED WITH THE APPLICATION, AND IT WAS NOTED THAT THEY WERE NOT TO SCALE.

COLONEL HENDERSON HAD CORRECT PLATS IN HIS POSSESSION, WHICH HE HAD OBTAINED AFTER THE FINAL SURVEY OF THE PROPERTY, AND THEY WERE SUBSTITUTED FOR THOSE FILED WITH THE APPLICATION.

MRS. HENDERSON STATED THAT IT WAS THE VARIANCE WHICH CONCERNED HER, IN VIEW OF THE PROVISIONS OF THE ORDINANCE. SHE WENT ON TO EXPLAIN THAT THE REQUIREMENTS FOR THIS CLASSIFICATION OF USE PERMIT ARE THAT ALL BUILDINGS FOR THE OPERATION OF THE STABLE BE NO LESS THAN 100 FEET FROM ANY PROPERTY LINE. THIS OF COURSE, MRS. HENDERSON POINTED OUT, PUTS THE BARN IN A NON-CONFORMING CATEGORY. SHE COULD NOT SEE WHERE THE ORDINANCE WOULD AUTHORIZE THIS BOARD TO GRANT THE USE PERMIT UNDER THE CIRCUMSTANCES.

MRS. HENDERSON WENT ON TO SAY THAT OF COURSE COLONEL HENDERSON COULD USE THE PROPERTY FOR HIS OWN HORSES, BUT HE COULD NOT OBTAIN A USE PERMIT FOR A SCHOOL.

IT WAS BROUGHT OUT THAT COLONEL HENDERSON INTENDED TO LIVE IN THE TWO STORY HOUSE WHICH EXISTS ON THE PROPERTY.

## NEW CASES (CONTINUED)

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CONT'D

MR. E. SMITH EXPLAINED TO COLONEL HENDERSON THE PROBLEM THAT THESE RIDING SCHOOLS HAVE BEEN TO THE COUNTY.

COLONEL HENDERSON COULD NOT SEE WHERE A RIDING SCHOOL WOULD BE MORE OF A PROBLEM THAN FOR HIM TO KEEP SEVEN HORSES HERE.

MRS. HENDERSON SAID THAT THE ORDINANCE SPECIFICALLY STATES THAT IN AN RE-1 ZONE NO BUILDING FOR POULTRY OR OTHER LIVESTOCK SHALL BE LESS THAN 100 FEET FROM ANY PROPERTY LINE - BUT THAT DOES NOT PRECLUDE USING A NON-CONFORMING BUILDING FOR HIS OWN USE - WHICH IS WHY COLONEL HENDERSON COULD KEEP HIS OWN HORSES THERE IN A NON-CONFORMING BUILDING.

MRS. HENDERSON ASKED COLONEL HENDERSON IF THE BOARD OF COUNTY SUPERVISORS KNEW THAT THERE WERE VARIANCES AT THE TIME THEY REZONED THIS LAND?

COLONEL HENDERSON SAID THEY CERTAINLY DID, AND THAT IT WAS THOROUGHLY DISCUSSED.

MR. D. SMITH ASKED COLONEL HENDERSON IF AT THE TIME OF THE HEARING BEFORE THE BOARD OF COUNTY SUPERVISORS IF HE INFORMED THE BOARD OF SUPERVISORS THAT HE WAS SPECIFICALLY REQUESTING THE REZONING SO THAT HE WOULD BE ABLE TO APPLY FOR A USE PERMIT FOR AN EQUITATION SCHOOL?

COLONEL HENDERSON SAID THAT HE HAD INFORMED THE BOARD OF SUPERVISORS OF THIS FACT.

MR. D. SMITH SAID THAT THIS WAS PUTTING THE BOARD OF ZONING APPEALS ON THE SPOT, AND IF THEY WERE TO ISSUE A USE PERMIT UNDER THESE CIRCUMSTANCES HE FELT THAT THIS BOARD WOULD BE CRITICIZED BY THE BOARD OF COUNTY SUPERVISORS FOR SUCH ACTION.

MRS. HENDERSON SAID SHE DID NOT CONSIDER THIS A MANDATE FROM THE BOARD OF COUNTY SUPERVISORS. THIS BOARD HAS TO ABIDE BY THE ORDINANCE - WHICH STATES, UNDER USE PERMIT (SECTION 30-37, PAGE #491) THAT THIS BOARD HAS NO POWER TO MODIFY, VARY OR WAIVE ANY OF THE REGULATIONS FOR THE DISTRICT, AS SPECIFIED BY THIS CHAPTER, AND <sup>USE</sup> REPORTED MODIFICATION, VARIANCE OR WAIVER SHALL IP SO FACTO NULLIFY THE ACTION OF THE BOARD IN ISSUING ANY SPECIAL USE PERMIT HEREUNDER.

THIS, MRS. HENDERSON CONTINUED, IS WHAT IS BOTHERING HER - THE REGULATIONS OF THE DISTRICT ARE THAT NO BUILDING HAVING POULTRY OR LIVESTOCK SHALL BE LESS THAN 100 FEET FROM ANY PROPERTY LINE - UNDER A USE PERMIT.

COLONEL HENDERSON ASKED - IF THIS BOARD HAS NO AUTHORITY TO ISSUE A USE PERMIT, WHY WAS HE HERE?

MRS. HENDERSON SAID - "WE DO HAVE AUTHORITY TO ISSUE A VARIANCE UNDER CASES OF HARDSHIP."

MR. E. SMITH ASKED THE CHAIRMAN IF IT WOULD BE POSSIBLE TO ISSUE THE PERMIT FOR THE OPERATION OF THE EQUITATION SCHOOL, BUT NOT GRANT THE VARIANCE ON THE BARN? THIS WOULD PERMIT THE BARN TO BE RECONSTRUCTED - AND THE OPERATION TO CONTINUED, MR. E. SMITH FELT.

THERE WAS SOME DISCUSSION AS TO WHETHER OR NOT THE BARN COULD BE MOVED - JUST WHERE IT COULD BE MOVED TO.

COLONEL HENDERSON'S WIFE POINTED OUT THAT THIS PROPERTY BORDERS ON A ROAD WHERE THERE WILL BE NO HOUSES - SHE WONDERED IF THAT WOULD MAKE ANY DIFFERENCE.

MRS. HENDERSON SAID - NO, IT STILL IS THE PROPERTY LINE THEY ARE CONCERNED WITH - WHETHER IT IS A ROAD OR NOT.

MR. D. SMITH EXPLAINED TO COLONEL HENDERSON AGAIN THE SITUATION HERE, AND THE POSITION IN WHICH THE BOARD FINDS ITSELF. HE POINTED OUT THAT IF COLONEL HENDERSON COULD MOVE THE BARN TO CONFORM WITH THE REQUIRED SET-BACKS THEN THE BOARD WOULD BE IN A POSITION TO GRANT THE SPECIAL USE PERMIT FOR THE EQUITATION SCHOOL.

MR. E. SMITH SAID THAT AFTER SCALING THE PLAT HE HAD FOUND THAT THERE WOULD BE ROOM ON THIS PROPERTY TO RE-CONSTRUCT THE BARN.

THE BOARD DISCUSSED THIS POSSIBILITY, ASKING COLONEL HENDERSON TO IDENTIFY THE OTHER EXISTING BUILDINGS SHOWN ON HIS PLATS.

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NEW CASES (CONTINUED)

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COLONEL HENDERSON SAID, HOWEVER, THAT IF HE HAD TO MOVE THE BARN THE COST WOULD BE PROHIBITIVE - IT IS A CINDER BLOCK CONSTRUCTION, BUILT ON CONCRETE SLAB. THERE ARE 11 STALLS, WHICH ARE ON CLAY, AND THE REMAINDER OF THE BARN IS ON CONCRETE.

MR. T. BARNES BROUGHT OUT THE FACT THAT THE CONCRETE WAS FOOTINGS AND A CENTER PIECE - AND HE FELT THAT THIS BEING THE CASE THE BARN COULD BE MOVED.

IT WAS AGREED BY THE MEMBERS OF THE BOARD THAT OF COURSE THE PROBLEM HERE WAS TO GET THE BARN TO CONFORM BEFORE THE CONSIDERATION OF A USE PERMIT. THE MEMBERS FELT THAT THEY DID NOT HAVE THE AUTHORITY TO ISSUE A USE PERMIT UNTIL THIS WAS DONE.

COLONEL HENDERSON FELT THAT THERE WERE EXCEPTIONS TO ALL RULES - WITH REASON AND JUDGEMENT.

MRS. HENDERSON, IN ANSWER, READ SECTION 30-128 OF THE ORDINANCE -

"THE BOARD OF ZONING APPEALS SHALL HAVE NO AUTHORITY TO VARY OR MODIFY ANY OF THE PROCEDURE PRESCRIBED FOR APPLICATIONS FOR OR FOR THE GRANTING OF SPECIAL PERMIT, OR ANY OF THE SPECIFIC REQUIREMENTS PRESCRIBED FOR ANY USE FOR WHICH A SPECIAL PERMIT IS REQUIRED. THE BOARD'S DISCRETION SHALL BE LIMITED TO DETERMINATIONS WITH RESPECT TO THE STANDARDS APPLYING TO THE USE COVERED BY THE APPLICATION."

THIS, MRS. HENDERSON FELT, WAS VERY SPECIFIC.

COLONEL HENDERSON QUESTIONED WHY HIS APPLICATION WAS ACCEPTED FOR A VARIANCE IF THIS IS THE CASE. IF IT IS A FACT, HE WENT ON, THAT THIS BOARD DOES NOT HAVE THE AUTHORITY TO ISSUE THIS VARIANCE THEN HE FELT THE ZONING OFFICE HAD NO RIGHT TO ACCEPT HIS APPLICATION.

MRS. HENDERSON POINTED OUT THAT THIS WAS FOR THE BOARD TO DETERMINE - NOT THE PEOPLE IN THE ZONING OFFICE - THEY DO NOT INTERPRET THE ORDINANCE SHE STATED.

MR. D. SMITH POINTED OUT THAT COLONEL HENDERSON HAD SHOWN NO HARDSHIP HERE, AND OF COURSE HARDSHIP IS THE BASIC REASON FOR THE GRANTING OF A VARIANCE.

COLONEL HENDERSON STATED THAT HE HAD SHOWN FINANCIAL HARDSHIP, AND IT WAS POINTED OUT TO HIM THAT UNDER THE ORDINANCE FINANCIAL HARDSHIPS CANNOT BE CONSIDERED.

MR. D. SMITH TOLD COLONEL HENDERSON THAT HE COULD CONTINUE TO USE THIS PROPERTY ON THE SAME BASIS AS THE PRESENT OWNER HAD USED IT OVER A PERIOD OF YEARS - USING THE NON-CONFORMING BARN - AND THEREFORE NO HARDSHIP COULD BE SHOWN WHICH WOULD GIVE THIS BOARD ANY REASON TO CONSIDER A VARIANCE BASED ON HARDSHIP.

COLONEL HENDERSON SAID IT WAS HIS INTENTION TO CONVERT THIS INTO A CIVIC IMPROVEMENT. RIGHT NOW THE PROPERTY IS VERY MUCH RUN DOWN, AND HE HAS ALREADY SET ASIDE \$10,000 TO IMPROVE THE PROPERTY. THERE IS A GREAT NEED FOR RECREATIONAL FACILITIES IN THIS AREA, HE CONTINUED, WHICH THEY ARE WILLING TO PROVIDE. HE FELT THAT BECAUSE OF THE NEED IN THE AREA THERE IS A HARDSHIP INVOLVED - A PUBLIC HARDSHIP - WHICH CERTAINLY SHOULD BE CONSIDERED BY THIS BOARD. HE CONTINUED THAT THERE WAS ONLY ONE RIDING SCHOOL IN THIS AREA, AND THAT HAD CLOSED DOWN AS OF THE FIRST OF JULY. THERE ARE 150 STUDENTS IN THE AREA WHO WANT TO TAKE RIDING LESSONS, HE STATED, AND THERE ARE NO FACILITIES - ABSOLUTELY NONE - EAST OF BURKE - WHERE RIDING LESSONS ARE PROVIDED.

IN ANSWER TO THE QUESTIONS AS TO WHETHER THIS WAS A CHARITABLE ORGANIZATION AND WAS COLONEL HENDERSON THE SOLE OWNER, HE REPLIED THAT HE WAS THE SOLE OWNER, AND THAT THOSE USING THIS FACILITY WOULD PAY FOR THE USE OF THE HORSES AND THE INSTRUCTION.

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NEW CASES (CONTINUED)

HE FELT THAT IN VIEW OF THIS AN ADDITIONAL FOUR OR FIVE CARS ON THIS COUNTRY ROAD WOULD NOT CREATE A TRAFFIC HAZARD.

MR. E. SMITH SAID THAT HE FELT THAT THERE SHOULD BE SOMEONE IN THE COUNTY TO WHOM A PERSON LIKE COLONEL HENDERSON COULD GO TO IN A SITUATION OF THIS KIND AND TALK THINGS OUT - BEFORE HE GOES TO ALL THE TROUBLE, TIME AND EXPENSE THAT COLONEL HENDERSON HAS GONE TO ONLY TO FIND THAT THERE IS NOTHING THAT THIS BOARD CAN DO FOR HIM.

MRS. HENDERSON ASKED COLONEL HENDERSON IF HE HAD TALKED TO MR. MOORELAND ABOUT THIS?

COLONEL HENDERSON REPLIED THAT HE HAD, AND THAT MR. MOORELAND INDICATED THAT UNDER THE PRESENT ORDINANCE HE COULD NOT BE GRANTED A SPECIAL USE PERMIT - THAT THERE WERE TWO THINGS AGAINST IT, FIRST THE ZONING - WHICH HAS SINCE BEEN TAKEN CARE OF - AND SECOND THE VARIANCE.

THEN, MRS. HENDERSON STATED, YOU WERE AWARE OF THESE.

COLONEL HENDERSON SAID THAT HE WAS, BUT NEITHER HE NOR THE PRESENT OWNER EVER DREAMED THERE WOULD BE ANY OBJECTION TO THIS WHEN THERE HAD BEEN HORSES ON THIS PROPERTY FOR THE PAST 17 YEARS.

MRS. HENDERSON THOUGHT THAT THE BOARD OF COUNTY SUPERVISORS WAS NOT COGNIZANT OF ALL THE FINE DETAILS IN THE ORDINANCE - SUCH AS THIS VARIANCE FOR A NON-CONFORMING BARN IN CONNECTION WITH ISSUANCE OF A USE PERMIT AND THE SPECIFIC REQUIREMENTS FOR A RIDING SCHOOL. THIS, MRS. HENDERSON ADDED, IS WHY THEY HAVE THIS ANCILLARY BOARD.

COLONEL HENDERSON SAID THAT HE WENT IMMEDIATELY TO MR. MASSEY AFTER HAVING DISCUSSED THIS WITH MR. MOORELAND, AND MR. MASSEY HAD ADVISED HIM FROM THAT POINT ON.

AGAIN, MRS. HENDERSON FELT THAT MR. MASSEY ALSO WAS NOT AWARE OF THIS.

COLONEL HENDERSON STATED THAT HE ALSO DISCUSSED THIS WITH MR. MOSS - THE CHAIRMAN OF THE BOARD OF COUNTY SUPERVISORS - AND MR. MOSS HAD DISCUSSED IT WITH SEVERAL PEOPLE IN THE COURTHOUSE AND INVESTIGATED THE MATTER, AND ALSO ADVISED COLONEL HENDERSON.

COLONEL HENDERSON SAID THAT HE WANTED TO ASSURE THIS BOARD THAT HE WAS HERE ON THE ADVICE OF THE COUNTY EXECUTIVE, AND THE CHAIRMAN OF THE COUNTY BOARD OF SUPERVISORS AS TO THIS PARTICULAR ACTION.

MRS. HENDERSON SAID THAT SHE FELT THAT THEIR ADVICE TO COLONEL HENDERSON TO HAVE HIS PROPERTY REZONED WAS VERY VALID, BUT SHE DID NOT BELIEVE THAT THEY WERE AWARE OF THE SPECIFIC REQUIREMENTS WHICH LIMIT THE AUTHORITY OF THIS BOARD. THEY HAVE THEIR MINDS ON WEIGHTY MATTERS - POLICY AND LEGISLATION - MRS. HENDERSON SAID.

COLONEL HENDERSON ASKED IF THERE WAS ANYONE TO WHOM HE COULD APPEAL TO OBTAIN THIS VARIANCE.

MRS. HENDERSON REPLIED THAT HE COULD APPEAL TO THE COURTS.

MR. D. SMITH ASKED COLONEL HENDERSON IF ALL OF THESE PEOPLE WERE AWARE OF THE FACT THAT HE WAS GOING TO APPLY FOR A SPECIAL USE PERMIT TO OPERATE A RIDING SCHOOL ON THIS PROPERTY - ONCE HE HAD IT REZONED?

COLONEL HENDERSON ANSWERED THAT THEY WERE.

HOWEVER, IT WAS BROUGHT OUT THAT THE BOARD OF COUNTY SUPERVISORS HAD NOT GIVEN THIS BOARD THE AUTHORITY TO GRANT THIS VARIANCE, AND IN ORDER TO DO SO THEY WOULD HAVE TO AMEND THE ORDINANCE IN ABOUT FOUR DIFFERENT PLACES.

THE DISCUSSION CONTINUED - COLONEL HENDERSON STATING THAT HE FELT HE WAS BEING DEPRIVED OF A REASONABLE USE OF HIS PROPERTY, AND MRS. HENDERSON ASSURING HIM THAT HE WAS NOT - THAT HE COULD KEEP THE HORSES FOR THE PLEASURE OF HIS FAMILY.

085

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CONT'D

COLONEL HENDERSON PRESENTED A PETITION WITH 22 SIGNATURES OF PEOPLE WHO FAVORED THIS APPLICATION - ALL OF WHOM LIVE IN THE VICINITY OF THE PROPERTY IN QUESTION. THE PETITION WAS FILED WITH THE CASE.

THE CHAIRMAN ASKED IF THERE WERE ANY PRESENT IN OPPOSITION.

## OPPOSITION:

MR. JOHN SUTLER, PROPERTY OWNER ACROSS THE ROAD, SAID HE WOULD LIKE TO MAKE IT CLEAR THAT THERE WAS NOTHING PERSONAL INVOLVED HERE. HE WAS CONCERNED OVER PARKING FACILITIES - HOWEVER HE SAID COLONEL HENDERSON HAD TOLD HIM THAT THERE WOULD NOT BE OVER FIVE CARS PARKED HERE AT ANY ONE TIME - THAT THEY INTEND TO GIVE FIVE LESSONS AT ONE TIME, AND HAVE FOUR CLASSES A DAY. THIS COULD BE, MR. SUTLER CONTINUED, BUT COLONEL HENDERSON AND HIS WIFE EACH HAVE A CAR, AND COLONEL HENDERSON HAD TOLD HIM THAT HE INTENDED TO HIRE A FULL TIME STABLE MAN - AND HE WOULD IN ALL PROBABILITY HAVE A CAR - AND IF THE FIRST FIVE STUDENTS WERE SLOW IN LEAVING AND THE NEXT FIVE WERE EARLY IN ARRIVING HE COULD VISUALIZE 13 OR 14 CARS HERE AT ONE TIME - AND THERE IS NOT ROOM FOR THIS MANY CARS, MR. SUTLER SAID. THE TRAFFIC WAS ANOTHER CONCERN EXPRESSED BY MR. SUTLER - HE FELT THIS COULD BRING A TOTAL OF FROM 20 TO 25 AUTOMOBILES A DAY. HE POINTED OUT THAT THE PROPERTY ADJOINING THIS WAS OPEN, AND HE FELT THAT IF THIS PERMIT WERE ISSUED TO COLONEL HENDERSON THE OWNERS OF THE ADJOINING OWNERS COULD REQUEST THE SAME THING - AND THEY WOULD FIND THEMSELVES IN A BUSINESS DISTRICT, INSTEAD OF RESIDENTIAL. MR. SUTLER SAID HE WOULD LIKE TO KNOW WHO SIGNED THE PETITION IN FAVOR OF THIS, BECAUSE HE AND MR. LAVINOUS ARE THE PEOPLE WHO WOULD BE MOST AFFECTED BY THIS AND THEY ARE HERE IN PROTEST TO THIS USE.

MRS. HENDERSON READ THE ADDRESSES OF THE PEOPLE WHO HAD SIGNED THE PETITION IN FAVOR OF THIS APPLICATION - MR. SUTLER SAID HE DIDN'T BELIEVE HE WOULD BE IN OPPOSITION EITHER IF HE WERE AS FAR AWAY AS THESE PEOPLE WERE.

MR. LAVINOUS APPEARED IN OPPOSITION. HE LIVES DIRECTLY ACROSS FROM THIS PROPERTY ON POLE ROAD. MR. LAVINOUS WAS IN COMPLETE AGREEMENT WITH MR. SUTLER'S COMMENTS, AND ONLY WISHED TO ADD THAT HE WAS CURIOUS TO KNOW HOW THIS COULD BE GRANTED WITHOUT COMPLETELY CHANGING THE COUNTY CODE AS IT STANDS NOW. ALSO HE STATED THAT IN A CONVERSATION WITH COLONEL HENDERSON RECENTLY HE FOUND THAT COLONEL HENDERSON WAS UNDER THE IMPRESSION THAT HE COULD BRING IN ANY NUMBER OF ANIMALS - THIS MR. LAVINOUS FELT WAS NOT SO UNDER THE PRESENT ORDINANCE, UNLESS A VARIANCE IS ISSUED. HE WAS CONCERNED WHAT THE FUTURE WOULD HOLD FOR THIS AREA SHOULD COLONEL HENDERSON BE PERMITTED TO OPERATE THIS RIDING SCHOOL - HE FELT SURE THE ADJOINING PROPERTY OWNER WOULD BE WANTING THE SAME USE.

MRS. HENDERSON POINTED OUT THAT THERE IS A TIME LIMIT ON A USE PERMIT FOR A RIDING SCHOOL. HOWEVER, SHE STATED THAT THERE IS NO STIPULATION ON THE NUMBER OF HORSES - BUT THERE IS A RESTRICTION REGARDING DOGS.

MRS. HENDERSON AGAIN RESTATED HER OPINION - THAT THIS BOARD IS NOT AUTHORIZED TO GRANT THE VARIANCE IN THIS CASE.

MR. D. SMITH POINTED OUT THAT HE FELT THAT THE FRAMERS OF THE ORDINANCE HAD JUST THIS IN MIND WHEN THEY REQUIRED THE 100 FOOT SETBACK FROM ALL PROPERTY LINES FOR THE STRUCTURES IN WHICH ANIMALS WERE HOUSED - WHICH DOES TO SOME EXTENT LIMIT THE AREA WHERE THIS TYPE OF OPERATION CAN BE CONDUCTED.

MR. LAVINOUS SAID HE FELT THIS REQUIREMENT WAS WRITTEN INTO THE ORDINANCE BASICALLY BECAUSE OF NOISE AND SANITATION.

MR. D. SMITH AGREED THAT SANITATION WAS ONE OF THE BIG FACTORS - AND NOISE ALSO - IN THE 100 FOOT SETBACK REQUIREMENT.

COLONEL HENDERSON STATED THAT IF HE DID BUILD A CONFORMING BARN ON THIS PROPERTY IT WOULD BE A COUPLE OF HUNDRED FEET CLOSER TO MR. LAVINOUS' HOME THAN THE EXISTING NON-CONFORMING BARN. SO FAR AS TRAFFIC IS CONCERNED

MR. HENDERSON CONTINUED, HE HARDLY FELT THIS A VALID ARGUMENT SINCE THE SURROUNDING 180 000 ACRES WILL EVENTUALLY BE BUILT INTO A COMMUNITY - AND WITH FOUR HOMES TO AN ACRE THERE WILL BE CONSIDERABLE ADDITIONAL TRAFFIC.

086

NEW CASES (CONTINUED)

MR. D. SMITH MOVED THAT THE APPLICATION OF WILLIAM G. HENDERSON, TO PERMIT OPERATION OF AN EQUITATION SCHOOL AND VARIANCE FOR BARN TO REMAIN 65.75 FEET FROM EAST SIDE LINE AND 58 FEET FROM WEST SIDE LINE, NORTH SIDE OF POLE ROAD EASTERLY ADJOINING FORT BELVOIR, LEE DISTRICT, BE DENIED ON THE BASIS THAT THE BUILDING TO HOUSE THE ANIMALS DOES NOT CONFORM TO THE ORDINANCE. THE BOARD OF ZONING APPEALS DOES NOT HAVE THE AUTHORITY TO GRANT A USE PERMIT WITH THE USE OF THIS NON-CONFORMING BARN, AND THERE IS NO AUTHORITY IN THE ORDINANCE GIVING THE BOARD OF ZONING APPEALS THE JURISDICTION TO GRANT A VARIANCE ON THIS NON-CONFORMING BARN IN CONJUNCTION WITH A USE PERMIT. THE ORDINANCE IS VERY SPECIFIC, AS MADAM CHAIRMAN HAS POINTED OUT, IN ABOUT FOUR DIFFERENT PLACES, AS TO THE REQUIREMENTS. ALSO THE APPLICANT HAS FAILED TO SHOW ANY HARDSHIP HERE, OTHER THAN FINANCIAL WHICH IS NOT CONSIDERED UNDER THE ORDINANCE. THIS IS NOT DEPRIVING THE CONTRACT PURCHASER OF A REASONABLE USE OF HIS LAND - THIS PROPERTY HAS BEEN PREVIOUSLY USED FOR RAISING AND KEEPING HORSES (SHOW HORSES), AND RIDING FOR THE PLEASURE OF THE OWNER AND HIS FAMILY, AND THE APPLICANT CAN CONTINUE TO USE THE PROPERTY IN THAT MANNER. THERE SEEMS TO BE SOME CONFUSION ON THE REZONING, BUT AS MADAM CHAIRMAN HAS STATED, THE BOARD OF COUNTY SUPERVISORS REZONED THIS PROPERTY IN GOOD FAITH, FAILING TO REALIZE THE PROBLEMS THAT WERE CONNECTED WITH IT SO FAR AS A USE PERMIT WAS CONCERNED - ESPECIALLY IN THIS AREA WHICH IS FAIRLY DENSELY POPULATED, AND WHICH IS BOUND TO CONTINUE TO GROW. IT WOULD SEEM THAT THE FRAMERS OF THE ORDINANCE HAD THIS IN MIND WHEN THEY SPECIFICALLY REQUIRED THE 100 FOOT SETBACK FROM ALL PROPERTY LINES FOR BUILDINGS HOUSING ANIMALS IN THIS KIND OF AN OPERATION WHERE A USE PERMIT IS REQUIRED. FOR THESE REASONS, MR. D. SMITH STATED, HE WOULD MOVE THAT THE APPLICATION BE DENIED.

MR. BARNES SECONDED THE MOTION.

MR. E. SMITH ASKED FOR A DISCUSSION ON THE MOTION - HE ASKED IF COLONEL HENDERSON WOULD DECIDE TO MOVE THE BARN TO CONFORM TO THE REQUIRED SETBACKS, WOULD THERE BE A WAITING PERIOD AS A RESULT OF THE ACTION OF THIS BOARD BEFORE HE COULD COME BACK TO APPLY FOR A USE PERMIT?

MRS. HENDERSON SAID - YES, HE WOULD HAVE TO WAIT A PERIOD OF ONE YEAR - AFTER THE APPLICATION HAD BEEN DENIED - BEFORE A NEW APPLICATION COULD BE FILED ON THE SAME PROPERTY.

MR. E. SMITH ASKED COLONEL HENDERSON IF IT WOULD BE ECONOMICALLY UNFEASIBLE TO RELOCATE THIS BARN - ARE YOU CONVINCED THAT THIS IS A FACT TODAY?

COLONEL HENDERSON SAID HE HAD NOT GIVEN IT ANY THOUGHT - HE WOULD LIKE THE OPPORTUNITY TO GIVE IT SOME THOUGHT - HE HAD NO IDEA OF HOW MUCH IT WOULD COST.

MR. E. SMITH ASKED IF HE MIGHT MAKE AN AMENDMENT TO THE MOTION?

COLONEL HENDERSON QUESTIONED WHETHER HE MIGHT ASK FOR A DEFERRAL?

MRS. HENDERSON STATED THAT SHE PERSONALLY WAS NOT AGAINST THIS USE FOR THIS SPECIFIC PROPERTY - SHE WAS AGAINST THE VARIANCE - SHE DID NOT FEEL THE USE WAS OUT OF ORDER.

MR. BARNES SAID THE REASON HE SECONDED THE MOTION WAS BECAUSE OF THE VARIANCE - IF COLONEL HENDERSON COULD MOVE THE BARN HE WOULD HAVE NO OBJECTION TO THE USE PERMIT.

MR. D. SMITH STATED THAT HE HAD ASKED COLONEL HENDERSON IF HE WOULD MOVE THE BARN AND HE HAD ANSWERED EMPHATICALLY "NO" - WHICH WAS WHY HE HAD MADE HIS MOTION.

COLONEL HENDERSON ASKED IF HE MIGHT HAVE THE OPPORTUNITY TO INVESTIGATE THE COST OF MOVING THE BARN. HE ASKED FOR A DEFERRAL UNTIL LATER TODAY - AT THE END OF TODAY'S AGENDA.

MRS. HENDERSON POINTED OUT THAT THEY DID NOT HAVE A VERY LONG AGENDA TODAY.

087

NEW CASES (CONTINUED)

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CONT'D

MR. E. SMITH ASKED - WHAT ABOUT AUGUST 7, 1962?

MR. E. SMITH OFFERED A SUBSTITUTE MOTION - THAT THE MATTER BE DEFERRED UNTIL AUGUST 7, 1962 MEETING - DEFERRED FOR COLONEL HENDERSON TO STUDY HIS PROBLEM OF HAVING THE BARN MOVED.

SECONDED, MRS. CARPENTER CD. UNAN.

MRS. HENDERSON STATED THAT THIS CASE WOULD BE HEARD AT THE END OF THE AGENDA ON AUGUST 7, 1962 - AND THAT COLONEL HENDERSON WOULD BE NOTIFIED OF THE TIME.

MR. SUTLER, WHO HAD APPEARED IN OPPOSITION, ASKED IF IT WOULD BE AN OPEN MEETING?

MRS. HENDERSON REPLIED THAT IT WOULD.

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2- JAMES S. O'ROURKE, TO PERMIT ERECTION OF AN ADDITION TO DWELLING CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE ORDINANCE, EAST SIDE OF RT. 608, FLORIS ROAD, APPROXIMATELY 400 FEET NORTH OF WAPLE'S MILL ROAD, CENTREVILLE DISTRICT. (RE-1)

MR. O'ROURKE SAID HE INTENDED TO SHOW A HARDSHIP. WHEN HE PURCHASED THIS HOUSE HE HAD A SMALL FAMILY, NOW HE HAS THREE CHILDREN. AN ADDITION TO THE PRESENT 30 x 30 FOOT HOME IS AN ABSOLUTE NECESSITY. DIRECTLY BEHIND HIS HOUSE IS A SEPTIC TANK AND DRAIN FIELD. THERE IS A WELL AND DRIVEWAY ON THE SOUTH SIDE, AND ON THE WEST IS THE FLORIS ROAD, FROM WHICH THE HOUSE SETS BACK 73 FEET. THE FAIRFAX COUNTY WATER AUTHORITY HAS GIVEN PERMISSION FOR HIM TO BUILD THIS ADDITION WITHIN 10 FEET OF THEIR PROPERTY LINE. WERE HE TO BUILD ON THE FRONT OF THE HOUSE IT WOULD NOT CONFORM WITH THE AREA. TO THE NORTH IS THE PENDERWOOD STANDPIPE. THE FAMILY ON THE LEFT SIDE OF HIS HOME WOULD OBJECT TO HIS BUILDING ON THAT SIDE AS IT WOULD BRING THE HOUSE CLOSER TO THEIR CHILDREN'S BEDROOM.

IT WAS BROUGHT OUT THAT THE DISTANCE FROM THE PROPERTY LINE WOULD BE 16.1 FEET, THE FAIRFAX COUNTY WATER AUTHORITY PROPERTY LINE. MR. O'ROURKE HAD A LETTER FROM THE FAIRFAX COUNTY WATER AUTHORITY GIVING THEIR APPROVAL OF THIS REQUEST. MR. O'ROURKE SHOWED PICTURES OF HIS PRESENT HOME AND PROPERTY TO THE BOARD.

MR. D. SMITH SAID THAT MR. O'ROURKE WAS AN ACTIVE CITIZEN IN HIS COMMUNITY - P.T.A., LITTLE LEAGUE, RED CROSS FIRST AID, ETC. HE SAID THAT WHEN THE WATER AUTHORITY PUT THE WATER TANK ON THE ADJOINING PROPERTY MR. O'ROURKE WAS ONE OF A FEW WHO DID NOT OBJECT.

THERE WAS NO OPPOSITION TO THIS CASE.

MR. D. SMITH MOVED THAT THE APPLICATION OF JAMES S. O'ROURKE, TO PERMIT ERECTION OF AN ADDITION TO DWELLING CLOSER TO SIDE PROPERTY LINE THAN ALLOWED BY THE ORDINANCE, EAST SIDE OF ROUTE 608, FLORIS ROAD, APPROXIMATELY 400 FEET NORTH OF WAPLE'S MILL ROAD, CENTREVILLE DISTRICT, BE GRANTED. THIS, HE SAID, IS AN UNUSUAL SITUATION - MR. O'ROURKE'S PROPERTY ADJOINS THAT OWNED BY THE WATER AUTHORITY, AND HE HAD NO OBJECTION TO THE ERECTION OF A TANK THERE - AND CERTAINLY THIS ADDITION WOULD NOT BE DETRIMENTAL TO THE NEIGHBORHOOD, BUT WOULD RELIEVE THIS HARDSHIP OF LIVING IN A SMALL HOME. IT HAS BEEN POINTED OUT THAT THE SEPTIC FIELD AND TANK TAKE UP MOST OF THE REAR, AND AN ADDITION TO THE FRONT WOULD BE DETRIMENTAL TO THE SURROUNDING NEIGHBORHOOD SINCE MOST OF THE HOUSES DO SET WAY BACK. THE VARIANCE IS A MINIMUM ONE TO ALLOW MR. O'ROURKE TO ADD TO HIS DWELLING TO MAKE IT MORE LIVEABLE FOR HIM AND HIS FAMILY.

SECONDED, MR. BARNES CD. UNAN.

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088



3-

MRS. CATHERINE M. UGIS, TO PERMIT TEACHING OF DANCING IN HOME, LOT 24, BLOCK Q, SECTION 3, PARKLAWN (7115 CRESTWOOD DRIVE), MASON DIST..(R-12.5)

MRS. HENDERSON SAID SHE WAS BY THIS PROPERTY ON THE 30TH OF JULY AND DID NOT SEE THE POSTING OF THIS APPLICATION. MRS. UGIS SAID IT HAD BEEN POSTED BUT EVIDENTLY CHILDREN HAD TAKEN THE SIGN DOWN.

MRS. UGIS SAID SHE WANTED TO TEACH THE NEIGHBORHOOD CHILDREN DANCING - TWO OR THREE HOURS A WEEK FOR BALLET AND TAP. SHE HAS NEVER HAD HER OWN SCHOOL BUT HAS TAUGHT FOR OTHER PEOPLE. SHE WILL LIMIT HER CLASSES TO EIGHT CHILDREN AT A TIME, AND WOULD NOT HAVE MORE THAN TWO CLASSES A DAY.

MR. E. SMITH ASKED MRS. UGIS IF SHE HAD A BASEMENT IN HER HOME, AND SHE SAID SHE DID - THAT IS WHERE SHE WOULD TEACH.

MR. D. SMITH ASKED ABOUT THE PARKING SPACE - MRS. UGIS SAID SHE WOULD NOT HAVE A PARKING PROBLEM BECAUSE SHE WOULD JUST TEACH THE NEIGHBORHOOD CHILDREN. IF THE MOTHERS DID TRANSPORT THEM, SHE CONTINUED, THEY WOULD LEAVE THE CHILDREN DURING THE CLASSES, AND THEN PICK THEM UP AFTER.

MR. D. SMITH ASKED IF THE YARD WAS LEVEL ENOUGH FOR PARKING IF SHE DID NEED IT? MRS. UGIS SAID IT WAS.

MR. D. SMITH POINTED OUT THE SETBACK REQUIREMENTS TO MRS. UGIS.

MRS. HENDERSON SAID THERE WOULD BE NO SIGNS OR ADVERTISING FOR THIS SCHOOL, AND MRS. UGIS AGREED - AND IN ADDITION THERE WOULD BE NOT MORE THAN EIGHT STUDENTS AT ONE TIME, MRS. UGIS STATED.

MRS. CARPENTER SAID SHE WOULD MOVE THAT A USE PERMIT BE GRANTED MRS. CATHERINE M. UGIS, TO PERMIT TEACHING OF DANCING IN HOME, LOT 24, BLOCK Q, SECTION 3, PARKLAWN (7115 CRESTWOOD DRIVE), MASON DISTRICT. THIS IS GRANTED WITH THE UNDERSTANDING THAT THE CLASSES WILL BE LIMITED TO NOT MORE THAN EIGHT STUDENTS PER CLASS, AND THAT PARKING SHALL NOT BE LOCATED IN ANY REQUIRED SETBACK AREA.

SECONDED, MR. E. SMITH Cd. UNAN.

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PETER F. BERTEL, TO PERMIT ERECTION OF CARPORT 10 FEET FROM SIDE PROPERTY LINE, LOT 26, BLOCK P, SECTION 3, DUNN LORING WOODS (1619 COTTAGE STREET) PROVIDENCE DISTRICT. (R-12.5).

MR. BERTEL SAID HE WOULD LIKE TO BUILD THIS CARPORT ON THE SIDE OF HIS HOUSE WHERE THERE ARE EXISTING STEPS LEADING INTO THE HOUSE. THESE STEPS ARE CAUSING HIS 2 FOOT SHORTAGE ON THE SETBACKS, HE CONTENDED, BECAUSE THEY EXTEND OUTWARD. HE WOULD BUILD THIS CARPORT IN THE REAR OF HIS HOUSE AND HAVE NO SETBACK PROBLEM BUT THERE ARE TWO LARGE HICKORY TREES IN THE BACK. MR. BERTEL SAID HE WAITED FIVE MONTHS TO GET THIS LOT WITH THE TREES AND IF THE CARPORT IS PLACED BEHIND THE HOUSE IT WOULD DESTROY THE FEEDER ROOT SYSTEM OF THESE TREES. HE READ THE FOLLOWING LETTER FROM THE COUNTY AGENT IN SUPPORT OF THIS CONTENTION:

"JULY 30, 1962

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT I VISITED THE HOME OF MR. AND MRS. PETER BERTEL, 1619 COTTAGE STREET, VIENNA, VIRGINIA ON JUNE 22, 1962 TO INSPECT THE LAWN AND MAKE RECOMMENDATIONS CONCERNING THE TREES AND ORNAMENTAL PLANTS.

I FOUND SEVERAL TREES IN THE BACK YARDS OF THIS NEIGHBORHOOD DYING FROM CONSTRUCTION DAMAGE WHICH OCCURED WHEN THE HOMES WERE BUILT.

ONE HARDWOOD SHADE TREE WHICH FRAMES THE LANDSCAPE A FEW FEET BACK OF THE BERTEL'S RESIDENCE WHERE A GARAGE IS PROPOSED WILL MOST CERTAINLY BE DAMAGED IF THE GARAGE IS PLACED BACK OF THE HOUSE FAR ENOUGH TO DESTROY THE FEEDER ROOT SYSTEM OF THIS TREE. THE FEEDER ROOT SYSTEM EXTENDS AS FAR OUT IN THE SOIL FROM THE TRUNK OF THE TREE AS THE LIMBS EXTEND OUT FROM THE TRUNK.

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(LETTER FROM COUNTY AGENT - CONTINUED)

IF OVER FIFTY PER CENT OF THE FEEDER ROOT SYSTEM IS DAMAGED THE TREE IS LIKELY TO DIE SINCE THE SOIL ON THIS LOT HAS A POOR CIRCULATION AND FEEDING SYSTEM. NEW ROOTS CANNOT DEVELOP FAST ENOUGH TO KEEP THE TREE FROM DYING OF SHOCK AND MALNUTRITION IF OVER FIFTY PER CENT OF THE ROOT SYSTEM IS COVERED BY ADDITIONAL SOIL OR SEVERED FROM THE TREE. THE GARAGE SHOULD NOT BE SET WITHIN 10 OR 20 FEET OF THIS TREE IF THE TREE IS TO THRIVE AND LIVE.

J. E. BEARD  
COUNTY AGENT"

MR. BERMEL SAID THAT WHEN THEY BOUGHT THIS HOUSE THEY WERE LEAD TO BELIEVE THAT A CARPORT COULD BE BUILT WITHOUT ANY DIFFICULTY.

MRS. HENDERSON SAID THAT THIS OF COURSE WAS NOT TRUE.

MR. BERMEL SAID THAT HE REALIZED THAT NOW, BUT HE WANTED THE BOARD TO KNOW THAT HE WAS NOT THE ONLY PROPERTY OWNER WHO WAS GIVEN THIS IMPRESSION.

HE SAID HE HAD TALKED TO THE BUILDING CONTRACTOR ABOUT THIS AND HAD HIM POUR 46 LINEAL FEET OF CONCRETE FOR THE CARPORT AT THE SAME TIME THE DRIVEWAY WAS POURED. IT WAS NOT UNTIL THE CONTRACTOR WAS HIRED TO BUILD THE CARPORT THAT THIS SETBACK REQUIREMENT CAME TO LIGHT, MR. BERMEL STATED.

MR. BERMEL SHOWED THE BOARD PICTURES OF HIS HOME, INDICATING WHY THE CARPORT WOULD BE BETTER PLACED ON THE SIDE OF HIS HOME.

MRS. HENDERSON ASKED IF THERE WERE ANY OTHER CARPORTS IN THE AREA?

MR. BERMEL SAID NONE WERE CONSTRUCTED AT THE TIME THE HOMES WERE BUILT. HE SAID THAT HE FELT A CARPORT WOULD ADD TO THE BEAUTY OF HIS HOME. SOME OF THE HOMES IN THIS AREA, MR. BERMEL STATED, ARE TWO STORY AND WOULD NOT BE SUITED FOR CARPORTS.

MR. D. SMITH SUGGESTED THAT HE CUT THE SIZE OF THE CARPORT SO IT WOULD COMPLY TO THE SETBACK REQUIREMENTS.

MR. BERMEL SAID THIS WOULD NOT MAKE A SATISFACTORY CARPORT. HE WOULD LIKE TO HAVE A STORAGE AREA IN BACK OF THE CARPORT.

MR. D. SMITH SAID THEY COULD HAVE A STORAGE AREA IN THE BACK AND STILL MEET THE 12 FOOT SETBACK. MR. D. SMITH FELT THAT THE BOARD COULD NOT GRANT THIS APPLICATION AND THEN TURN DOWN OTHERS IN THE NEIGHBORHOOD WHO MIGHT APPLY FOR SIMILAR VARIANCES. MR. D. SMITH SAID HE COULD SEE NO HARDSHIP PRESENT HERE.

MR. BERMEL SAID HE FELT THE SIZE OF THE SLAB FOR THIS CARPORT PRESENTED A HARDSHIP. HE WANTED TO BUILD IN ACCORDANCE WITH THE SLAB, WHICH IS 9.6 FT. WIDE AND THIS COMES UP WITH A 2 FOOT SHORTAGE.

FURTHER DISCUSSION FOLLOWED RELATIVE TO THE DIMENSIONS ON THE PLAT.

MRS. HENDERSON SAID THAT ACCORDING TO THE PLAT HE COULD MEET THE SETBACKS EVEN WITH THE STEPS.

MR. MOORELAND SAID THE CARPORT COULD MEET THE SETBACK REQUIREMENTS BY CUTTING THE SIZE OF THE CARPORT.

MRS. HENDERSON SAID THERE WAS NO EVIDENCE PRESENTED TO JUSTIFY THE GRANTING OF THIS VARIANCE - THERE IS NOTHING PECULIAR TO THIS LOT WHICH WOULD WARRANT GRANTING A VARIANCE, SHE CONTINUED. THESE HOMES, MRS. HENDERSON SAID WERE NOT DESIGNED FOR CARPORTS, AND IN EFFECT GRANTING THIS COULD SET AN EXAMPLE FOR OTHER HOME OWNERS IN THE AREA TO REQUEST LIKE VARIANCES. THERE WAS NO OPPOSITION.

MR. BERMEL ASKED THE BOARD IF THE PEOPLE IN THE NEIGHBORHOOD WOULD SPEAK IN FAVOR OF THE CARPORT WHETHER THIS WOULD HAVE ANY AFFECT ON THE BOARD'S DECISION.

MRS. HENDERSON SAID NO - THAT THE BOARD HAD TO GO BY THE PROCEDURES SET UP IN THE ORDINANCE.

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NEW CASES (CONTINUED)

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MR. E. SMITH STATED THAT HE DID NOT FEEL THAT A HARDSHIP HAD BEEN PROVEN HERE, AND HE DID NOT BELIEVE THAT FAILURE TO GRANT THIS VARIANCE WOULD DENY THE APPLICANT OF REASONABLE USE OF HIS LAND, AND HE THEREFORE WOULD MOVE THAT THE APPLICATION OF PETER F. BERMEL, TO PERMIT ERECTION OF CARPORT 10 FEET FROM SIDE PROPERTY LINE, LOT 26, BLOCK P, SECTION 3, DUNN LORING WOODS (1619 COTTAGE STREET), PROVIDENCE DISTRICT, BE DENIED.  
SECONDED, MR. D. SMITH Cd. UNAN.

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5- MOST REVEREND JOHN J. RUSSELL, TO PERMIT OPERATION OF A SCHOOL (2 CLASSROOMS) IN EXISTING CHURCH BUILDING, S.E. CORNER #1 HIGHWAY AND POPKINS LANE, LEE DISTRICT. (R-17).

MR. JOHN REDDICK REPRESENTED THE APPLICANT - FOR ST. LOUIS CATHOLIC CHURCH. THIS REQUEST IS TO REMODEL THE INSIDE OF THE BUILDING, HE STATED. IT WILL NOT BE A SEPARATE SCHOOL - IT IS PRESENTLY USED FOR A SCHOOL. THE AVERAGE CLASS WOULD BE BETWEEN 40 AND 45 STUDENTS, MR. REDDICK STATED. THIS WILL BE USED FOR BOY SCOUT MEETINGS AND STUDY GROUPS, ETC., MR. REDDICK CONTINUED - AND WILL ELIMINATE THE USE OF THE REGULAR CLASS ROOMS FOR THESE ACTIVITIES.

MRS. HENDERSON BROUGHT OUT THE FACT THAT THE BUILDING MEETS ALL THE SET-BACK REQUIREMENTS, AND NO ADDITIONAL PARKING AREA WILL BE NEEDED AS THE BUILDING HAS PLENTY OF PARKING SPACES.

THERE WAS NO OPPOSITION.

MRS. CARPENTER MOVED THAT THE APPLICATION OF MOST REVEREND JOHN J. RUSSELL TO PERMIT OPERATION OF A SCHOOL (2 CLASSROOMS) IN EXISTING CHURCH BUILDING S.E. CORNER #1 HIGHWAY AND POPKINS ROAD, LEE DISTRICT, BE GRANTED AS IT WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA. SHE FURTHER MOVED THAT ALL ZONING REGULATIONS, HEALTH AND FIRE REGULATIONS BE MET.  
SECONDED, MR. D. SMITH Cd. UNAN.

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DEFERRED CASE:

1- SPRINGFIELD MOTORS, INC., TO PERMIT OPERATION OF A USED CAR LOT, PORTION PARCEL 4-D, EAST GARFIELD TRACT, N.W. CORNER OF COMMERCE STREET AND BRANDON AVENUE, MASON DISTRICT. (C-G).

THIS CASE HAD BEEN DEFERRED FOR THE MEMBERS OF THE BOARD TO VIEW THE PROPERTY. MRS. HENDERSON STATED THAT SHE HAD FOUND THE PLACE TO BE PERFECTLY NEAT.

MR. SCOTT WAS PRESENT TO REPRESENT THE APPLICANT.

MRS. HENDERSON ASKED MR. SCOTT IF THE TWO RED AND WHITE BUSES WERE BEING USED FOR STORAGE, ETC.

MR. SCOTT REPLIED THAT THIS WAS CORRECT.

MR. E. SMITH STATED THAT IN GOING OVER FUTURE AGENDA FOR THE BOARD OF ZONING APPEALS AT THE PLANNING COMMISSION MEETING THE OTHER NIGHT HE HAD NOTED A PENDING APPLICATION TO MOVE THE PONY RING IN THIS AREA, AND HE WONDERED IF MR. SCOTT KNEW OF THIS?

MR. SCOTT SAID THAT HE KNEW OF NO SUCH APPLICATION. THERE WAS SOME TALK BY MR. WHORTON, WHO OPERATES THE PONY RING, ABOUT LOCATING HIS PONY RING FOR A THREE MONTHS PERIOD ON THE SIMSCO LAND, HE CONTINUED, BUT IT WAS DETERMINED THAT HE WOULD HAVE TO HOOK ON TO THE EXISTING WATER SUPPLY - AND THE IDEA WAS ABANDONED.

MRS. HENDERSON SAID SHE HAD SEEN IT ADVERTISED, BUT SHE HAD NOT SEEN THE AGENDA, AND SHE HAD SEEN THE PONY RING IN THE SPRINGFIELD AREA ADVERTISED IN THE FAIRFAX HERALD - JUST YESTERDAY.

MR. SCOTT SAID THAT MR. WHORTON HAD DISCUSSED THIS WITH MR. SIMMS AND HIMSELF - THE PROSPECT OF LOCATING THE PONY RING IN THE SPACE DIRECTLY DIAGONAL FROM THE NEW NORTHERN VIRGINIA BANK - THIS WAS TO BE FOR THE REST OF THE SUMMER BECAUSE HE HAD TO MOVE FROM WHERE HE IS LOCATED BECAUSE OF A NEW OFFICE BUILDING GOING IN HERE. IT WAS TO BE A TEMPORARY ARRANGEMENT

DEFERRED CASE (CONTINUED)

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BUT THERE HAS BEEN NO LEASE, NO COMMITMENT AT ALL - AS A MATTER OF FACT, MR. SCOTT CONTINUED, MR. SIMS ADVISED HIM ABOUT 10 DAYS AGO THAT THE MATTER HAD BEEN ABANDONED. IT NEVER APPROACHED THE LEASE STAGE WITH US, MR. SCOTT CONTENDED.

MR. E. SMITH SAID THERE IS AN APPLICATION PENDING, AND HE BELIEVED IT WAS ON THE BOARD OF ZONING APPEALS AGENDA FOR NEXT WEEK.

MR. SCOTT SAID IN REPLY THAT HE COULDN'T KEEP PEOPLE FROM MAKING APPLICATIONS, BUT HE COULD SAY THAT THE THING NEVER WENT BEYOND THE DISCUSSION STAGE WITH THEM.

MRS. HENDERSON SAID THAT THEY WOULD HAVE TO FIND OUT FROM THE APPLICANT WHETHER OR NOT HE HAS A LEASE, AND WHETHER OR NOT HE THINKS HE IS GOING TO LAND THERE OR NOT.

THE BOARD AGREED THAT THIS CERTAINLY SOUNDED CURIOUS.

MRS. HENDERSON ASKED MR. SCOTT IF HE HAD THE INTENTION OF USING THE WHOLE PIECE AS SHOWN ON THE PLAT FOR THE USED CAR LOT?

MR. SCOTT SAID YES - APPROXIMATELY 20,000 FEET.

MRS. HENDERSON ASKED ABOUT THE SALES OFFICE, AND IF IT IS TO BE A NEW BUILDING SHE WONDERED IF IT WOULD BE POSSIBLE TO MAKE IT BIGGER IN ORDER TO ELIMINATE THE USE OF THE TRUCKS FOR STORAGE?

MR. SCOTT SAID THERE WERE NO PLANS AS YET AS TO ALTERING THE SIZE OF THE BUILDING.

MR. D. SMITH SAID THAT IT WAS HIS UNDERSTANDING THAT THIS OPERATION WAS BEING MOVED FROM ONE LOCATION TO ANOTHER - MOVING THE BUILDING, AND SOME OF THE LIGHTING FIXTURES ALONG WITH THEM.

MR. SCOTT SAID THIS WAS SO - EVERYTHING WILL BE MOVED TO THE NEW LOCATION

MR. D. SMITH MOVED THAT THE APPLICATION OF SPRINGFIELD MOTORS, INC., TO PERMIT OPERATION OF A USED CAR LOT, PORTION PARCEL 4-D, EAST GARFIELD TRACT, N.W. CORNER OF COMMERCE STREET AND BRANDON AVENUE, MASON DISTRICT, BE APPROVED. THE BOARD OF ZONING APPEALS GRANTED A PERMIT A FEW MONTHS AGO TO THE OPERATOR OF SPRINGFIELD MOTORS TO CONDUCT A USED CAR BUSINESS JUST A FEW FEET FROM THIS PARTICULAR LOCATION. ON SEVERAL OCCASIONS, MR. D. SMITH STATED, HE HAD OBSERVED THIS OPERATION AND FELT THAT IT WAS A WELL CONDUCTED BUSINESS AND AN ASSET TO THE COMMUNITY, AND WE CERTAINLY NEED USED CAR OPERATIONS, HE CONTINUED - A GREAT NEED FOR THEM - AND THE MORE COMPETITION WE HAVE THE MORE LIKELY THE BUYERS AND THE CITIZENS ARE TO GET A BETTER BUY ON THIS PARTICULAR COMMODITY. WE HAVE NEVER HAD A CASE OF A SERIOUS VIOLATION WITH THIS OPERATION, MR. D. SMITH STATED, AND WHAT VIOLATION THERE HAS BEEN HAS ALWAYS BEEN CORRECTED WHEN POINTED OUT TO THE

VIOLATOR. MR. D. SMITH SAID THAT HE WOULD MOVE THAT THE APPLICATION BE GRANTED AS APPLIED FOR, AND THAT ALL OTHER PROVISIONS OF THE ORDINANCE BE MET.

SECONDED, MR. BARNES            Cd. UNAN.

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LAWRENCE SALZBERG, TO PERMIT ERECTION OF CARPORT 17.6 FEET FROM SIDE PROPERTY LINE, LOT 16, BLOCK 2, SECTION 3, SEDGEWICK FOREST, MT. VERNON DISTRICT. (RE-0.5)

MR. MOORELAND REQUESTED THE BOARD TO RE-HEAR THIS APPLICATION - WHICH WAS DENIED ON APRIL 10, 1962.

MRS. HENDERSON SAID SHE HAD HAD SEVERAL CONVERSATIONS WITH MRS. SALZBERG AND THOUGHT EVERYTHING WAS SETTLED.

MRS. SALZBERG SAID THAT THEY ARE LIVING IN THEIR HOME BUT DO NOT HAVE THE USE OF THEIR CARPORT, AND THE WHOLE SIDE OF THE HOUSE WHERE THE PORCH AND CARPORT ARE BUILT LOOKS ENTIRELY OUT OF PLACE. THEY WOULD LIKE TO IMPROVE THE APPEARANCE OF THEIR HOME, MRS. SALZBERG STATED. SHE SHOWED THE BOARD PICTURES OF THEIR HOME WITH THE PORCH AND CARPORT BUILT TO MEET THE REQUIRED SETBACKS.

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LAWRENCE SALZBERG CASE (CONTINUED)

THE BOARD DISCUSSED THESE PICTURES AT LENGTH WITH MRS. SALZBERG, AND THE GENERAL OPINION WAS THAT SOMETHING SHOULD DEFINITELY BE DONE TO IMPROVE THE APPEARANCE OF THIS HOME, AND TO GIVE THE SALZBERG'S THE USE OF THEIR CARPORT. IT WAS AGREED THAT AS IT STANDS NOW IT IS AN EYESORE TO THE COMMUNITY.

MRS. HENDERSON BROUGHT OUT THE FACT THAT THE SALZBERG'S HAD BEEN VICTIMS OF AN UNSCRUPULOUS BUILDER WHO HAD FALSIFIED THE APPLICATION WHEN APPLYING FOR A BUILDING PERMIT BY SUBMITTING A PLAT WHICH DID NOT SHOW THE PORCH AND CARPORT - WHICH BROUGHT THE HOUSE WITHIN THE SETBACK REQUIREMENTS - THEN LEAD THE SALBERG'S TO BELIEVE THAT THE PERMIT HAD BEEN ISSUED FOR THE HOUSE, CARPORT AND PORCH.

MRS. CARPENTER MADE A MOTION TO RECID THE MOTION OF APRIL 10, 1962 IN THE CASE OF LAWRENCE SALZBERG, TO PERMIT ERECTION OF CARPORT 17.6 FEET FROM SIDE PROPERTY LINE, LOT 16, BLOCK 2, SECTION 3, SEDGEWICK FOREST, MT. VERNON DISTRICT.

SECONDED, MR. E. SMITH CD. UNAN.

MR. E. SMITH MOVED THAT THE APPLICATION OF LAWRENCE SALZBERG, TO PERMIT ERECTION OF CARPORT 17.6 FEET FROM SIDE PROPERTY LINE, LOT 16, BLOCK 2, SECTION 3, SEDGEWICK FOREST, MT. VERNON DISTRICT BE GRANTED TO ALLOW THE HOUSE, CARPORT AND PORCH TO REMAIN 17.6 FEET FROM SIDE PROPERTY LINE - A VARIANCE OF 2.4 FEET. THIS IS GRANTED UNDER SECTION 30-36, PAR. (4) OF THE ORDINANCE.

SECONDED, MR. BARNES

IT WAS AGREED THAT THE MOVING OF THE CARPORT MUST BE COMPLETED WITHIN 90 DAYS.

MOTION CARRIED UNANIMOUSLY.

MRS. SALZBERG QUESTIONED WHETHER THIS INCLUDED THE PORCH, AND MRS. HENDERSON REPLIED THAT IT DID.

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MR. MOORELAND STATED THAT HE HAD A PROBLEM TO BRING BEFORE THE BOARD - THIS BOARD, HE SAID HAS THE AUTHORITY TO GRANT A STONE QUARRY IN ANY ZONE BY SPECIAL USE PERMIT - WE HAVE TWO SITUATIONS IN HERE, ONE THE BOARD WILL RECOGNIZE IMMEDIATELY - THE ROCK WHICH IS BEING REMOVED FROM THE GAS COMPANY'S OPERATION OUT HERE. WHAT I WOULD LIKE TO HAVE THE BOARD CONSIDER, MR. MOORELAND CONTINUED, IS - DO THEY HAVE THE AUTHORITY UNDER QUARRIES, UNDER CIRCUMSTANCES OF THIS KIND, TO GRANT A PERMIT?

ALSO THE DULLES AIRPORT SEWER LINE - MR. MOORELAND SAID - RUNNING THREE MILES UNDERGROUND, AT A DEPTH OF 40 FEET.

CAN THE BOARD, MR. MOORELAND ASKED AGAIN, GRANT A PERMIT TO A MAN TO GO IN WHERE THE GAS COMPANY'S OPERATION IS BEING CONDUCTED AND WHERE THE SEWER LINE FOR DULLES AIRPORT IS BEING LAID, AND GET THIS ROCK OUT AND CRUSH IT AND GET RID OF IT?

THERE WAS CONSIDERABLE DISCUSSION ON THIS, BUT NO DECISION WAS REACHED.

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THE MEETING ADJOURNED.

Mary L. Henderson  
MRS. L. J. HENDERSON, JR.  
CHAIRMAN

September 25, 1962  
DATE

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, AUGUST 7, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE, WITH ALL MEMBERS PRESENT EXCEPTING MRS. CARPENTER AND MR. BARNES. MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH

NEW CASES:

- 1- W. E. WHORTON, TO PERMIT OPERATION OF PONY RIDES, PART PARCEL D, EAST GARFIELD TRACT, ON COMMERCE AVENUE, MASON DISTRICT. (C-G).  
 NO ONE WAS PRESENT TO DISCUSS THIS CASE.  
 MR. D. SMITH MOVED TO PUT IT AT THE BOTTOM OF THE LIST.  
 SECONDED, MR. E. SMITH CD. UNAN.  
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- 2- SOCONY MOBIL OIL COMPANY, INC., TO PERMIT ERECTION OF GAS STATION CLOSER TO PROPERTY LINES THAN ALLOWED BY THE ORDINANCE AND PERMIT PUMP ISLANDS 25 FEET FROM ROUTE #1 AND FORT HUNT ROAD RIGHT OF WAY LINES, S.E. CORNER OF ROUTE #1 AND FORT HUNT ROAD, MT. VERNON DISTRICT. (C-G).  
 MR. CARL DUSSINBERRE REPRESENTED THE APPLICANT. THIS IS AN OLD SERVICE STATION WHICH THEY WISH TO DO OVER, MR. DUSSINBERRE TOLD THE BOARD, BUT THEY WILL NEED VARIANCES ON THE BUILDING AND THE PUMP ISLANDS. THEY LEASED THE PROPERTY IN 1951 AND PURCHASED IT IN 1957 WITH THE IDEA OF RE-MODELING. NOW THEY WISH TO ~~REMOVE~~ <sup>RAISE</sup> THE OLD BUILDING AND SET THE NEW STRUCTURE BACK BEHIND THE EXISTING BUILDING AND RELOCATE THE PUMP ISLANDS. BOTH PUMP ISLANDS NOW ON THE PROPERTY ARE VERY CLOSE TO U.S.#1 - ONE BEING 9.3 FEET AND THE OTHER SOMETHING OVER 13-3/4 FEET. THE NEW BUILDING WILL BE 61.5 FEET FROM U.S. #1, 70 FEET FROM FORT HUNT ROAD, AND THE PUMP ISLANDS 25 FEET FROM BOTH RIGHTS OF WAY. THIS IS A GREAT IMPROVEMENT OVER WHAT IS ON THE GROUND, MR. DUSSINBERRE POINTED OUT, THEY CAN RENDER BETTER SERVICE WITH LESS CONGESTION WITHIN THE PROPERTY.  
 MRS. HENDERSON NOTED THAT THE 75 FOOT SETBACK REQUIREMENT FROM FORT HUNT ROAD DOES NOT APPLY SINCE THAT IS A SECONDARY ROAD. SHE SUGGESTED PULLING THE BUILDING TOWARD FORT HUNT ROAD TO GET A BETTER SETBACK FROM U. S. #1. MR. DUSSINBERRE SAID THAT WOULD NOT GIVE THEM AS GOOD VISIBILITY - WHICH HE THOUGHT IMPORTANT AT THIS INTERSECTION. ALSO THERE IS A DRAINAGE EASEMENT, AND THE CREEK IN THE WAY.  
 MR. DUSSINBERRE SAID THEY HAD TRIED VARIOUS LOCATIONS TO GET A DEEPER SETBACK FROM U. S. #1, BUT THIS APPEARED TO BE THE BEST. IF THEY DEVELOP THE WHOLE PROPERTY THEY WILL COVER THE CREEK.  
 MR. D. SMITH QUESTIONED THE SIZE OF THE BUILDING.  
 MR. DUSSINBERRE SAID IT WAS THEIR STANDARD SIZE, TWO-BAY. THE EXISTING BUILDING IS MUCH SMALLER THAN THE STANDARD SIZE, HE POINTED OUT.  
 MR. CHILTON SAID WHEN THIS COMES BEFORE THE PLANNING COMMISSION FOR SITE PLAN APPROVAL THEY PROBABLY WOULD SUGGEST A SERVICE ROAD. HE DISPLAYED A DRAWING SHOWING THE POSSIBILITIES ON THE PROPERTY IF A SERVICE ROAD WERE REQUIRED. THE STAFF MADE NO RECOMMENDATION ON A SERVICE ROAD.  
 MRS. HENDERSON THOUGHT A SERVICE ROAD IMPRACTICAL HERE - IF IT WOULD HAVE TO COME DIRECTLY BACK INTO THE ROAD AT THE BRIDGE.  
 MR. E. SMITH SAID THE STATE HIGHWAY DEPARTMENT HAS OPPOSED SERVICE ROADS ON APPROACHES TO AN INTERCHANGE WHERE THERE IS HIGH SPEED TRAFFIC. HOWEVER, THE BOARD AGREED THAT THIS IS A MATTER FOR THE PLANNING COMMISSION.  
 IF THEY REQUIRE A SERVICE ROAD, MR. E. SMITH SAID, IT WILL BE IN EFFECT DENYING THE USE OF THE PROPERTY. THE DEVELOPER IS IMPROVING THE SITUATION HERE WHEN HE COULD STAY AS HE IS FOR AN INDEFINITE TIME. THE APPLICANT AND THE COUNTY BOTH GAIN BY THE DEVELOPMENT AS PLANNED.  
 MRS. HARDBOWER, REPRESENTED BY HER DAUGHTER, OWNER OF PROPERTY NEAR THIS, SAID ~~THEY~~ <sup>THE HWY. DEPT.</sup> HAVE ALREADY TAKEN SO MUCH OF THIS PROPERTY IT WAS ALMOST UNUSABLE.

## NEW CASES (CONTINUED)

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BECAUSE OF THE SHAPE OF THE PROPERTY, WHICH IS IRREGULAR, AND DUE TO THE RATHER EXTENSIVE DRAINAGE PROBLEM THAT EXISTS IN THE GENERAL AREA, MR. E. SMITH STATED, A DEFINITE TOPOGRAPHIC PROBLEM EXISTS HERE - THEREFORE, HE MOVED THAT THE VARIANCE REQUESTED BE GRANTED TO ALLOW THE BUILDING TO BE LOCATED 61.5 FEET FROM THE RIGHT OF WAY OF U.S.#1, 2 FEET FROM THE REAR PROPERTY LINE AND 70.3 FEET FROM FORT HUNT ROAD AND THE PUMP ISLANDS 25 FEET FROM THE RIGHT OF WAY OF BOTH FORT HUNT ROAD AND U. S. #1 - ALL AS SHOWN ON PLAT PREPARED BY HOLLAND ENGINEERING, SUBMITTED WITH THE APPLICATION OF SOCONY MOBIL OIL COMPANY, INC., TO PERMIT ERECTION OF GAS STATION CLOSER TO PROPERTY LINES THAN ALLOWED BY THE ORDINANCE AND PERMIT PUMP ISLANDS 25 FEET FROM ROUTE #1 AND FORT HUNT ROAD RIGHT OF WAY LINES, S.E. CORNER OF ROUTE #1 AND FORT HUNT ROAD, MT. VERNON DISTRICT, AND HE FURTHER MOVED THAT THE USE PERMIT BE GRANTED IN ACCORDANCE WITH THE REVISED PLATS. THE SITE PLAN APPROVAL IS REQUIRED FOR THIS USE AND THE MATTER OF A SERVICE DRIVE WILL BE TAKEN CARE OF ON THE SITE PLAN. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET. THIS IS GRANTED FOR A FILLING STATION ONLY - THERE SHALL BE NO U-HAUL NOR TRAILERS, NOR ANY OTHER TYPE OF TRACTORS OR ANY OTHER BUSINESS ALLOWED ON THIS PROPERTY. SECONDED, MR. D. SMITH                      Cd. UNAN.

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THE ALEXANDRIA WATER COMPANY, TO PERMIT ERECTION OF ONE (1) UNDERGROUND PUMPING STATION AND TWO (2) WATER STANDPIPES 70 FEET HIGH AND 100 FEET IN DIAMETER AND CLOSER TO PROPERTY LINES THAN ALLOWED BY THE ORDINANCE, LOT 1 SECTION 15, KINGS PARK, (ON ROLLING ROAD), FALLS CHURCH DIST. (R-12.5) MR. HUGO BLANKENSHIP AND MR. PHILIP DOWDELL REPRESENTED THE APPLICANT. MR. E. SMITH NOTED THAT THE PLANNING COMMISSION HAD RECOMMENDED THAT THE STANDPIPE PART OF THIS APPLICATION BE DEFERRED FOR THE APPLICANT TO ACQUIRE MORE LAND TO MEET REQUIRED SETBACKS. MR. DOWDELL POINTED OUT THAT THE APPLICATION CALLS FOR TWO STANDPIPES AND A PUMPING STATION. THEY HAD CONSIDERED THAT AS A LONG RANGE NECESSITY - THEY NOW WISH TO REVISE THEIR REQUEST TO LIMIT IT TO ONE STANDPIPE. MR. DOWDELL EXPLAINED THE NECESSITY FOR THIS IN THIS LOCATION - TO SERVE THE AREA AND TO TAKE CARE OF STORAGE. HE SHOWED THE RELATIVE LOCATIONS AND ELEVATIONS OF THE TANKS IN ANNANDALE AND THIS - THIS BEING HIGH GROUND WHICH IS NECESSARY FROM AN ENGINEERING STANDPOINT TO SERVICE THE AREA. FROM THIS POINT THE AREA CAN BE SERVED FROM THE MAIN SUPPLY. THE WATER COMPANY HAS AN OBLIGATION TO ITS CUSTOMERS TO OPERATE AS EFFICIENTLY AS POSSIBLE. THEY DO NOT HAVE MORE LAND AND ARE THEREFORE ASKING THE VARIANCE - BECAUSE NO MORE LAND IS AVAILABLE IN THE IMMEDIATE NEIGHBORHOOD. A LONG DISCUSSION FOLLOWED REGARDING THE PURCHASE OF ADJOINING LAND - SUFFICIENT TO ELIMINATE THE NECESSITY FOR THE VARIANCE IN SETBACK WHICH UNDER NO CIRCUMSTANCES COULD THE ONE 70 FOOT TANK MEET MR. BLANKENSHIP SAID THE LOTS ON TWO SIDES WERE IN A RECORDED SUBDIVISION AND WERE UNDER PURCHASE CONTRACT. ON ONE LOT A HOUSE WAS BEING CONSTRUCTED AND ON THE FOURTH SIDE A PRELIMINARY PLAT HAD BEEN FILED FOR SUBDIVISION DEVELOPMENT. THEY ARE TRYING TO BALANCE THE INTERESTS OF THE COUNTY, THE PEOPLE IN THE AREA AND THE COMPANY, MR. BLANKENSHIP SAID. THESE TANKS ARE A PUBLIC NECESSITY, THE ELEVATION HERE GIVES THEM THE ELEVATION THEY NEED. THE GROUND WAS GIVEN TO THEM FOR THIS PURPOSE AND THEY ARE TRYING TO MEET THEIR OBLIGATION TO OPERATE AS EFFICIENTLY AND ECONOMICALLY AS POSSIBLE. THIS INSTALLATION IS NEEDED BOTH FOR SERVICE AND FOR FIRE PROTECTION. MR. E. SMITH SAID HE CONSIDERED IT INCONCEIVABLE - WHY THE APPLICANT, A PUBLIC UTILITY OF THIS SIZE AND IMPORTANCE, WOULD COME INTO AN UNDEVELOPED AREA WHERE THERE IS A GREAT DEAL OF VACANT LAND AND ASK FOR SUCH A VARIANCE WHEN ALONG THE RIDGE THERE ARE ANY NUMBER OF VACANT PARCELS OF THE SIZE TO LOCATE THIS TANK WITHOUT VARIANCES. HE POINTED OUT THAT OTHER COMPANIES, MANY WHO OPERATE IN A SMALL WAY, MEET THE COUNTY REQUIREMENTS.

NEW CASES (CONTINUED)

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MR. E. SMITH POINTED OUT THAT NEGOTIATIONS MUST HAVE BEEN GOING ON BEFORE THE ADJOINING LOTS WERE SOLD. MR. E. SMITH, AND THE OTHER MEMBERS OF THE BOARD MADE IT PLAIN THAT THEY HAD NO OBJECTION TO THE USE, THEY WERE VERY CONSIDIOUS OF THE NEED FOR THE TANK AND THE NEED FOR ELEVATION - BUT THEY COULD NOT SEE A REASONABLE EXCUSE FOR THE APPLICANT TO IGNORE THE COUNTY ORDINANCE AND ENTER INTO A CONTRACT FOR THIS STRUCTURE ON THIS SMALL PARCEL OF GROUND.

MR. DOWDELL SAID THEY MUST HAVE WATER FOR THE INCREASING DEMAND AND SUDDEN DEMAND FOR WATER FOR FIRE CONTROL MUST BE TAKEN CARE OF. HE POINTED OUT SEVERAL OTHER AREAS WHICH FOR VARIOUS REASONS WERE UNSATISFACTORY. THE HEIGHT IS NECESSARY TO TAKE CARE OF FRICTION LOSS FROM HERE TO ANNANDALE. THEY HAVE DISCUSSED LAND TO THE SOUTH WITH RICHMAR, BUT THEY WOULD HAVE TO TAKE 14 LOTS AND THE ELEVATION IS LESS THAN THEY NEED. IN THAT CASE THEY WOULD HAVE TO HAVE HIGHER TANKS. THESE LOTS ARE PART OF A PRELIMINARY PLAT.

MR. BLANKENSHIP POINTED OUT THAT THIS IS ALSO AN APPLICATION FOR A PUMPING STATION, WHICH HE SAID WAS VERY NECESSARY AT THIS TIME.

OPPOSITION:

MR. McNAB AND MR. SAVANTOLO APPEARED BEFORE THE BOARD - REPRESENTING THE COMMUNITY IMMEDIATELY BEHIND THE PROPOSED TANK. THEY NAMED SIX FAMILIES WHOM THEY REPRESENTED - ALL OF WHOM HAVE PURCHASE CONTRACTS ON LOTS IN THIS AREA, AND WOULD BE IMMEDIATELY AFFECTED. THEY ALL RECOGNIZE THE NEED FOR THIS AND REALIZE THAT BOTH THE PUMP AND STORAGE TANK MUST BE PROVIDED BUT THEY COULD NOT GO ALONG WITH THE LOCATION. THIS HUGE TANK LOOMING UP IN A RESIDENTIAL AREA WOULD LOOK LIKE AN INDUSTRIAL FACILITY. IT WOULD NOT BE POSSIBLE TO HAVE ENOUGH TREES TO SHIELD IT, MR. McNAB SAID, IT IS TOO CLOSE TO HOMES. HE ALSO POINTED TO THE DANGER - THE TANK OVERTURNING OR BURSTING AND FLOODING HOMES, AND THE PUMP WOULD BE NOISY. HE THOUGHT THIS WOULD DEVALUATE PROPERTY AND MAKE IT DIFFICULT TO SELL.

MR. McNAB SAID THEY WERE NOT TOLD THAT THE TANK WAS TO BE LOCATED HERE AT THE TIME OF THEIR PURCHASE.

THEN, MR. E. SMITH SUGGESTED THAT THEY CANCEL THEIR CONTRACTS AND SELL THEIR LOTS TO THE WATER COMPANY.

MR. McNAB SAID HE ASKED ABOUT THAT LARGE LOT (THIS PROPERTY) AND WAS TOLD THEY HAD NO PLANS FOR IT. THE PURCHASE AGREEMENT WAS MADE SIX WEEKS AGO. (THAT WAS THE MIDDLE OF JUNE - THIS APPLICATION WAS FILED JULY 13).

MR. McNAB SAID HE TALKED TO MANY PEOPLE IN THE NEARBY AREA AND ALL WERE SURPRISED AND SHOCKED AT THESE PLANS. THESE PEOPLE CAME HERE, MR. McNAB WENT ON, BECAUSE OF THIS VERY BEAUTIFUL SUBDIVISION - THE HOMES ARE ABOVE AVERAGE, MANY LARGE TREES HAVE BEEN RETAINED, AND THE LANDSCAPING IS ALMOST PARK-LIKE. IF THIS IS GRANTED HE WOULD TRY TO GET OUT OF HIS CONTRACT.

MR. McNAB SINGLED OUT OTHER SUITABLE AREAS WHERE THE GROUND IS HIGH AND THERE IS LITTLE OR NO DEVELOPMENT.

MR. BLANKENSHIP SAID IT IS TRUE THAT THESE FACILITIES ARE OFTEN NOT WANTED, BUT THEY MUST GO IN SOME PLACE AND NEAR THE AREA THEY SERVE. THE THING IS TO DISGUISE IT AS WELL AS THEY CAN, WHICH THEY INTEND TO DO. THE TREES ARE LARGE AND WOULD OFFER A GOOD SCREEN - HE THOUGHT THE TANK WOULD BARELY BE VISIBLE.

THE BOARD WAS IN AGREEMENT THAT THIS IS NEEDED AND THEY HAD NO OBJECTION TO THE FACILITY, AND IF THERE WERE ENOUGH LAND THEY WOULD GO ALONG WITH THE REQUEST. MR. D. SMITH SAID HE HAD SEEN MANY OTHER TANKS GO IN AND THEY WERE NOT OBJECTIONABLE TO PROPERTY IN THE AREA - THE ONLY QUESTION HERE WAS THE SMALL PIECE OF GROUND.

MRS. HENDERSON POINTED OUT THAT THE APPLICANT HAD SHOWN NO JUSTIFICATION FOR THE VARIANCE AND IT WAS EVIDENT THAT OTHER USABLE LAND IS AVAILABLE. SHE SUGGESTED DEFERRING THIS UNTIL IT IS SHOWN TO THE BOARD THAT THE



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NEW CASES (CONTINUED)

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APPLICANT CANNOT GET OTHER LAND AND THE BOARD SHOULD HAVE A WRITTEN STATEMENT TO THE EFFECT THAT THEY CANNOT GET OTHER LAND.

MR. DOWDELL SAID THEY COULD DEFER THE TANK FOR A REASONABLE TIME, BUT THE PUMPING STATION WAS AN IMMEDIATE NECESSITY. IT MUST BE IN BY SEPTEMBER OR EARLY OCTOBER.

THE BOARD AGREED THAT THE PUMPING STATION WOULD PROBABLY BE ALL RIGHT HERE, BUT WARNED THE APPLICANT NOT TO RETURN WITHIN A YEAR AND ASK FOR THE TANK, BECAUSE THE PUMPING STATION IS HERE.

MR. DOWDELL SAID THE PUMPING STATION WOULD BE UNDERGROUND WITH ONLY ABOUT 18 INCHES ABOVE GROUND, IT WOULD BE PRACTICALLY NOISELESS. THE TANK COULD BE LOCATED ON ANOTHER PIECE OF GROUND WITHIN 1000 FEET OR MORE AND STILL BE EFFICIENT.

THERE WAS NO OBJECTION TO LOCATING THE PUMPING STATION HERE.

IN THE APPLICATION OF ALEXANDRIA WATER COMPANY, TO PERMIT ERECTION OF ONE (1) UNDERGROUND PUMPING STATION AND TWO (2) WATER STANDPIPES 70 FEET HIGH AND 100 FEET IN DIAMETER AND CLOSER TO PROPERTY LINES THAN ALLOWED BY THE ORDINANCE, LOT 1, SECTION 15, KINGS PARK, (ON ROLLING ROAD), FALLS CHURCH DISTRICT, MR. D. SMITH MOVED THAT THE APPLICATION FOR THE WATER STANDPIPE TANKS BE DEFERRED AND THAT THE APPLICATION FOR THE BOOSTER STATION BE GRANTED, BECAUSE IT IS A NECESSITY AT THIS TIME TO FURNISH PRESSURE FOR THE IMMEDIATE AREA AND FOR THE IMMEDIATE FUTURE. THIS WILL BE INSTALLED UNDERGROUND AT LEAST 30 FEET OFF OF ALL PROPERTY LINES. THIS WILL BE AN ELECTRIC AUTOMATIC STATION. IT IS ALSO REQUIRED THAT ALL OTHER REQUIREMENTS OF THE ORDINANCE SHALL BE MET.

MR. E. SMITH AMENDED THE MOTION TO SAY THAT THE APPLICATION FOR THE TANKS SHOULD BE DENIED RATHER THAN DEFERRED, BECAUSE THIS LOT IS TOO SMALL FOR THE TANK.

BUT IF THEY GET ADDITIONAL LAND, MR. D. SMITH POINTED OUT, THEY COULD COME BACK IN A REASONABLE TIME AND NOT HAVE TO WAIT THE ONE YEAR. IT SHOULD BE UNDERSTOOD MR. D. SMITH SAID, THAT THE ADDITIONAL LAND WOULD ENABLE THE APPLICANT TO MEET THE REQUIRED SETBACKS.

MR. E. SMITH AGREED - WITHDREW HIS AMENDMENT AND SECONDED THE MOTION.  
CO. UNAN.

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THE BOARD RECESSED FOR FIVE MINUTES.

UPON CONVENING THEY TOOK UP THE DEFERRED CASES.

DEFERRED CASES:

1-

CAMPBELL AND THOMPSON, TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND, ON A PRIVATE ROAD S.W. OF HAMPTON ROAD, ROUTE 647, LEE DISTRICT. (RE-1).

(DEFERRED BECAUSE OF HEALTH DEPARTMENT REPORT).

MR. RIMPEY AND MR. CAMPBELL REPRESENTED THE APPLICANT.

APPLICATION FILED UNDER GROUP 8.

MR. RIMPEY SAID THIS WAS PLANNED AS A RECREATION SITE FOR THE PEOPLE OF THIS AREA, RATHER THAN JUST THE LAND OWNERS WHO BORDER THE OCCOQUAN CREEK. SO FAR THE ACTIVITIES ARE LIMITED TO PICNICKING, CAMPING, GAMES AND HIKING, BUT THEY HOPE TO MAKE AN AGREEMENT WITH THE ALEXANDRIA WATER COMPANY TO USE THE RESERVOIR FOR BOATING AND FISHING. THEY HAVE DISCUSSED THIS BUT HAVE NOT YET REACHED AN AGREEMENT, AS TO TERMS.

MR. D. SMITH ASKED ABOUT STATE REQUIREMENTS REGARDING RECREATIONAL USE OF GROUND BORDERING A PUBLIC SUPPLY. MR. RIMPEY SAID THAT APPLIED TO BOATING AND FISHING.

MR. E. SMITH SAID AT THE TIME OF CONDEMNATION WHEN ACQUIRING THE LAND FOR THE RESERVOIR THERE WAS A RESTRICTION IN THE TAKING AGREEMENT THAT THE ADJACENT PROPERTY OWNER COULD USE THE WATER FOR BOATING AND FISHING AS LONG AS THERE WAS NO COMMERCIAL USE ATTACHED TO IT.

DEFERRED CASES (CONTINUED)

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MR. RIMPEY SAID THAT WAS CORRECT AND THAT IS THE REASON THEY HAVE BEEN IN CONTACT WITH THE WATER COMPANY TO ARRIVE AT TERMS FOR THIS USE. THIS WAS A LIMITATION IMPOSED IN THE CONDEMNATION OF THE PROPERTY. IT IS NOT A MATTER OF GOING TO THE STATE TO GET THE RIGHT FOR THIS USE.

HOWEVER, MR. E. SMITH SUGGESTED THAT IT WOULD BE QUITE A PRECEDENT TO ABROGATE THIS AGREEMENT. MR. E. SMITH SAID THE MATTER OF ABROGATION WOULD AFFECT ONLY THIS PROPERTY.

MR. D. SMITH ASKED HOW THEY WOULD KEEP PEOPLE OUT OF THE EASEMENT ALONG THE WATER (SHOWN ON THE PLAT). MR. RIMPEY ANSWERED - BY RIGID REGULATIONS. THEY WILL LIMIT THE NUMBER OF CARS TO 50 AND THEY WILL POLICE THE AREA WELL.

THEY WOULD HAVE NO FACILITIES FOR STAYING OVER NIGHT EXCEPT FOR CAMPERS. THEY WILL HAVE SHELTER AREAS WHERE PEOPLE COULD USE A BED-ROLL OR PITCH A TENT FOR CAMPING OUT. THEY WILL HAVE WRITTEN REGULATIONS AND THERE WILL BE AN ENTRANCE GATE AND AN ENTRANCE FEE.

IF THIS IS SUCCESSFUL THEY WILL DEVELOP FURTHER ON ADJOINING LAND, MR. RIMPEY SAID. THEY MAY HAVE PONDS FOR FISHING, HE ADDED.

MR. D. SMITH SAID HE COULD FORSEE A POLLUTION PROBLEM.

BUT, MR. RIMPEY SAID, BOATING AND FISHING ON THESE WATERS ARE A USUAL THING AND IT IS PERMITTED.

MRS. HENDERSON READ A LETTER FROM DOCTOR KENNEDY SAYING SEPTIC COULD BE USED HERE, AND HE CALLED ATTENTION TO THE STATE CODE.

"August 6, 1962

MR. HERBERT F. SCHUMANN  
DEPUTY DIRECTOR OF PLANNING  
FAIRFAX COUNTY COURT HOUSE  
FAIRFAX, VIRGINIA

RE: REZONING CASE, CAMPBELL AND THOMPSON, TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND ON A PRIVATE ROAD SOUTH-WEST OF HAMPTON ROAD, ROUTE 647, LEE DISTRICT, SCHEDULED FOR HEARING BEFORE THE BOARD OF ZONING APPEALS AT 10:30 A.M., AUGUST 7, 1962.

DEAR MR. SCHUMANN:

IN REFERENCE TO THE ABOVE REZONING CASE, WE WISH TO ADVISE THAT PERCOLATION TESTS MADE BY THIS DEPARTMENT INDICATE THAT THE SEWAGE DISPOSAL FROM THE PROPOSED FACILITY CAN BE PROVIDED BY A CONVENTIONAL SEPTIC TANK SUBSURFACE ABSORPTION FIELD SYSTEM.

THE RECREATIONAL USES OF THIS PROPERTY, LOCATED ON OCCOQUAN LAKE, A PUBLIC WATER SUPPLY OPERATED BY THE ALEXANDRIA WATER COMPANY, MUST CONFORM TO THE REQUIREMENTS OF TITLE 62, CHAPTER 3, SECTION 62-43 AND 62-44 OF THE CODE OF VIRGINIA WHICH SETS FORTH IN DETAIL REGULATIONS PROVIDING FOR THE PROTECTION OF PUBLIC WATER SUPPLIES.

IF THERE IS ANY ADDITIONAL INFORMATION WHICH WE MAY FURNISH YOU IN REGARD TO THIS MATTER, PLEASE ADVISE.

VERY TRULY YOURS,

(SIGNED) HAROLD KENNEDY, M.D.  
DIRECTOR OF HEALTH"

MR. E. SMITH SAID HE WAS CONCERNED ABOUT THE PRECEDENT HERE AND WOULD NOT LIKE TO SEE THIS OPENED FOR COMMERCIAL RECREATION. IT WOULD BE AN IM-POSSIBLE POLICING PROBLEM. AS LONG AS THIS IS A PRIVATE WATER SUPPLY HE THOUGHT THE USE OF THE PROPERTY ADJOINING SHOULD BE USED ONLY BY THE PRO-PERTY OWNERS.

MR. RIMPEY SAID THERE IS A FISHING CONCESSION ON THIS WATER NOW, IT IS STOCKED BY THE STATE - HE THOUGHT THE INTENT WAS NOT TO RESTRICT THIS TO PROPERTY OWNERS ONLY. THERE ARE MANY TRESPASSERS NOW, MR. RIMPEY SAID - MANY WHO LAUNCH THEIR BOATS ALONG THE CREEK. THIS IS EVIDENCED BY TRASH, AND THERE IS NO WAY TO CONTROL THIS. MANY PEOPLE LIVING IN THE AREA WOULD LIKE TO SEE A CONTROLLED ACCESS TO THE WATER.

MR. E. SMITH SAID HE REALIZED THAT WE HAVE PEOPLE WHO FISH AND BOAT IN THESE

DEFERRED CASES (CONTINUED)

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WATERS - THEY TRESPASS BUT HE THOUGHT WE HAVE FEWER TRESPASSERS THAN WE WOULD HAVE PEOPLE WHO WOULD COME AND MIS-USE THE STREAM AND DESTROY THE AREA - EVEN IF IT IS LEGAL. HE DOUBTED IF OPENING THIS WAS IN THE PUBLIC INTEREST.

THE BOARD MEMBERS RAISED MANY QUESTIONS - WHAT WOULD PEOPLE DO ON SUCH A SMALL PIECE OF LAND IF THERE WERE NO BOATING AND FISHING? THERE IS LITTLE ROOM FOR GAMES AND HIKING - THEY WOULD CONSTANTLY BE WANDERING OFF THE 5 ACRES - AND HOW WOULD THEY BE KEPT FROM TRESPASSING ON OTHER GROUND? MOST OF THE LAND WOULD BE TAKEN UP WITH PARKING AND THE SHELTER AREAS. ALLOWING 50 CARS WOULD PROBABLY BRING 250 PEOPLE.

MR. RIMPEY SAID MORE LAND COULD BE AVAILABLE IF THEY NEED IT OR THEY COULD LIMIT THE NUMBER OF CARS FURTHER, COMING IN.

MR. BLAKENSHIP, REPRESENTING THE ALEXANDRIA WATER COMPANY, SAID THEY WERE CONCERNED WITH WHAT GOES IN HERE, ESPECIALLY THE APPLICANT'S INTEREST IN USING THE WATER, WHICH WOULD ALSO INVOLVE THEIR EASEMENT. HE THOUGHT IT WOULD BE VERY DIFFICULT TO RESTRICT PEOPLE FROM USING THE WATER. THEY HAVE RECEIVED NO NOTICE OF THESE PLANS. HE FILED A COPY OF THEIR AGREEMENT AND THE COMPANY'S OBJECTION. HE NOTED PARTICULARLY THAT THERE COULD BE NO COMMERCIAL USE OF THE WATER. IF THEY MAKE A CHARGE AT THE GATE AND ALLOWED PEOPLE TO FISH FREE THAT WOULD STILL BE A COMMERCIAL USE OF THE WATER.

MR. BLANKENSHIP SUGGESTED THAT THE ONLY REASON FOR THIS RECREATION AREA IN THIS LOCATION WOULD BE BECAUSE OF THE WATER.

MR. RIMPEY SAID THEY HOPE TO PURSUE THE MATTER OF USE OF THE WATER WITH THE ALEXANDRIA WATER COMPANY.

IT WOULD BE DIFFICULT TO CONTAIN PEOPLE WITHIN THIS 5 ACRES WHEN THIS VERY LOVELY STRETCH OF WATER IS JUST A STEP AWAY - AND THEY COULD NOT USE IT,

MR. E. SMITH SAID. HE DOUBTED IF PEOPLE WOULD PAY TO COME HERE FOR PICNIC-  
ING ONLY - AND NO OTHER ACTIVITIES.

MR. RIMPEY SAID THEY WOULD HAVE LIMITED GAMES - HORSE SHOE, BADMINTON AND THE LIKE.

BECAUSE OF THE INADEQUATE SIZE OF THIS PARCEL AND BECAUSE OF IT'S ADJOINING OCCOQUAN RESERVOIR, WHICH IS THE PUBLIC WATER SUPPLY, AND ALTHOUGH THERE IS NO STATED USE OF THE WATER - TO GRANT THE USE PERMIT FOR COMMERCIAL RECREATION PURPOSES IN THIS AREA WOULD BE A DANGEROUS PRECEDENT WHICH COULD HAVE AN INJURIOUS EFFECT ON THE ADJACENT AREA WHICH IS PRINCIPALLY RURAL RESIDENTIAL IN CHARACTER - THEREFORE, MR. E. SMITH MOVED THAT THE APPLICATION OF CAMPBELL AND THOMPSON, TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND, ON A PRIVATE ROAD S.W. OF HAMPTON ROAD, ROUTE 647, LEE DISTRICT, BE DENIED.

SECONDED, MR. D. SMITH

MR. D. SMITH SAID HE REALIZED THE GREAT NEED FOR THIS TYPE OF FACILITY, BUT HE DID NOT AGREE WITH THE SITE THESE PEOPLE HAVE PICKED BECAUSE IT ADJOINS THE WATER SUPPLY. THE PEOPLE WHO PAY A FEE TO GET INTO THIS AREA WILL NOT BE JUSTLY REWARDED DUE TO THE SMALL AREA, AND HE DOUBTED IF THEY WOULD BE ABLE TO CONTAIN THE CHILDREN AND KEEP THEM FROM PUTTING THINGS IN THE WATER. IF THIS WERE NOT ADJOINING THE WATER SUPPLY AND IF THEY GAVE PEOPLE SOMETHING THEY REALLY NEED AND DESIRE, MR. D. SMITH SAID HE WOULD BE IN FAVOR OF THIS - IN THE PROPER PLACE.

MOTION CD. UNAN.

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2-

WILLIAM G. HENDERSON, TO PERMIT OPERATION OF AN EQUITATION SCHOOL AND VARIANCE FOR BARN TO REMAIN 65.75 FEET FROM EAST SIDE LINE AND 58 FEET FROM WEST SIDE LINE, NORTH SIDE OF POLE ROAD EASTERLY ADJOINING FORT BELVOIR, LEE DISTRICT. (RE-1)  
THIS WAS DEFERRED TO SEE IF IT WAS POSSIBLE TO MOVE THE BARN TO A CONFORMING LOCATION.

COLONEL HENDERSON SAID HE WAS TOLD THAT THE BARN COULD BE MOVED BUT WAS ADVISED AGAINST IT. THE COST WAS PROHIBITIVE AND TO MAKE IT CONFORM TO REQUIREMENTS THE BARN WOULD HAVE TO BE LOCATED WITHIN 30 FEET OF THE HOUSE, WHICH HE THOUGHT WOULD NOT BE ALLOWED BY THE HEALTH DEPARTMENT, AND UNDER ANY CIRCUMSTANCES IT WOULD BE VERY UNDESIRABLE.

SINCE THE LAST MEETING, COLONEL HENDERSON SAID HE HAD GONE INTO THIS VARIANCE REQUEST MORE CLOSELY. HE DISCUSSED IT WITH THE COMMONWEALTH'S ATTORNEY'S OFFICE, WHO TOLD HIM THAT THE BOARD HAD THE JURISDICTION TO EITHER GRANT OR REJECT THIS. HE SAID THIS ADVICE CAME FROM THE CODE. BOTH MR. MOSS AND MR. MASSEY KNOW OF THE PROPOSED USE ON THIS PROPERTY, AND THEY WERE FULLY AWARE OF THE NATURE OF THE BARN. THE BOARD OF COUNTY SUPERVISORS GRANTED THE REZONING ON AN EMERGENCY BASIS KNOWING HE WOULD APPLY FOR THE EQUITATION SCHOOL.

BUT NOW, COLONEL HENDERSON SAID, HE FEELS THAT HE WAS IN ERROR IN APPLYING FOR THIS VARIANCE ON THE BARN, SINCE IT IS A VERY OLD STRUCTURE AND LAWFULLY EXISTED BEFORE THE ORDINANCE WAS WRITTEN. IT HAD A 50 FOOT SETBACK AT THE TIME IT WAS BUILT. UNDER 30-144 (H) THE RIGHTS PERTAINING TO A NON-CONFORMING BUILDING ARE RELATED TO THE BUILDING ONLY - REGARDLESS OF THE USE OF THE BUILDING. SECTION 30-48 GIVES HIM THE RIGHT TO HOUSE HORSES IN THE BARN, THE COLONEL CONTINUED. THE SCHOOL WILL NOT ALTER IN ANY WAY THE PRESENT CONDITION OF THE BARN, IT WILL STILL BE USED FOR HORSES - THE SAME USE IT HAS ALWAYS HAD. THEREFORE, COLONEL HENDERSON SAID, HE DID NOT THINK HIS REQUEST REQUIRES A VARIANCE. THE ONLY PERMIT HE WANTS IS FOR THE RIDING SCHOOL. UNDER SECTION 30-125, GROUP 8, THE BOARD CAN GRANT THIS IF IT IS NOT INJURIOUS OR DETRIMENTAL TO THE CHARACTER AND DEVELOPMENT OF ADJACENT LAND, ETC.

TWENTY-TWO OUT OF TWENTY-FOUR NEIGHBORS HAVE STATED THEY DO NOT OBJECT TO THIS. THE COLONEL SAID THEY WOULD HAVE NO MORE THAN FIVE PEOPLE AT ONE TIME - NO MORE THAN 5 CARS PER HOUR - THEREFORE THE ADDITIONAL TRAFFIC WOULD BE NEGLIGIBLE. THE PLACE WILL BE WELL MAINTAINED - HE WOULD INVEST OVER \$40,000 IN THIS PROJECT.

THIS IS A GREATLY NEEDED AND DESIRED FACILITY IN THIS AREA, COLONEL HENDERSON TOLD THE BOARD. THE BOARD OF COUNTY SUPERVISORS RECOGNIZE THIS NEED AND HAVE MADE IT POSSIBLE FOR HIM TO COME BEFORE THIS BOARD.

SINCE THE BARN IS NON-CONFORMING AND THE BARN WILL MERELY CONTINUE TO SHELTER HORSES, AND THERE IS NO SERIOUS OBJECTION TO THIS USE, COLONEL HENDERSON ASKED THE BOARD TO APPROVE HIS REQUEST.

MR. D. SMITH SAID HE AGREED WITH THE COLONEL'S STATEMENTS THAT THERE IS A NEED FOR THIS, AND THAT THIS WOULD NO DOUBT BE A SERVICE TO THE PEOPLE IN THE AREA - BUT THE THINGS THAT CONCERN THE BOARD, MR. D. SMITH WENT ON, ARE THE REGULATIONS - WHICH ARE VERY PLAIN - AND THE MANNER IN WHICH THE BOARD HAS BEEN ASKED TO APPROVE THIS. THE ORDINANCE HAS SPECIFIC REQUIREMENTS FOR THIS USE - 100 FEET OFF THE PROPERTY LINE FOR THE BUILDING WHICH HOUSES THE ANIMALS USED.

THE FACT THAT THE LAND WAS REZONED ON AN EMERGENCY BASIS TO ALLOW THIS USE CONCERNS THE BOARD, MR. D. SMITH WENT ON TO SAY. IN 60 DAYS THIS EMERGENCY ZONING WILL EXPIRE AND IN THE MEANTIME THE BOARD WILL HAVE CREATED A NON-CONFORMING USE. THE USE COULD CONTINUE. MR. D. SMITH SAID HE WOULD LIKE TO SEE WHERE IN THE ORDINANCE THE COMMONWEALTH'S ATTORNEY FINDS A SECTION WHICH WILL JUSTIFY THE BOARD IN GRANTING THIS PERMIT UNDER THE EXISTING CIRCUMSTANCES.

COLONEL HENDERSON DISCUSSED CARRYING HIS HORSES TO THE FORT BELVOIR POLO CLUB FOR TEACHING. THE BOARD SAID THEY WOULD HAVE TO EXAMINE THE USE PERMIT GRANTED THAT CLUB.

MRS. HENDERSON SAID, AS TO THE NON-CONFORMING BUILDING - THE COLONEL IS RIGHT BUT WHEN YOU ATTACH A SPECIAL PERMIT TO THE USE OF THAT BUILDING, THE SITUATION CHANGES. SECTION 30-37 "IN ISSUING ANY SPECIAL PERMIT.....THE BOARD SHALL HAVE NO POWER TO MODIFY, VARY OR WAIVE ANY OF THE REGULATIONS... ETC." THEREFORE, MRS. HENDERSON SAID, THE BOARD CANNOT WAIVE THE 100 FOOT SETBACK.

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COLONEL HENDERSON SAID HE WOULD APPLY FOR A PERMANENT ZONING AS SOON AS HE GETS HIS PERMIT. IT WAS NOTED THAT HIS EMERGENCY ZONING WILL HAVE EXPIRED BY THAT TIME.

COLONEL HENDERSON ASKED WHAT CONNECTION THE BARN HAS WITH A SCHOOL OF EQUITATION?

MRS. HENDERSON QUOTED SECTION 30-139-B-2; 30-128 AND SECTION 30-37 - ALL OF WHICH TIE THE HANDS OF THE BOARD.

MR. D. SMITH SAID HE WOULD LIKE TO HAVE IT POINTED OUT IN THE ORDINANCE WHERE THE BOARD COULD GRANT THIS. TO GRANT THIS WOULD BE GETTING ABOUT AS FAR OUT OF LINE AS POSSIBLE - TO GRANT A PERMIT AND CREATE A NON-CONFORMING USE.

IF THE APPLICANT HAD ENOUGH LAND TO MEET THE SETBACK THEN THE ONLY THING THAT WOULD CONCERN THE BOARD WOULD BE THE REVERTING TO R-12.5 ZONING AND CREATING THE NON-CONFORMING USE.

MR. D. SMITH SUGGESTED THAT THE BOARD MIGHT GIVE THE COLONEL MORE TIME TO WORK OUT SOMETHING ON THIS - PERHAPS GETTING MORE LAND. HORSES HAVE BEEN STABLED HERE IN THE PAST AND THIS WOULD PROVIDE A GOOD COMMUNITY NEED.

MR. D. SMITH SAID HE WOULD FAVOR THIS IF THE COLONEL COULD MEET THE REQUIREMENTS.

THE BOARD AND COLONEL HENDERSON DISCUSSED THE ROAD ALONG THE SIDE OF THIS PROPERTY - IS IT DEDICATED OR COULD IT BE ADDED TO THE HENDERSON PROPERTY? IF THE ROAD BELONGS TO BERMAN (ADJOINING PROPERTY OWNER) PERHAPS THIS ROAD COULD BE ADDED FOR THE LIFE OF A PERMIT ON COLONEL HENDERSON'S PROPERTY, OR IF THE COLONEL COULD LEASE 35 FEET FROM BERMAN AND INCLUDE THAT LAND IN THE USE PERMIT - THAT MIGHT HELP IN SOLVING THE OBJECTIONS OF THE BOARD.

MRS. HENDERSON SAID THE BOARD COULD NOT RECOGNIZE A LEASE LINE.

IF HE HAS FULL CONTROL, MR. E. SMITH SAID, HE SAW NO DIFFERENCE BETWEEN A LEASE LINE AND A PROPERTY LINE.

MR. E. SMITH SAID THIS REMINDED HIM OF THE BOARD OF COUNTY SUPERVISORS' AMENDMENT REGARDING "NO FAULT OF THE APPLICANT, ETC." THE PEOPLE IN THE AREA THINK THIS IS A GOOD USE - THE GOVERNING BODIES CONSIDER THIS DESIRABLE AND HAVE ATTEMPTED TO BE COOPERATIVE, BUT THE ORDINANCE AS WRITTEN SEEMS TO PROHIBIT THIS USE. SOME PEOPLE THINK THE ORDINANCE IS UNDULY RESTRICTIVE, MR. E. SMITH CONTINUED, BUT IT IS PLAIN.

MRS. HENDERSON ASKED - WILL THE BOARD OF COUNTY SUPERVISORS BE SO COOPERATIVE FOR EVERYONE WHO COMES UP FOR AN EMERGENCY REZONING? THE ORDINANCE IS RESTRICTIVE FOR A GOOD REASON - FOR THE GOOD OF THE COMMUNITY.

MR. E. SMITH SAID - HIS PRACTICAL MIND SAYS - THIS SHOULD NOT BE.

IN ALL FAIRNESS TO THE APPLICANT, MR. D. SMITH SUGGESTED THAT THIS BE DEFERRED AGAIN - HE WOULD LIKE TO TALK WITH THE COMMONWEALTH'S ATTORNEY'S OFFICE. MR. D. SMITH SAID HE THOUGHT THIS WAS A GOOD USE IN THIS COMMUNITY BUT WHEN HE WAS APPOINTED TO THIS BOARD HE SWORE TO UPHOLD THE ORDINANCE AND HE COULD NOT VOTE FOR THIS AND FEEL THAT HE WAS FULFILLING HIS OATH. IF THE COMMONWEALTH'S ATTORNEY CAN SHOW THE BOARD THAT THEY ARE WRONG AND THEY COULD WAIVE THIS SETBACK HE WOULD VOTE FOR THIS.

MR. D. SMITH MOVED TO DEFER 30 DAYS IN ORDER TO EXPLORE THE STATEMENTS THAT HAVE BEEN MADE TO THE APPLICANT FROM THE COMMONWEALTH'S ATTORNEY'S OFFICE.

SECONDED, MR. E. SMITH CD. UNAN.

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NEW CASES

1-

W. E. WHORTON, TO PERMIT OPERATION OF PONY RIDES, PART PARCEL D. EAST GARFIELD TRACT, ON COMMERCE AVENUE, MASON DISTRICT. (C-G).

NO ONE WAS PRESENT TO REPRESENT THE APPLICANT.

MR. E. SMITH MOVED TO DEFER TO SEPTEMBER 10, 1962 AND IF THE APPLICANT IS NOT PRESENT AND THERE IS NOT SHOWN TO BE A REASONABLE REASON WHY HE IS NOT PRESENT - THE CASE WILL BE DENIED.

SECONDED, MR. D. SMITH CD. UNAN.

//

THE MEETING ADJOURNED.

*Mary K. Henderson*

MRS. L. J. HENDERSON, JR.  
CHAIRMAN

*September 30, 1962*

DATE

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THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, SEPTEMBER 11, 1962 AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE, WITH ALL MEMBERS PRESENT, MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH

NEW CASES:

1-

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, TO PERMIT ERECTION OF A TRANSMISSION TOWER ON ROOF OF THE PRESENT ANNANDALE DIAL CENTER, 110 FEET ABOVE GROUND AND 80 FEET ABOVE ROOF, 750 FEET EAST OF ROUTE #620 ON NORTH SIDE OF ROUTE #236, MASON DISTRICT, (re-0.5).

MR. ROBERT McCANDLISH REPRESENTED THE APPLICANT. MR. MULLEN, ENGINEER FROM THE COMPANY, WAS ALSO PRESENT.

MR. McCANDLISH RECALLED THAT HE HAD DISCUSSED THIS CASE WITH THIS BOARD AT AN EARLIER DATE, AND THE BOARD AGREED AT THAT TIME THAT THE SPECIFICATIONS IN THE ORDINANCE COULD BE MET IN THIS CASE EVEN THOUGH THE BUILDING SETBACKS WERE LESS THAN THE TOTAL HEIGHT OF THE TOWER, SINCE THE TOWER ITSELF COULD FALL WITHIN BOUNDS OF THE PROPERTY - IT BEING ASSUMED THAT THE ENTIRE BUILDING WOULD NOT FALL.

MR. McCANDLISH SAID THE HEIGHT OF THE TOWER, WHICH PROVIDES A SIGNALLING SERVICE FOR TELEPHONE CUSTOMERS WHO SUBSCRIBE TO THIS SERVICE, IS CONTROLLED BY FCC. THE TOWER WOULD BE PLACED ON THE EXISTING BUILDING 21 FEET 5 INCHES FROM THE REAR AND 38 FEET 1 INCH FROM THE FRONT. (THIS IS SHOWN ON INITIALED PLAT IN THE FILES OF THIS CASE.) THE LOCATION OF THE TOWER WAS DICTATED BY THE STRUCTURE ITSELF. THE TOWER IS APPROXIMATELY 1 FOOT IN DIAMETER AT ITS BASE, TAPERING TO APPROXIMATELY 3 INCHES AT THE TOP - A WHIP-TYPE ANTENNA - OVERALL HEIGHT OF THE TOWER, 110 FEET. THE BASE OF THE TOWER WOULD BE 121 FEET FROM LITTLE RIVER TURNPIKE.

THERE WERE NO OBJECTIONS FROM THE AREA.

PLANNING COMMISSION RECOMMENDATION - TO APPROVE UNDER SECTION 15-964.10.

THE PRINCIPAL REASON FOR THE REQUIRED SETBACK, MR. E. SMITH POINTED OUT, IS TO ASSURE THE FACT THAT THE SETBACK FROM THE PROPERTY LINE IS EQUAL TO THE HEIGHT OF THE TOWER. THIS IS TO PROVIDE THAT IN THE EVENT THE TOWER SHOULD FALL IT WILL BE ON THE PROPERTY OF THE OWNER. ALTHOUGH, IN THIS CASE, THE OVERALL HEIGHT WOULD BE GREATER THAN THE FALL AREA, THE BUILDING ITSELF WOULD HAVE TO FALL AND IT IS THE OPINION OF THIS BOARD THAT THE INTENT OF THE ORDINANCE IS MET - WHEREIN THAT IF THE TOWER DOES FALL IT WILL FALL COMPLETELY WITHIN THE BOUNDARY OF THE TELEPHONE COMPANY PROPERTY.

THEREFORE, MR. E. SMITH MOVED THAT IN THE CASE OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, TO PERMIT ERECTION OF A TRANSMISSION TOWER ON ROOF OF THE PRESENT ANNANDALE DIAL CENTER, 110 FEET ABOVE GROUND AND 80 FEET ABOVE ROOF, 750 FEET EAST OF ROUTE #620 ON NORTH SIDE OF ROUTE #236, MASON DISTRICT, THAT THE TELEPHONE COMPANY BE PERMITTED TO ERECT A TRANSMISSION TOWER ON THE ROOF OF THE PRESENT ANNANDALE DIAL CENTER. THIS IS GRANTED UNDER SECTION 30-133(D).

SECONDED, MRS. CARPENTER Cd. UNAN.

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2-

MARY J. HEALY, TO PERMIT OPERATION OF A KINDERGARTEN (10 CHILDREN), LOT 7 BEGG 0, SECTION 3, DUNN LORING WOODS (1620 COTTAGE STREET), PROVIDENCE DISTRICT. (R-12.5)

MRS. HEALEY EXPLAINED HER INTENT: SHE PLANNED TO HAVE A MAXIMUM OF TEN CHILDREN, INCLUDING THREE OF HER OWN. THIS WOULD SERVE ONLY FRIENDS AND NEIGHBORS IN THE COMMUNITY, OPERATING FROM 9 TO 12, CHILDREN RANGING FROM 4-1/2 TO 5 YEARS. SHE IS A KINDERGARTEN TEACHER. THE SCHOOL WOULD BE OPERATED IN THE FAMILY ROOM WHICH HAS AMPLE SPACE. MRS. HEALEY SAID SHE HAD A LETTER FROM THE FIRE MARSHALL, WITH WHOM SHE HAD TALKED. THERE WOULD BE A FIRE DOOR REQUIRED. THE NEIGHBORS WITH WHOM SHE TALKED HAVE NO OBJECTION. WATER AND SEWER ARE AVAILABLE. NO ONE WOULD DRIVE TO THE SCHOOL - ALL THE CHILDREN WOULD WALK.

## NEW CASES (CONTINUED)

2-  
CONT'D.

Mr. E. SMITH SAID HE DID NOT LIKE TO SEE THESE NON-RESIDENTIAL USES - EVEN OF THIS LIMITED NATURE - SPRINGING UP ON SMALL MINIMUM SIZE LOTS. THIS IS A GOOD THING, Mr. E. SMITH CONTINUED, AND IT SERVES A PURPOSE, BUT IT TENDS TO SET A PRECEDENT - FIRST WE HAVE A KINDERGARTEN, THEN COMES THE FIRST GRADE, A DENTIST, AND NURSERY SCHOOL - A WHOLE SERIES OF NON-RESIDENTIAL USES IN A RESIDENTIAL NEIGHBORHOOD. THIS BOARD COULD CHANGE THE CHARACTER OF A WHOLE NEIGHBORHOOD BY GRANTING SUCH USES. HIS PRIMARY CONCERN WAS THE USE OF THE LAND.

Mrs. HEALEY SAID THE CHILDREN WOULD BE INSIDE MOST OF THE TIME - THIS IS NOT TO BE A PLAY ACTIVITY AND SHE MAY NOT EVEN HAVE TEN CHILDREN - THEY WOULD BE CHILDREN FROM THE NEIGHBORHOOD WHO OFTEN PLAY IN THEIR YARD. THIS WOULD GIVE HER BETTER CONTROL OVER THEM, AND THERE IS NO PUBLIC KINDERGARTEN IN VIRGINIA. SHE THOUGHT THIS SERVED A REAL PURPOSE.

Mr. DAN SMITH SAID HE AGREED IN PART WITH Mr. E. SMITH, ABOUT THE USE OF RESIDENTIAL PROPERTY FOR CERTAIN BUSINESSES, BUT HE THOUGHT THIS SCHOOL WAS IN A DIFFERENT CATEGORY THAN BUSINESS AS SUCH.

Mrs. HEALEY SAID SHE WOULD HAVE ONLY SEVEN CHILDREN ADDED TO HER OWN. SHE WOULD CHARGE \$15.00 PER MONTH PER CHILD. SHE HAD NOT PLANNED ON HAVING ANY HANDICAPPED CHILDREN. THE SCHUMANN SCHOOL IS IN THE AREA. THERE WERE NO OBJECTIONS FROM THE AREA.

Mr. E. SMITH SUGGESTED A LIMITATION OF ONE YEAR ON THE PERMIT.

IN THE APPLICATION OF MARY J. HEALY TO PERMIT OPERATION OF A KINDERGARTEN (10 CHILDREN), LOT 7, BLOCK 0, SECTION 3, DUNN LORING WOODS (1620 COTTAGE STREET), PROVIDENCE DISTRICT, Mr. D. SMITH MOVED THAT THE APPLICATION BE APPROVED FOR A PERIOD OF ONE YEAR, UNDER SECTION 30-137(C). ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET. THIS IS GRANTED FOR A TOTAL OF NO MORE THAN 10 CHILDREN, AGES 4-1/2 TO 5 YEARS.

SECONDED, Mr. BARNES

Mrs. HENDERSON AND Mr. E. SMITH VOTED "NO" - THE OTHERS VOTING "YES". Mrs. HENDERSON DISAGREED WITH THIS USE IN A NEW SUBDIVISION AND CONSIDERED IT NOT IN HARMONY WITH THE GENERAL PURPOSES OF THE ZONING REGULATIONS - IT WOULD BE DETRIMENTAL TO THE CHARACTER AND DEVELOPMENT OF THE AREA.

IT WAS SUGGESTED THAT Mrs. HEALY FILE FOR AN EXTENSION OF THE USE DURING JUNE 1963 IN ORDER TO BE HEARD IN JULY.

MOTION CARRIED TO GRANT.

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3-

MYERS FISHER, TO PERMIT GARAGE TO REMAIN 11 FEET FROM SIDE PROPERTY LINE; LOT 4, SHARON SUBDIVISION, (8 SHARON ROAD), LEE DISTRICT. (R-17).

Mr. HENRY MACKALL REPRESENTED THE APPLICANT.

Mr. MACKALL FILED A SUPPORTING PETITION WITH THE BOARD SIGNED BY ALL THE PEOPLE IN THE SUBDIVISION, EXCEPT ONE WHO WAS AWAY.

Mr. FISHER SAID HE WANTED A 15 FOOT GARAGE TO TAKE CARE OF HIS TOOLS AND GARDEN EQUIPMENT. HE HAD DISCUSSED PUTTING THIS ADDITION ON WITH A BRICK-LAYER WHO ADVISED HIM IT COULD BE DONE, BUT HE MEASURED FROM THE SIDE OF THE HOUSE FARTEST FROM THE SIDE LOT LINE. IT WAS NOT 15 FEET FROM THE NEAREST CORNER OF THE HOUSE. ALSO HE MEASURED INSIDE DIMENSIONS. WORK WAS STOPPED ON THE STRUCTURE WHEN IT WAS FOUND TO BE IN VIOLATION. HE ALSO DISCUSSED THE TOPOGRAPHY WHICH SHOWED A DISTINCT SLOPE ON THE OPPOSITE SIDE OF THE HOUSE - HIS PROPERTY IS MUCH HIGHER THAN THAT ADJOINING. A GARAGE IN THAT LOCATION WOULD BE DIFFICULT OF ACCESS AND IT WOULD CLOSE OFF WINDOWS. THE ROOF IS LEVEL WITH THE FIRST FLOOR OF THE HOUSE ON THIS SIDE OF HIM. THE NEIGHBORS FEEL THAT THIS ADDITION IS AN ASSET TO THE AREA. THERE ARE ABOUT THREE OTHER GARAGES IN THE NEIGHBORHOOD.

Mr. MACKALL STATED THAT THIS IS AN OLD SUBDIVISION AND MANY OF THE SETBACKS DO NOT CONFORM. THE SETBACK OF THE HOUSE ON ADJOINING PROPERTY IS NON-CONFORMING. NONE OF THE SUBDIVISION COMPLIES WITH THE EXISTING ORDINANCE.

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## NEW CASES (CONTINUED)

3-  
CONT'D

MR. MACKALL SAID THE TOPOGRAPHY IS SUCH THAT, ON THESE THREE ADJOINING LOTS, THE GARAGE SHOULD NOT BE MEASURED ON THE LOWER SIDE WHERE THERE IS ROOM - BUT RATHER IT SHOULD BE ON THE UPPER SIDE WHERE THERE IS NOT ROOM BUT WHERE IT DOES NOT INTERFERE WITH ADJOINING PROPERTY. THE PURPOSE OF THE SIDE LINE REQUIREMENT IS TO SEE THAT THE HOUSES ARE NOT TOO CLOSE TOGETHER. IN THIS CASE THERE WILL STILL BE PLENTY OF ROOM. WHEN THESE HOUSES WERE BUILT THE SIDE LINE REQUIREMENT WAS 15 FEET.

MR. MOORELAND NOTED THAT UNDER THE OLD ORDINANCE YOU COULD EXTEND 5 FEET INTO THE PROHIBITED SETBACK AREA WITH A GARAGE, AND THIS COULD HAVE BEEN ALLOWED AT THAT TIME. MANY HOUSES IN THIS SUBDIVISION WOULD BE NON-CONFORMING NOW.

MR. FISHER POINTED OUT THAT THIS HOUSE IS SETBACK FARTHER THAN THE OTHER HOUSES IN THE SUBDIVISION.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH LEFT THE ROOM.

BASICALLY THIS WAS A MISTAKE ON THE PART OF THE APPLICANT, MR. D. SMITH POINTED OUT, AND SUB-SECTION 4 SHOULD BE INCLUDED IF THIS IS TO BE GRANTED - INSTEAD OF A STRAIGHT VARIANCE - SINCE THE BUILDING HAS BEEN CONSTRUCTED. THIS WAS CONSTRUCTED, MR. D. SMITH CONTINUED, WITH GOOD INTENT, BUT THE APPLICANT WAS IN ERROR BY CONTRACTING FOR THE GARAGE IN THE MANNER IN WHICH HE DID. THERE ARE UNUSUAL CIRCUMSTANCES SURROUNDING THIS CASE. MOST OF THE HOUSES WERE BUILT BEFORE THE ORDINANCE WAS CHANGED, BUT THERE IS NO INDICATION THAT THIS WILL BE DETRIMENTAL IN ANY WAY TO THE SURROUNDING NEIGHBORHOOD. IT WILL NOT IMPAIR THE INTENT OF THE ORDINANCE AND THE BOARD DOES HAVE THE AUTHORITY TO GIVE RELIEF. THE MISTAKE COULD HAVE BEEN MADE BEFORE THE APPLICATION FOR THE PERMIT WAS MADE, BECAUSE THE APPLICANT DID NOT SEEK OUT THE PROPER PROPERTY LINE.

DUE TO THE UNUSUAL CIRCUMSTANCES SURROUNDING THE APPLICATION, AND THE EXPLANATION GIVEN BY THE APPLICANT, MR. D. SMITH MOVED THAT THE APPLICATION OF MYERS FISHER, TO PERMIT GARAGE TO REMAIN 11 FEET FROM SIDE PROPERTY LINE, LOT 4, SHARON SUBDIVISION, (8 SHARON ROAD), LEE DISTRICT BE GRANTED UNDER SECTION 30-36-4. THE GRANTING OF THIS VARIANCE WILL NOT BE DETRIMENTAL TO THE OTHER PROPERTY OWNERS NOR WILL IT CREATE A HAZARD TO SAFETY AND WELFARE OF THE AREA. IT WOULD CAUSE AN UNREASONABLE HARDSHIP UPON THE APPLICANT AT THIS TIME BECAUSE THE GARAGE IS CONSTRUCTED AND IT IS FOUND THAT IT BLENDS WITH THE HOUSE AND WITH THE SURROUNDING NEIGHBORHOOD

SECONDED, MR. BARNES

VOTING "YES" - MR. D. SMITH, MR. T. BARNES, MRS. CARPENTER

MRS. HENDERSON VOTED "NO" - SAYING THE ERROR AS DEFINED IN THIS CASE WAS PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.

MOTION CARRIED TO GRANT.

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4-

W. J. MOREDOCK, TO PERMIT OPERATION OF A PLAY SCHOOL IN HOME (9 CHILDREN) LOT 32, BLOCK L, SECTION 4, BREN MAR PARK, (1624 SHELDON DRIVE) LEE DIST. (R-10)

MRS. MOREDOCK PRESENTED A LETTER SIGNED BY PARENTS OF THE CHILDREN WHO WOULD ATTEND HER SCHOOL AGREEING THAT THEIR CHILDREN WOULD WALK TO THE SCHOOL. SINCE NO ONE WOULD BE RIDING, MRS. MOREDOCK POINTED OUT THAT THERE WOULD BE NO LOADING SAFETY PROBLEM, AND NO NEED FOR PARKING SPACES. THIS WILL BE A SMALL SCHOOL CONDUCTED ON MONDAY, WEDNESDAY AND FRIDAY FROM 9 TO 11:30 A.M. - CHILDREN FROM 3 TO 4-1/2 YEARS OF AGE. THIS IS A NURSERY SCHOOL NOT A KINDERGARTEN. THE GROUP WILL INCLUDE ONE MOREDOCK CHILD.

MRS. MOREDOCK SAID THERE IS NO OTHER SCHOOL OF THIS KIND IN THE NEIGHBORHOOD. SHE WAS APPROACHED BY PEOPLE IN THE NEIGHBORHOOD WANTING THIS SERVICE. SHE AGREED TO CONTACT BOTH THE FIRE MARSHALL AND THE HEALTH DEPARTMENT IF THE PERMIT IS GRANTED. THE SCHOOL WILL NOT OPERATE DURING THE SUMMER.

NEW CASES (CONTINUED)

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4-  
CONT'D

SINCE THEY ARE ALL SERVICE PEOPLE AND WILL BE HERE ANOTHER 1-1/2 YEARS, SHE ASKED FOR A PERMIT FOR THAT LENGTH OF TIME. THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT THE APPLICATION OF MRS. W. J. MOREDOCK, TO PERMIT OPERATION OF A PLAY SCHOOL IN HOME (9 CHILDREN), LOT 32, BLOCK L, SECTION 4, BREN MAR PARK (1624 SHELDON DRIVE), LEE DISTRICT, BE GRANTED FOR A PERIOD OF 18 MONTHS. THIS IS A SMALL SCHOOL AND IT IS FOR THE IMMEDIATE NEIGHBORHOOD, AND IT DOES NOT APPEAR THAT IT WILL BE OBJECTIONABLE TO THE SURROUNDING PROPERTY. THIS IS GRANTED PROVIDED THE APPLICANT GETS APPROVAL OF THE FIRE MARSHALL. THIS WILL BE CONDUCTED FOR THE PUBLIC SCHOOL TERM ONLY AND NOT DURING THE SUMMER. THE PERMIT IS GRANTED TO THE APPLICANT ONLY.

SECONDED, MR. BARNES

MR. E. SMITH RETURNED TO THE ROOM - HOWEVER, HE DID NOT VOTE ON THIS CASE - NOT HAVING HEARD THE PRESENTATION.

MRS. HENDERSON, MRS. CARPENTER AND MR. D. SMITH AND MR. BARNES VOTED FOR THE MOTION; MRS. HENDERSON NOTING THAT THERE ARE NO SUCH FACILITIES IN BREN MAR PARK - THIS IS AN OLDER SUBDIVISION WHICH HAS HAD MANY PROBLEMS AND THEY NEED WHATEVER HELP THEY CAN GET AND THEY LACK FACILITIES OF THIS TYPE.

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5-

ANDREW W. CLARKE, TO PERMIT AN ADDITION TO DWELLING 23' 3" FROM STREET LINE, LOT 1, BLOCK L, PARCEL 3, SECTION 1A, BUCKNELL MANOR (946 PRINCETON DRIVE), MT. VERNON DISTRICT. (R-10).

MR. CLARKE SAID HE WAS ASKING THIS FOR HIS DAUGHTER AND SON-IN-LAW. IT IS A VERY SMALL HOUSE - THEY HAVE THREE CHILDREN AND NEED THIS SPACE FOR STORAGE AND PLAY SPACE FOR THE CHILDREN. HE POINTED OUT THAT PRINCETON DRIVE DEAD ENDS ACROSS THE STREET FROM THIS PROPERTY, AND THE ONLY TRAFFIC WOULD BE FROM CORNELL DRIVE AROUND THE CIRCLE. MR. CLARKE SAID HE CHECKED THE VISIBILITY AND FOUND THE VISIBILITY CLEAR FOR 145 FEET FROM PRINCETON DRIVE AND 137 FEET FROM CORNELL DRIVE.

MRS. HENDERSON THOUGHT THIS TOO MUCH HOUSE ON THIS SMALL LOT.

MR. CLARKE RECALLED THAT THE BOARD HAD GRANTED TWO OTHER VARIANCES IN THIS IMMEDIATE AREA.

MRS. HENDERSON SUGGESTED PUTTING THE ADDITION TOWARD THE FRONT WHERE IT PROBABLY COULD BE DONE WITHOUT A VARIANCE.

MR. CLARKE ANSWERED SAYING THAT WOULD COVER THE LARGE PICTURE WINDOW AND THE ROOM WOULD BE UNUSABLE IN THAT LOCATION. ON THE SIDE IT WOULD BE BUILT WITH THE SAME ARCHITECTURE AS THE HOUSE. THERE IS NO OTHER PLACE TO PUT THE ADDITION. THERE ARE MANY HOUSES IN THE AREA CLOSER TO THE LINE THAN THIS REQUEST.

MRS. HENDERSON STILL THOUGHT THIS WAS CROWDING THE LOT.

MR. MOORELAND SAID THIS HOUSE WAS BUILT UNDER THE OLD ORDINANCE WITH NO REAR YARD - THE CORNER LOTS WERE SO CONSIDERED - TWO FRONTS AND NO REAR. THE HOUSE IS ABOUT 12 YEARS OLD.

NO ONE IN THE AREA OBJECTED TO THIS ADDITION.

THERE IS NO DOUBT, MR. D. SMITH SAID, THAT THE LOT IS TOO SMALL BUT TO DENY THIS WOULD BE DENYING THE APPLICANT A REASONABLE USE OF THIS LOT - IN AN AREA WHERE THERE HAVE BEEN OTHER VARIANCES GRANTED AND SOME STRUCTURES ARE CLOSER TO THE LINE THAN THAT WHICH THE APPLICANT IS ASKING. THIS IS AN UNUSUAL CORNER LOT, ODD IN SHAPE, WITH NO REAR YARD. PRINCETON DRIVE IS DEAD END. MR. D. SMITH WENT ON TO SAY THAT HE DID NOT SEE ANY WAY THIS COULD BE DETRIMENTAL TO THE ADJOINING NEIGHBORHOOD OR WHERE IT COULD IMPAIR THE ENJOYMENT OF THE NEIGHBORHOOD. THE HOUSE IS 12 YEARS OLD AND THIS IS AN OLD SUBDIVISION. HE WAS INCLINED TO GIVE THIS FAVORABLE CONSIDERATION DUE TO THE TIME THE BUILDING HAS BEEN CONSTRUCTED AND DUE TO THE DEVELOPMENT IN THE SUBDIVISION.

5-  
CONT'D

MR. E. SMITH COULD NOT SEE WHY THE DEAD END PRINCETON DRIVE HAD ANY BEARING.

BECAUSE IT DOES NOT MAKE THIS AN INTERSECTION, MR. CLARKE SAID, AND CREATES NO VISIBILITY PROBLEM.

MR. D. SMITH CONTINUED, SAYING: WE SELDOM HAVE AN APPLICATION IN A SUBDIVISION WITH LOTS THAT HAVE NO REAR YARD. PRINCETON DRIVE DEAD ENDS, THE LOT IS ODD SHAPED AND IT IS SMALL. HE RECALLED SIMILAR CASES IN TYLER PARK WITH REQUESTS FOR ADDITIONS VERY LIKE THIS. THIS WOULD NOT IMPAIR THE VIEW. MR. D. SMITH SAID HE COULD SEE NOTHING DETRIMENTAL TO ANY OTHER PROPERTY OWNER. PEOPLE WHO LIVE ON THE SMALL LOTS IN SMALL HOUSES SHOULD BE ENTITLED TO MAKE ADDITIONS, MR. D. SMITH ARGUED. IT WOULD BE FINE TO BUILD ANOTHER HOUSE AND MOVE OUT, BUT THAT IS NOT ALWAYS DESIRABLE NOR POSSIBLE TO DO, MR. D. SMITH SAID.

BECAUSE OF MR. D. SMITH'S ELOQUENCE AND PERSUASIVE REASONING, MR. E. SMITH SAID HE WAS CONVINCED - HE THEREFORE MOVED THAT IN THE CASE OF ANDREW W. CLARKE, TO PERMIT AN ADDITION TO DWELLING 23' 3" FROM STREET LINE, LOT 1, BLOCK L, PARCEL 3, SECTION 1A, BUCKNELL MANOR, (946 PRINCETON DRIVE), MT. VERNON DISTRICT, THE VARIANCE BE GRANTED AS REQUESTED.

SECONDED, MR. D. SMITH

VOTING "YES" - MR. E. SMITH, MR. D. SMITH, MR. T. BARNES, MRS. HENDERSON. MRS. CARPENTER ABSTAINED.

MRS. HENDERSON VOTED "YES" - SAYING THIS IS AN OLD SUBDIVISION, THE HOUSE WAS SET AT AN ODD ANGLE WHICH DOES NOT GIVE COMPLETE USE OF THE LOT. MOTION CARRIED TO GRANT.

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THE BOARD RECESSED FOR 5 MINUTES.

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6- THE ROSE HILL KINDERGARTEN, TO PERMIT OPERATION OF A KINDERGARTEN IN PRESENT BUILDING, S.W. CORNER OF FRANCONIA ROAD AND BEULAH ROAD (OLIVET EPISCOPAL CHURCH PROPERTY), LEE DISTRICT. (R-17 AND RE-1).

MRS. M. KELLY AND MRS. FAVEAU FROM THE SPONSORING CLUB, CAME BEFORE THE BOARD.

THIS KINDERGARTEN HAS BEEN OPERATING UNDER PERMIT IN THE BAPTIST CHURCH. THEY NOW WISH TO MOVE TO <sup>OLIVET EPISCOPAL</sup> ~~BUSH HILL PRESBYTERIAN~~ CHURCH. THEY HAVE 22 CHILDREN - 24 AT MOST. THIS IS NOT CHURCH SPONSORED. THEY TAKE CHILDREN UP TO 5 YEARS ON OCTOBER 1ST ONLY. THERE IS NO FIRST GRADE. THIS IS AN EDUCATIONAL PROGRAM OPERATING FROM 9 TO 12. CHILDREN COME BY CAR POOLS - NEVER MORE THAN FIVE CHILDREN IN ONE CAR. THE CHILDREN COME FROM SUBDIVISIONS IN THE AREA. THEY DO NOT OPERATE IN SUMMER. THIS IS OPERATED BY THE CHURCH - ALL FACILITIES ARE ADEQUATE.

THERE WERE NO OBJECTIONS FROM THE AREA.

MR. E. SMITH SAID, IN HIS OPINION, THIS SCHOOL WOULD NOT BE DETRIMENTAL TO THE CHARACTER OF THE AREA. THE CHURCH BUILDINGS ARE THERE AND ARE ADEQUATE - THE PARKING IS MORE THAN SUFFICIENT. HE MOVED THAT THE APPLICATION OF THE ROSE HILL KINDERGARTEN, TO PERMIT OPERATION OF A KINDERGARTEN IN PRESENT BUILDING, S.W. CORNER OF FRANCONIA ROAD AND BEULAH ROAD, (OLIVET EPISCOPAL CHURCH PROPERTY), LEE DISTRICT, BE GRANTED AS APPLIED FOR UNDER SECTION 30-137(c), FOR A PERIOD OF TWO YEARS. IT IS GRANTED WITH THE STIPULATION THAT THERE WILL BE NO MORE THAN 24 CHILDREN, AND THIS PERMIT IS TO OPERATE A KINDERGARTEN ONLY FOR 5 YEAR OLDS.

SECONDED, MRS. CARPENTER

MR. D. SMITH STATED THAT IN HIS OPINION THIS IS AN IDEAL USE OF A CHURCH AND SUNDAY SCHOOL BUILDING WHEN THE BUILDINGS ARE VACANT. CHURCHES THAT HAVE THE SPACE AVAILABLE WILL DO WELL, HE WENT ON TO SAY, TO MAKE THEIR BUILDINGS AVAILABLE FOR KINDERGARTENS OR THAT TYPE OF THING. THIS IS FAR BETTER THAN HAVING A SCHOOL IN A HOME IN A SUBDIVISION, HE CONCLUDED.

MR. E. SMITH SAID THESE SPECIAL PERMITS SHOULD BE REVIEWED PERIODICALLY, AND IF IT IS OPERATED PROPERLY THERE SHOULD BE NO HESITENCY ABOUT CONTINUING THE PERMIT.

NEW CASES (CONTINUED)

6-  
CONT'D

MRS. HENDERSON SUGGESTED THAT THIS BE REVIEWED WITHIN THE TWO YEARS, AND IF MR. MOORELAND HAS NO COMPLAINTS IT WOULD BE CONTINUED WITHOUT THE APPLICANTS HAVING TO COME BEFORE THIS BOARD AGAIN.

MR. E. SMITH AMENDED HIS MOTION TO THIS EFFECT THAT MR. MOORELAND BE GIVEN AUTHORITY TO CONTINUE THIS PERMIT AUTOMATICALLY IF AT THE END OF THE TWO YEAR PERMIT IT HAS BEEN RUN IN A SATISFACTORY MANNER.

MRS. CARPENTER AGREED WITH THE AMENDMENT.

MOTION CARRIED UNANIMOUSLY.

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7- R. C. VINCENT CORP., TO ALLOW PORCH TO REMAIN 17.3 FEET FROM SIDE PROPERTY LINE, LOT 2, BRITAIN SUBDIVISION, CENTREVILLE DISTRICT. (RE-2)

NO ONE WAS PRESENT.

CASE PUT AT THE BOTTOM OF THE LIST - BY MOTION MADE BY MR. BARNES, SECONDED BY MR. E. SMITH - CD. UNAN.

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8- CHARLES AND MARIE BAIN, TO PERMIT OPERATION OF A BEAUTY SHOP IN HOME, LOTS 104 AND 105, ANNANDALE SUBDIVISION, (7254 POPLAR STREET), FALLS CHURCH DISTRICT. (R-10).

MR. MARK SANDGROUND REPRESENTED THE APPLICANTS. THIS USE IS ALREADY IN OPERATION, MR. SANDGROUND POINTED OUT.

MR. SANDGROUND SUBMITTED A MEDICAL REPORT ON MRS. BAIN ALONG WITH A DETAILED STATEMENT ON HER PHYSICAL AND FINANCIAL PROBLEMS. BECAUSE OF THIS EXPLANATION OF MRS. BAIN'S EMOTIONAL AND FINANCIAL CONDITION, MR. SANDGROUND URGED THE BOARD TO GRANT THE PETITION FOR A BEAUTY SHOP IN ORDER THAT SHE COULD MEET HER FINANCIAL OBLIGATIONS. THE PETITION SIGNED BY MANY PEOPLE IN THE IMMEDIATE AND NEARBY AREA <sup>WAS PRESENTED.</sup> THIS ONE CHAIR BEAUTY SHOP WOULD BE RUN ONLY FOR FRIENDS AND NEIGHBORS, THERE WOULD BE NO SIGN. SHE WOULD USE ONE ROOM FOR THIS PURPOSE. MR. SANDGROUND URGED THE BOARD TO GRANT THIS USE.

AT THE CONCLUSION OF MR. SANDGROUND'S VERY DETAILED AND EMOTIONAL DESCRIPTION OF MRS. BAIN'S PROBLEMS, MR. E. SMITH STATED THAT THE BOARD DID NOT THINK IT NECESSARY TO GO INTO THE BAINS' PERSONAL PROBLEMS - THAT THE ORDINANCE PROVIDES FOR THIS USE WHEN IT DOES NOT APPEAR TO BE DETRIMENTAL TO THE AREA, AND WHILE AS INDIVIDUALS THE BOARD WAS SYMPATHETIC WITH MRS. BAIN'S PROBLEMS, THEY COULD NOT BE CONSIDERED IN THE GRANTING OR REFUSING OF THIS USE PERMIT.

THIS STREET, MR. E. SMITH CONTINUED, IS IN A TRANSITIONAL STATE - IT HAVING BEEN PLACED IN THE ANNANDALE PLAN FOR FUTURE C-O ZONING. THE USE REQUESTED IS VERY RELEVANT. MR. E. SMITH SAID HE KNEW THE AREA AND DID NOT CONSIDER THAT THIS USE WOULD BE DETRIMENTAL. HE MOVED THAT IN THE APPLICATION OF CHARLES AND MARIE BAIN, TO PERMIT OPERATION OF A BEAUTY SHOP IN HOME, LOTS 104 AND 105, ANNANDALE SUBDIVISION, (7254 POPLAR ST.), FALLS CHURCH DISTRICT, THAT A PERMIT BE GRANTED UNDER SECTION 30-137(E) OF THE ORDINANCE. THIS IS GRANTED FOR ONE OPERATOR ONLY (MRS. BAIN), AND ONE CHAIR, AND THERE SHALL BE NO SIGN.

(IT WAS NOTED THAT THIS SHOP HAS BEEN OPERATING SINCE MAY 3, 1962).

AT THIS POINT IT WAS RECOGNIZED THAT OPPOSITION WAS PRESENT.

MR. ROLLENBAGEN, 7256 POPLAR STREET, ADJACENT LAND OWNER, OBJECTED TO THIS USE - NEXT DOOR TO HIS HOME. IT INVADERS HIS PRIVACY, HE SAID, AND DEVALUATES HIS HOME. NO OTHER BUSINESSES ARE ON THIS STREET, THE ROAD IS NARROW WITH DEEP GUTTERS WHICH ARE DANGEROUS. MRS. BAIN HAS OFTEN HAD 8 TO 10 CUSTOMERS WITH THAT MANY CARS IN THE YARD AND ON THE STREET. IT HAS BEEN VERY OBJECTIONABLE. A LOT IN THE REAR COULD BE USED FOR PARKING. HE HAD COUNTED FROM 7 TO 9 CARS AT ONE TIME IN THE YARD. THERE HAVE BEEN AS MANY AS 17. HE DIDN'T KNOW WHERE THE CARS CAME FROM, BUT PEOPLE KEEP GOING IN AND OUT AT ALL HOURS.

108

109

8-  
CONT'D

NEW CASES (CONTINUED)

Mr. D. SMITH POINTED OUT THAT THIS AREA IS SLATED FOR C-0 ZONING - AND HE COULD NOT SEE WHERE THIS USE WOULD BE HARMFUL.

Mr. ROLLINBARGEN CALLED THIS SPOT ZONING. IF THE WHOLE STREET WENT COMMERCIAL - THAT, HE SAID, WOULD BE ALRIGHT.

Mr. BARNES NOTED THAT UNDER THIS PERMIT THE PEOPLE WOULD BE ON NOTICE THAT THEY WOULD HAVE TO PARK IN THE BACK AND NOT ON THE STREET.

Mrs. BAIN SAID SHE WOULD <sup>NOT</sup> WORK ON SATURDAY <sup>BUT</sup> AND SOME ON SUNDAY, ~~AND~~ IT WOULD BE A SIX DAY OPERATION. PEOPLE WOULD COME BY APPOINTMENT.

THIS IS AN AREA PLANNED FOR C-0 ZONING, Mr. E. SMITH STATED, AND IN THE VICINITY OF EXISTING COMMERCIAL ZONING - THE WATER AUTHORITY PROPERTY IS AT THE END OF POPLAR STREET, WHICH IS ALMOST AN INDUSTRIAL USE. THIS IS AN OLD NEIGHBORHOOD WHICH IS IN A STATE OF TRANSITION. THIS IS THE KIND OF LOCATION WHERE THE OPERATION OF A BEAUTY SHOP IN A HOME WOULD NOT BE DETRIMENTAL - HE THEREFORE, MOVED TO GRANT THE APPLICATION OF CHARLES AND MARIE BAIN, TO PERMIT OPERATION OF A BEAUTY SHOP IN HOME, LOTS 104 AND 105, ANNANDALE SUBDIVISION, (7254 POPLAR STREET), FALLS CHURCH DISTRICT, UNDER SECTION 30-137 (E) - PROVIDED ALL CONDITIONS OF THE ORDINANCE SHALL BE MET INCLUDING THE PROVISION OF ADEQUATE ON-SITE PARKING IN ACCORDANCE WITH REQUIREMENTS OF THE ORDINANCE.

SECONDED, Mr. D. SMITH Cd. UNAN.

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9-

CHARLES BURTON BUILDERS, TO PERMIT OPEN PORCH TO REMAIN 35.28 FEET FROM FRONT PROPERTY LINE, LOT 7A, BLOCK 7, SECTION 1, COLLINGWOOD ON THE POTOMAC, (CORNER OF NEAL DRIVE AND DOYLE DRIVE), MT. VERNON DISTRICT. (R-12.5)

Mr. CHARLES BRESSLER AND Mr. JACOBS REPRESENTED THE APPLICANT.

THE PORCH WAS PUT ON BEFORE THE FINAL SURVEY WAS MADE AND WAS COMPLETED BEFORE THEY REALIZED IT WAS IN VIOLATION, Mr. BESSLER SAID. THE OVERHANG ACROSS THE FRONT WAS EXTENDED TO GIVE A WIDER PORCH AREA. SINCE THE OVERHANG IS AN INTEGRAL PART OF THE BUILDING IT WOULD AFFECT THE STRUCTURE OF THE HOUSE TO REMOVE THE PORTION IN VIOLATION.

Mr. D. SMITH SAID IT WOULD APPEAR THAT THIS WAS SIMPLY AN ELONGATION OF THE ROOF - HE COULD NOT SEE WHERE REMOVING THIS WOULD HAVE ANY STRUCTURAL AFFECT UPON THE BUILDING. IT WOULD AFFECT THE DESIGN, BUT HOW COULD IT AFFECT THE STRUCTURE?

Mr. JACOBS EXPLAINED THAT THESE WERE PRE-FABRICATED MODELS AND THE TRUSSES ARE ALL CUT AT ONE TIME - TO BE USED AT A CERTAIN LENGTH. THIS WOULD NOT ACTUALLY WEAKEN THE STRUCTURE OF THE HOUSE BUT IT WOULD BE DIFFICULT TO GO INTO THE ROOF AND CUT BACK THIS ROOF PORTION. THESE TRUSSES WERE ORDERED AND THEY DID NOT REALIZE THEY WERE TOO BIG - THEY WERE IN PLACE AND COMPLETED BEFORE ANYONE NOTICED. IT WAS JUST AN OVER-SIGHT, Mr. JACOBS WENT ON TO SAY. THEY USE THESE LONGER TRUSSES ON SOME OF THE OTHER HOUSES AND THEY WERE, FOR SOME REASON, SET UP FOR THIS HOUSE. IT WAS ORDERED CORRECTLY AND THE BUILDING PERMIT SHOWED THEY DID NOT INTEND TO USE THESE LONGER TRUSSES.

SINCE THE TRUSSES DON'T BELONG ON THIS HOUSE, IT MIGHT STRENGTHEN THE STRUCTURE BY CUTTING THEM OFF, Mr. D. SMITH OBSERVED.

Mr. E. SMITH MOVED TO DEFER THE CASE TO SEPTEMBER 25, 1962 TO VIEW THE PROPERTY.

SECONDED, Mr. D. SMITH

Mrs. HENDERSON SAID SHE WOULD LIKE TO SEE THE BUILDING PERMIT ALSO.  
MOTION CARRIED UNAN.

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## NEW CASES (CONTINUED)

10- HARRY RAWLINS, TO PERMIT ERECTION OF DWELLING 25 FEET FROM STREET PROPERTY LINE, LOT 24, SOMERVILLE HILL, LEE DISTRICT. (R-12.5)

MR. RAWLINS SHOWED PICTURES OF HIS LOT INDICATING THE SLOPES. AFTER SEEING THE PLAT, MRS. HENDERSON ASKED WHY NOT MOVE THE HOUSE BACK - WITH SUCH A LARGE LOT IN THE REAR?

MR. RAWLINS SAID THE GROUND RISES THEN FALLS AWAY - ABOUT ONE AND TWO INCHES PER FOOT. THIS IS A BETTER LOCATION TO REACH THE SEWER. IF THE HOUSE WERE MOVED BACK DOWN THE HILL THE FALL WOULD NOT BE SUFFICIENT TO REACH THE SEWER. ALSO, MR. CROY (BUILDING INSPECTOR) HAD SAID THIS WAS THE BEST LOCATION FOR THE HOUSE BECAUSE THERE IS SOME SLIPPAGE IN THIS AREA. THERE HAS BEEN A GENERAL SURVEY OF THE AREA ON SOIL CONDITIONS WHICH REVEALED THIS TO BE IN A SLIPPAGE AREA. MR. RAWLINS SAID HE MIGHT BE ABLE TO GO BACK A LITTLE FARTHER WHEN THE ACTUAL SURVEY IS MADE AND MORE IS KNOWN ABOUT THE SOIL. THE HOUSES ON BOTH SIDES OF HIM ARE BACK ABOUT 40 FEET - MEETING THE ORDINANCE.

THE BOARD SHOULD KNOW WHAT WOULD BE THE MINIMUM VARIANCE THAT WOULD GIVE RELIEF, MR. E. SMITH POINTED OUT. MR. COLEMAN COULD TELL EXACTLY WHERE THE SLIPPAGE SOIL IS THEN THE BOARD WOULD KNOW HOW FAR BACK THE HOUSE COULD BE LOCATED AND STILL HAVE SOIL THAT WOULD BEAR THE STRUCTURE AND ALSO THE BOARD SHOULD KNOW HOW FAR BACK THE HOUSE NEEDS TO BE SET IN ORDER TO GET INTO THE SEWER.

MR. E. SMITH MOVED TO DEFER THE CASE TO VIEW THE PROPERTY AND THE BOARD REQUESTS THE APPLICANT TO OBTAIN THIS INFORMATION - HOW MUCH VARIANCE WILL ACTUALLY BE NEEDED. (SUPPLY THE BOARD WITH SOIL INFORMATION RE SLIPPAGE AREA FROM MR. COLEMAN AND SHOW ENOUGH TOPOGRAPHY TO ASCERTAIN HOW FAR BACK THE APPLICANT WOULD HAVE TO GO AND STILL GET INTO THE SEWER, JUST TWO OR THREE ELEVATION LINES, MR. E. SMITH SAID, WOULD DO.)

SECONDED, MR. D. SMITH

MOTION CARRIED UNAN. (DEFER TO SEPTEMBER 25, 1962).

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11- MAX M. BAKER, TO PERMIT AN ADDITION TO DWELLING 4 FEET FROM SIDE PROPERTY LINE, LOT 12, BLOCK 17, SECTION 9, VIRGINIA HILLS, (510 PAULONIA ROAD), LEE DISTRICT, (R-10)

MR. BAKER SAID HE PLANNED THIS ADDITION IN THE LOCATION SHOWN FOR THE REASON THAT IF HE MOVED IT TO THE REAR HE WOULD CLOSE OFF HIS KITCHEN AND BASEMENT WINDOWS. HE HAD STUDIED HIS HOUSE PLAN AND COULD NOT DEVELOP ANY AMOUNT OF USABLE SPACE IF THE ADDITION WERE PUT IN ANY OTHER LOCATION. HE HAS A HILL THAT IS ERODING AND IN CONSTRUCTING THIS TYPE BUILDING HE WOULD BE CONFORMING TO READJUSTING THE TERRAIN IN ACCORDANCE WITH THAT OF HIS NEIGHBOR. THIS WOULD BE TWO LEVELS - THE UPPER LEVEL WOULD BE THE KITCHEN AND THE LOWER LEVEL THE GARAGE. MR. BAKER SAID HE HAD DONE SOME FILLING WHICH ERODES. ON THIS SOUTH SIDE HE WOULD LIKE TO RE-SLOPE THE TERRACE LIKE THAT OF HIS NEIGHBOR. HE WOULD MOVE HIS PRESENT KITCHEN, WHICH IS TOO SMALL, INTO THE NEW STRUCTURE. HE EXPLAINED THE LOCATION OF THE PRESENT DOORS AND WINDOWS AND THE CHANGES HE WOULD MAKE - RETAINING GOOD ACCESS AND WINDOWS. HE COULD NOT MOVE THIS TO THE REAR - AS PREVIOUSLY STATED - BECAUSE OF THE WINDOWS.

MRS. HENDERSON DID NOT AGREE WITH THIS - SHE THOUGHT THE REAR ADDITION COULD BE WORKED OUT.

THERE MUST BE A FINDING THAT TO DENY THIS CASE WOULD DENY THE APPLICANT A REASONABLE USE OF HIS LAND, MR. E. SMITH SAID, AND HE COULD NOT SEE WHERE THAT SITUATION EXISTED. THIS IS AN AREA DEVELOPED BY ONE BUILDER - THERE ARE HOMES LIKE THIS HOUSE ON MANY LOTS - HOW COULD THE BOARD FIND THAT FAILURE TO GRANT THIS RIGHT TO BUILD THE ADDITION WOULD BE UNREASONABLE BECAUSE THERE ARE PROBABLY 100 PEOPLE IN THIS AREA WHO ARE USING THE LAND WITH THE SAME KIND OF HOUSE. ALSO THIS IS A VERY LARGE VARIANCE, MR. E. SMITH CONTINUED.

MRS. HENDERSON SUGGESTED ALSO THAT THERE IS AN ALTERNATE LOCATION. THERE WERE NO OBJECTIONS FROM THE AREA.

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## NEW CASES (CONTINUED)

11-  
CONT'D

MRS. CARPENTER MOVED THAT THE APPLICATION OF MAX M. BAKER, TO PERMIT AN ADDITION TO DWELLING 4 FEET FROM SIDE PROPERTY LINE, LOT 12, BLOCK 17, SECTION 9, VIRGINIA HILLS, (510 PAULONIA ROAD), LEE DISTRICT, BE DENIED - AS HARDSHIP AS DEFINED IN THE ORDINANCE HAS NOT BEEN SHOWN AND ALSO THERE IS AN ALTERNATE LOCATION FOR THE ADDITION. FAILURE TO GRANT THIS APPLICATION DOES NOT DEPRIVE THE APPLICANT OF A REASONABLE USE OF HIS LAND. SECONDED, MR. E. SMITH CD. UNAN.

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THE BOARD RECESSED FOR LUNCH. UPON RE-CONVENING MR. D. SMITH WAS NOT PRESENT.

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12-

PETER E. DONNELLY, TO PERMIT OPERATION OF A NURSERY SCHOOL, (15 CHILDREN) PARCEL 32A, BRADDOCK BAPTIST CHURCH PROPERTY ON WESTERLY SIDE OF LINCOLNIA ROAD, APPROX. 300 FT. SOUTH OF HOWDERSHELL LANE, MASON DISTRICT. (RE-0.5) MR. DONNELLY SPOKE FOR THE FOUR WHO WISH TO CONDUCT THE SCHOOL - MR. & MRS. DONNELLY AND MR. & MRS. LANE. BOTH WOMEN WOULD BE MEMBERS OF THE SCHOOL STAFF. WHILE THE PROPERTY IS BEING PURCHASED FROM THE BAPTIST CHURCH, THE SCHOOL IS NOT CHURCH SPONSORED.

MR. DONNELLY SAID THEY WOULD HAVE A VERY COMPLETE STAFF - NURSE, TEACHERS, OCCUPATIONAL THERAPIST - ALL EXPERIENCED.

THEY CONSIDERED THIS AN EXCELLENT LOCATION - IT IS NEAR PIXIELAND AND TWO PUBLIC SCHOOLS, MR. DONNELLY SAID. HE ALSO POINTED OUT THAT THERE ARE MANY OTHER USES IN THE AREA - OTHER THAN RESIDENTIAL - A SHOPPING CENTER AND FILLING STATION, AN AUTO GARAGE CLOSE BY, ALSO A CONSTRUCTION OFFICE PARKING HEAVY EQUIPMENT. THERE ARE CHURCHES AND APARTMENTS NEAR. THIS PARTICULAR AREA IS WOODED, MR. DONNELLY STATED, ON THREE SIDES. THEY WILL FENCE THE LOT. IF THE PARENTS WISH THEY WILL FURNISH TRANSPORTATION.

THE BOARD OBJECTED TO THE SMALL PARCEL OF LAND - ABOUT 1/4 ACRE - AND NOTED THAT WITH THE 60 FT. WIDTH IT WOULD SCARCELY LEAVE ROOM FOR PARKING AND OBSERVE THE SETBACKS.

MR. LANE SAID THEY HAD BEEN VERY CAREFUL TO CHECK THE STATE REGULATIONS - ALL OF WHICH THEY MEET, AND THEY ARE MORE THAN MEETING THE REQUIREMENTS OF THE ALEXANDRIA ORDINANCE ON NURSERY SCHOOLS. THE STATE REQUIRES ONLY 600 SQUARE YARDS OF PLAY AREA PER CHILD.

IT IS DIFFICULT TO APPLY THE SAME STANDARDS TO A TWO ACRE PIECE OF LAND TO THIS SMALL AREA, MR. E. SMITH SAID. ONE CANNOT COMPARE THE RATIOS ALL THE WAY DOWN.

MR. DONNELLY SAID TWO TEACHERS WOULD BE IN ATTENDANCE AT ALL TIMES. THE OTHER TWO WILL WORK HALF DAYS. THE TWO COUPLES ARE FRIENDS AND THE TEACHING WILL BE WORKED OUT ON A PERSONAL RELATIONSHIP<sup>BASIS</sup>, MR. DONNELLY SAID.

THE PLAY AREA INCLUDES THE PARKING AREA, MR. DONNELLY POINTED OUT. THIS IS A DAY CARE CENTER - ALL DAY - 12 MONTHS A YEAR. MOST OF THE TIME THEY PROBABLY WOULD NOT RUN THE FULL DAY. HOURS 7 A.M. TO 6 P.M., 5 DAYS A WEEK. AGES FROM 2-1/2 TO 5 YEARS.

## OPPOSITION:

MR. JAMES NAPIER, WHO LIVES WITHIN 100 FT. OF THIS PROPERTY, OPPOSED THIS USE, AND SAID PEOPLE IN THE AREA WHO LIVE NEAR WERE ALSO OPPOSED. THEY WERE ALL DISTURBED OVER THIS COMING INTO THEIR NEIGHBORHOOD. HE PRESENTED A LETTER FROM THE GROUP SETTING FORTH THEIR OBJECTIONS, WHICH LETTER IS FILED WITH THIS CASE.

1. THEY HAVE SUBSTANTIAL INTERESTS IN HOMES AND PREFER TO KEEP THE AREA RESIDENTIAL, AND OBJECT TO ANY COMMERCIAL ENCROACHMENT - COMMERCIAL ENTERPRISES ARE .9 OF A MILE AWAY.
2. IT WOULD ADVERSELY AFFECT THE RESALE OF THEIR HOMES AND BUILDING LOTS WILL DECREASE IN VALUE AND DESIRABILITY WITH THE COMING OF THIS BUSINESS.
3. NOISE NUISANCE
4. SIZE OF THE LOT, 60x210 FT. IS TOO SMALL AND THE 60 FT. FRONTAGE MAKES IT ALMOST IMPOSSIBLE TO HAVE A SAFE ENTRANCE ON THIS HEAVILY TRAVELED ROAD.

## NEW CASES (CONTINUED)

12-  
CONT'D

THEY ALSO URGED THAT THE APPLICANT LIVE IN THE HOUSE. TWELVE SIGNED THE LETTER.

MR. JARRELL, WHO IS BUILDING A HOME ACROSS THE STREET OBJECTED, SAYING THE BUSINESSES TO WHICH MR. DONNELLY REFERRED HAVE BEEN THERE FOR A VERY LONG TIME - BEFORE ZONING. HE MENTIONED THE APPROACH AND ACCESS TO PIXIELAND, SAYING THE HOUSE WAS WELL BACK AND THEY HAVE A CIRCULAR DRIVEWAY. THE ENTRANCE ON THIS PROPERTY IS DANGEROUS. THERE IS A GREAT DEAL OF TRAFFIC ON THIS ROAD MORNINGS AND EVENINGS. HE THOUGHT THEY DID NOT HAVE ENOUGH PARKING SPACE. THIS WOULD NOT BE IN THE BEST INTERESTS OF THE COMMUNITY, MR. JARRELL SAID, IT IS A BUSINESS AND NOT COMPATIBLE.

MR. DONNELLY DISAGREED ABOUT THE COMMERCIAL FACILITIES IN THE AREA. MR. LANE SAID THEY COULD PUT IN A CIRCULAR DRIVEWAY - GOING IN ONE SIDE OF THE HOUSE AND COMING OUT ON THE OTHER. HE ADMITTED THAT THE ROAD IS HAZARDOUS, BUT THAT IS A PROBLEM EVERYONE HAS, HE SAID. THE AMOUNT OF TRAFFIC GOING IN AND OUT OF THIS SCHOOL EACH DAY WOULD BE NEGLIGIBLE, MR. LANE ARGUED. MOSTLY THIS WOULD BE FOR HALF DAY CARE, WHICH WOULD CREATE EVEN LESS TRAFFIC. MR. LANE INSISTED THAT THEY COULD ELIMINATE THE ENTRANCE HAZARD. HE NOTED THAT MOST CHILDREN WOULD COME FROM A RADIUS OF SEVERAL MILES. THERE ARE NO HOUSES ON ADJOINING LOTS AND NOTHING AT THE REAR - HE DID NOT CONSIDER THAT THIS WOULD DISTURB ANYONE. THERE ARE MANY TREES. THEY WILL SOO THE REAR, FENCE AND PLANT THE YARD ATTRACTIVELY.

MR. E. SMITH SAID HE WAS NOT TOO CONCERNED ABOUT THE USE CHANGING THE CHARACTER OF THE NEIGHBORHOOD, BUT HE WAS CONCERNED ABOUT THIS SMALL PARCEL OF LAND - HE THOUGHT IT TOO SMALL FOR THE USE. HE ALSO DID NOT THINK THEY COULD COMPLY WITH THE PARKING REQUIREMENTS. MR. E. SMITH POINTED OUT THAT PIXIELAND IS AN OLD USE ON A LARGER PIECE OF GROUND, WHICH IS WELL ADAPTED TO THAT USE - THESE USES ARE FAR BETTER ON A LARGER PARCEL OF LAND, MR. E. SMITH SAID. LINCOLNIA ROAD IS NARROW WITH OPEN DITCHES ON BOTH SIDES, AND IT WOULD BE DIFFICULT TO MAKE A GOOD ENTRANCE. IF ONE WERE INCLINED TO PULL OFF THE ROAD IT WOULD BE HAZARDOUS.

MR. E. SMITH SAID HE WAS VERY CONCERNED THAT SUCH A USE HAVE AN EFFECTIVE AND SAFE ENTRANCE.

MR. LANE AGAIN DISCUSSED THEIR PLAN FOR DRIVING IN AND OUT AND SAID NOT MANY CARS WOULD BE THERE DURING THE DAY - PROBABLY NEVER MORE THAN TWO AT ONE TIME. THEY WOULD ALL GO TO THE REAR - BACK AND TURN AND HEAD OUT. HE AGAIN OUTLINED THE INSTANCES WHERE THEIR PLANS ARE SUPERIOR TO ALEXANDRIA REQUIREMENTS.

MRS. HENDERSON NOTED THAT VERY OFTEN PEOPLE DID NOT USE A CIRCULAR DRIVEWAY - THEY JUST BACK OUT.

MR. DONNELLY DISCUSSED THE STATE REQUIREMENTS, WHICH HE SAID THEY HAD MORE THAN MET. HE STATED THAT THE CHILDREN WOULD BE OUTSIDE ONLY TWO HOURS DURING THE DAY, AND IN THE BACK YARD. NO ONE LIVES NEAR TO HEAR THEM - THIS IS A VERY SECLUDED AREA, HE SAID.

THEY ARE STARTING IN A SMALL WAY, MR. LANE SAID. THEY HOPED TO GET A BETTER BUILDING IN TIME. IT IS DIFFICULT TO FIND A SATISFACTORY LOCATION HE SAID.

MR. E. SMITH SAID HE CONSIDERED THIS SITE INADEQUATE.

BOTH MR. DONNELLY AND MR. LANE WERE UNHAPPILY SURPRISED AT THE THINKING OF THE BOARD, WHEN THEY HAD BEEN SO CAREFUL TO MEET ALL THE REQUIREMENTS THEY KNEW OF. THEY ASKED HOW DOES ONE KNOW WHAT THE BOARD WILL REQUIRE? IN THE APPLICATION OF PETER E. DONNELLY, TO PERMIT OPERATION OF A NURSERY SCHOOL, (15 CHILDREN), PARCEL 32A, BRADDOCK BAPTIST CHURCH PROPERTY ON WESTERLY SIDE OF LINCOLNIA ROAD, APPROX. 300 FT. SOUTH OF HOWDERSHELL LA. MASON DISTRICT, MR. E. SMITH MOVED THAT THE APPLICATION BE DENIED. HE SAID HE FELT THAT THIS INTENSIVE USE WOULD NOT BE DESIRABLE AND HE DOUBTED THAT THE REQUIREMENTS OF THE ORDINANCE REGARDING PARKING COULD BE MET - NOTING THAT NO CARS SHALL BE PARKED WITHIN 25 FT. OF THE SETBACK - ON THIS 60 FT. LOT.

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## NEW CASES (CONTINUED)

12-  
CONT'D

MOTION SECONDED BY MRS. CARPENTER, WHO ALSO STATED THAT THIS DOES NOT COMPLY WITH SECTION 30-126 OF THE ORDINANCE, TO WHICH MR. SMITH AGREED. MOTION CARRIED UNANIMOUSLY.

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13-

CHARLES M. CLARK AND ALDENE CLARK, TO PERMIT OPERATION OF A BEAUTY SHOP IN HOME, LOT 27, SECTION 1, SUNNY HILL, PROVIDENCE DISTRICT. (RE-1) MR. ROY SWAYZE REPRESENTED THE APPLICANT. HE PRESENTED A PETITION FROM NEIGHBORS ALL OF WHOM HAD SIGNED INDICATING THEY WERE IN FAVOR OF GRANTING THIS PERMIT.

MR. SWAYZE SAID THE CLARKS HAVE LIVED HERE FOR MANY YEARS, THEY LIVE ON A LARGE LOT AND GLENBROOK ROAD IS DEAD END. THEY OWN THEIR OWN HOME. THIS IS A MODEST NEIGHBORHOOD OF WORKING PEOPLE, THEREFORE THIS SMALL CONVENIENT BEAUTY SHOP IS A GREAT ASSET TO THESE BUSY PEOPLE. MRS. CLARK WOULD HAVE ONLY A ONE CHAIR OPERATION FOR FRIENDS AND NEIGHBORS. THE SHOP WOULD BE IN THE BASEMENT WITH OUTSIDE ENTRANCE. PUBLIC WATER IS IN FRONT OF THE HOUSE. THEY WILL CONNECT TO THIS IF THE PERMIT IS GRANTED. MR. SWAYZE SAID HE BELIEVED THIS SMALL BUSINESS COULD BE CARRIED ON WITH A MINIMUM UPSET TO THE NEIGHBORHOOD. THERE IS AMPLE SPACE FOR PARKING WITHIN THE SETBACK REQUIREMENTS. MRS. CLARK WILL PROVIDE FOR FOUR CARS. SHE WILL HAVE NO SIGN OUTSIDE AND NO ADVERTISING EVEN IN THE TELEPHONE BOOK. THEY WILL PUT A FENCE AROUND THE FRONT OF THE PARKING AREA - WHERE CARS HEAD IN - IN ORDER TO KEEP THE LIGHTS FROM SHINING ACROSS INTO THE NEIGHBORS YARDS. THIS WILL BE A CEDAR STAKE FENCE WHICH WOULD ENTIRELY SHIELD THE LIGHTS. (THIS ONE NEIGHBOR IS THE ONLY OBJECTOR).

MANY OF THE WOMEN IN THE NEIGHBORHOOD WORK, MR. SWAYZE SAID, AND FOR THAT REASON MRS. CLARK TAKES CUSTOMERS THREE NIGHTS A WEEK - MONDAY, WEDNESDAY, AND FRIDAY.

THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT CHARLES M. CLARKE AND ALDENE CLARKE BE PERMITTED TO OPERATE A BEAUTY SHOP IN HOME, LOT 27, SECTION 1, SUNNY HILL, PROVIDENCE DISTRICT. THIS PERMIT IS GRANTED TO THE APPLICANT ONLY FOR A ONE CHAIR BEAUTY SHOP. A FENCE WILL BE CONSTRUCTED AT THE HEAD OF THE PARKING LOT. ALL REGULATIONS OF THE HEALTH DEPARTMENT SHALL BE MET. THERE WILL BE NO ADVERTISING AND NO SIGN OF ANY KIND.

SECONDED, MR. BARNES Cd. UNAN.

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14-

PALINDROME CORPORATION, TO PERMIT OPERATION OF A GOLF COURSE AND CLUB HOUSE, 1000 FEET EAST OF RT. #602 ADJOINING WASHINGTON OLD DOMINION RAILROAD, CENTREVILLE DISTRICT. (RE-2 AND C.G.)

MR. ED PRICHARD REPRESENTED THE APPLICANT. MR. PRICHARD SAID THE RESTON PLAN HAS BEEN PRESENTED TO THE BOARD OF COUNTY SUPERVISORS AND THE PLANNING COMMISSION AND HAS BEEN APPROVED. THIS PLAN NOW IS PART OF THE MASTER PLAN OF THE COUNTY AND SO APPROVED UNDER THE RPC AMENDMENT. A GOLF COURSE WOULD BE A PERMITTED USE AND THIS IS ON THE PLAT OF THE APPLICATION NOW PENDING BEFORE THE PLANNING COMMISSION FOR REZONING. HAD THEY WAITED FOR THE REZONING THIS USE WOULD HAVE BEEN PERMITTED BY RIGHT, BUT THEY WISH TO GO AHEAD AND WORK INTO THE FALL WEATHER BEFORE WINTER. THE GOLF COURSE WILL NOT BE IN OPERATION UNTIL 1964, BUT IF THEY MISS THIS FALL WORK IT PUTS THEM BACK A WHOLE SEASON.

THIS WILL BE A MEMBERSHIP COURSE, MOSTLY FOR PEOPLE IN RESTON. IN THE BEGINNING IT WILL BE OPEN TO OTHER PEOPLE UNTIL THE PEOPLE IN RESTON MEET THE DEMAND.

MR. PRICHARD SHOWED THE PLAT INDICATING THE EXTENT OF THE GOLF COURSE, CLUB HOUSE, PRO SHOP AND PARKING. THERE ARE NO NEIGHBORS - ONLY THE PALINDROME CORPORATION. NO ONE TO BE AFFECTED ONE WAY OR ANOTHER BY THIS. THE RESTON PLAN HAS BEEN GIVEN BROAD COVERAGE BY THE PRESS, MR. PRICHARD POINTED OUT, SO PEOPLE IN THE AREA KNOW OF THIS AND THEY HAVE NO OBJECTION.

EDWARD AULD, DESIGNER OF THE GOLF COURSE AND GLENN SAUNDERS FROM RESTON, WERE PRESENT ALSO.

NEW CASES (CONTINUED)

14-  
CONT'D

MR. PRICHARD SAID THE BASIC CHOICE OF THE LAND FOR THIS USE IS DICTATED BY TOPOGRAPHY.

MR. AULD SAID THIS LAND WAS HIS FIRST CHOICE FOR THE GOLF COURSE, FOR WHICH IT IS WELL SUITED. IT WOULD NOT DO FOR HOMES.

MR. E. SMITH MOVED THAT PALINDROME CORPORATION BE PERMITTED TO OPERATE A GOLF COURSE AND CLUB HOUSE, 1000 FT. EAST OF RT. #602 ADJOINING WASHINGTON OLD DOMINION RAILROAD, CENTREVILLE DISTRICT, IN ACCORDANCE WITH SECTIONS 30-137 (A) AND 30-1. THIS IS GRANTED AS APPLIED FOR IN CONFORMITY WITH THE ZONING ORDINANCE.

SECONDED, MRS. CARPENTER. CD. UNAN.

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15-

GUNSTON VOLUNTEER FIRE DEPARTMENT, TO PERMIT ERECTION OF AN ADDITION TO FIRE HOUSE, THE PLAZA, GUNSTON MANOR, MT. VERNON DISTRICT. (RE-2)

MR. ROSE, CHIEF, REPRESENTED THE APPLICANT.

THIS ADDITION IS NEEDED TO TAKE CARE OF EQUIPMENT, MR. ROSE TOLD THE BOARD. THE STRUCTURE WOULD BE 30 X 50 FT. THE FIRE COMMISSION REQUESTED THIS ADDITION - BECAUSE OF THEIR LACK OF ROOM. THIS WILL BE THE SAME SIZE AS THE BUILDING ALREADY USED FOR A FIRE HOUSE.

REPORT FROM THE FIRE COMMISSION WAS READ APPROVING THIS.

OPPOSITION:

MR. PARKS SAID HE OWNS PROPERTY NEXT DOOR TO THIS FIRE STATION AND HE OBJECTS TO THE THINGS THAT GO ON HERE AND TO THE FACT THAT THIS PROPERTY IS BEING USED FOR A FIRE STATION WHEN IT REALLY BELONGS TO THE PEOPLE - IT IS DEDICATED FOR THE USE OF ALL PROPERTY OWNERS IN GUNSTON MANOR. THIS BUILDING WAS ORIGINALLY BUILT BY THE CITIZENS OF GUNSTON MANOR BUT IT WAS PARTIALLY DESTROYED BY HURRICANE HAZEL. THEN THE FIRE DEPARTMENT TOOK OVER AND HAS CONTINUED TO USE IT AS SQUATTERS. THEY HAVE NO PAPERS OF OWNERSHIP. THE GROUND IS OWNED BY THE ASSOCIATION AND THESE PEOPLE ARE ON IT WITHOUT PERMISSION. THE FIRE STATION WOULD BE ALL RIGHT, BUT THEY ARE NOISY AND ROWDY, AND PEOPLE WHO HANG OUT THERE CARRY ON DRAG RACING. IT IS DANGEROUS FOR PEOPLE WHO HAVE CHILDREN. THESE PEOPLE HAVE STARTED THE BUILDING WITHOUT A PERMIT - FOR SOME REASON THEY COULDN'T GET ONE - SO THEY JUST WENT AHEAD AND BUILT. THEY HAVE A 99 YEAR LEASE.

MRS. HENDERSON ASKED MR. ROSE WHY THEY HAD NO PERMIT.

MR. ROSE SAID THEY HAD BEEN GETTING THE "RUN-AROUND" IN THE COURTHOUSE SINCE APRIL 20TH - SO THEY JUST STARTED. FROM APRIL UNTIL JULY NOTHING HAPPENED, SO THEY FILED AN APPLICATION ON JULY 12TH. THEY ARE UP TO THE ROOF.

MR. E. SMITH SAID HE COULD SEE NO REASON FOR THESE PEOPLE TO FLAUNT THE LAWS OF THE COUNTY - JUST BECAUSE THERE WERE DELAYS IN GETTING A PERMIT.

MR. ROSE SAID THEY HAVE A 99 YEAR LEASE ON THE PLAZA IN GUNSTON MANOR - THE ASSOCIATION HAS DISSOLVED, SO THEY HAVE ASSUMED RESPONSIBILITY FOR THE PROPERTY. MR. ROSE SAID THEY HAD NOTHING TO DO WITH THE DRAG RACING - THEY COULD CONTROL IT ONLY ON THEIR PROPERTY.

MR. MOORELAND SAID THE PERMIT WAS HELD UP BECAUSE MR. DUVALL COULD NOT UNDERSTAND WHAT HAD TO BE DONE.

MR. ROSE SAID THIS WAS DESIGNED TO BE A COMMUNITY BUILDING, THE ASSOCIATION STILL HAS A PRESIDENT - BUT IT IS DISSOLVED.

MR. E. SMITH OBJECTED STRENUOUSLY THAT A PUBLIC GROUP SHOULD FLAUNT THE COUNTY ORDINANCE AND PROCEED WITH WORK WITHOUT A PERMIT. IT IS ANNOYING THAT THIS CAN TAKE PLACE, MR. E. SMITH WENT ON TO SAY, AND IF ALL PUBLIC GROUPS CARRIED ON IN SUCH A MANNER HOW COULD ONE EXPECT ANYTHING MORE OF INDIVIDUALS?

MRS. HENDERSON POINTED OUT THAT THE PARKING DOES NOT MEET REQUIREMENTS - AND THAT IT WOULD HAVE TO BE RE-LOCATED BEHIND THE BUILDING. THE APPLICANTS SHOULD ALSO SHOW THE NUMBER OF SPACES THEY WILL PROVIDE.

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NEW CASES (CONTINUED)

3-

MARTIN R. RODGERS, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN ALLOWED BY THE ORDINANCE, PROPOSED LOTS 4 & 5, RODGER'S ADDITION TO MARY LEE PARK, MT. VERNON DISTRICT. (RE-0.5)

MR. RODGERS APPEARED BEFORE THE BOARD, STATING THAT THIS PARCEL OF LAND, WHICH HE WISHES TO SELL, IS 876 FT. X 150 FT. THERE WERE TWO HOUSES ON THE PROPERTY WHEN HE BOUGHT IT. HE HAS LIVED IN ONE OF THEM. THE PROPERTY ACROSS THE STREET, WHICH WAS VACANT WHEN HE BOUGHT HERE, IS NOW BEING DEVELOPED INTO 13 LOTS. HE HAS A SALE FOR THIS PROPERTY FOR DEVELOPMENT PURPOSES. WHEN THE SUBDIVISION PLAT WAS PUT IN, SUBDIVISION CONTROL REQUIRED THAT CLEM DRIVE BE DEDICATED TO A 50 FT. RIGHT-OF-WAY BETWEEN LOTS 4 AND 5. THIS CUTS DOWN THE AREA OF THESE LOTS TO THE EXTENT THAT IT IS NECESSARY TO HAVE A VARIANCE ON AREA. WHILE LOT 4 IS ONLY SLIGHTLY UNDER THE HALF ACRE, LOT 5 IS LESS AND THE AVERAGE OF ALL THE LOTS MUST COME TO THE 21,780 SQ. FT. THERE IS SUFFICIENT FRONTAGE ON BOTH LOTS.

NEITHER THE BOARD NOR THE APPLICANT NOR THE PURCHASER UNDERSTOOD WHY THIS 50 FT. DEDICATION WAS REQUIRED AS IT DEAD ENDS INTO LEA LANE AND APPEARS TO GO NO PLACE IN PARTICULAR. IT COULD NEVER CROSS LEA LANE BECAUSE A HOUSE IS IN THE WAY.

THE BOARD ASKED THAT MR. CHILTON EXPLAIN THIS. MR. CHILTON BROUGHT THE PLATS OF DEVELOPMENTS AROUND THIS PROPERTY SHOWING THAT THIS ROAD WOULD PROVIDE AN OUTLET TO THE EAST ALMOST TO BADGER PARK. SUBDIVISION CONTROL REQUIRES THIS CONNECTION, MR. CHILTON EXPLAINED. MOST OF THIS CONNECTING ROAD IS DEDICATED, MR. CHILTON SAID - ONE PORTION IS UNDER BOND TO BE BUILT, AND ONE OTHER PART IS UNDEVELOPED, AND THEY DO NOT KNOW WHEN IT WILL BE BUT THE CONTINUOUS CONNECTION WILL BE REQUIRED WHEN IT IS DEVELOPED. THIS WILL PROVIDE THE REQUIRED CIRCULATION.

THERE WERE NO OBJECTIONS.

MRS. CARPENTER MOVED THAT THE APPLICATION OF MARTIN R. RODGERS, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN ALLOWED BY THE ORDINANCE, PROPOSED LOTS 4 & 5, RODGER'S ADDITION TO MARY LEE PARK, MT. VERNON DISTRICT, BE GRANTED BECAUSE THIS MEETS THE REQUIREMENTS UNDER SECTION 30-36, AS THERE IS AN UNUSUAL CIRCUMSTANCE HERE - A ROAD IS REQUIRED TO FORM A STREET CONNECTION AND THAT ROAD CUTS DOWN THE SIZE OF THESE TWO LOTS IN QUESTION AND BY GRANTING THIS THERE WILL BE NO ADVERSE CONDITION CREATED ON ANY OF THE OTHER LOTS. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET.

SECONDED, MR. D. SMITH                      CO. UNAN.

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4-

ATLANTIC REFINING COMPANY, TO PERMIT AN ADDITION TO AN EXISTING SERVICE STATION, 7301 EDSALL ROAD, LEE DISTRICT. (C-N).

MR. COOPER REPRESENTED THE APPLICANT. IT WAS RECALLED THAT THIS CASE WAS BEFORE THE BOARD A YEAR AGO AND WAS DENIED.

THEY HAVE MADE CHANGES NOW, MR. COOPER SAID, ALONG THE LINES SUGGESTED BY THE BOARD. THE ADDITION IS ON THE REAR AND IT GIVES THEM THE ADDED FACILITIES THEY NEED. THE STATION OPERATOR HAS WORKED UNDER A HANDICAP FOR A LONG TIME - WITH AN OVER-LOAD OF WORK AND NO ROOM TO TAKE CARE OF THE CUSTOMERS. THIS ADDITION WILL BE TIED ON TO THE EXISTING STRUCTURE - SAME TYPE OF BUILDING. HE POINTED OUT THAT A 7-11 STORE IS ON ADJOINING PROPERTY AND THERE IS NO PROBLEM OF ACCESS AND ENTRANCES.

THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT THE APPLICATION OF ATLANTIC REFINING COMPANY, TO PERMIT AN ADDITION TO AN EXISTING SERVICE STATION, 7301 EDSALL ROAD, LEE DISTRICT, BE GRANTED. THIS IS GRANTED TO THE APPLICANT ONLY AND FOR USE AS A FILLING STATION ONLY. ALL PROVISIONS OF THE ORDINANCE SHALL BE MET. IT IS THE OPINION OF THE BOARD THAT THIS ADDITION TO THE EXISTING USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA.

SECONDED, MR. D. SMITH                      CO. UNAN.

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DEFERRED CASES:

- 1- DONALD L. AND MARY G. PARSON, TO ALLOW PORCH TO REMAIN 18.06 FEET FROM REAR PROPERTY LINE, LOT 39, BLOCK 10, SECTION 13, VIRGINIA HILLS, (#1 RONSON COURT), LEE DISTRICT. (R-10).  
MR. PARSON SAID HE HAD APPROACHED HIS NEIGHBOR ABOUT BUYING LAND - WHICH WOULD CORRECT THE VARIANCE ON THE REAR LINE OF HIS LOT - AND THE NEIGHBOR WOULD HAVE SOLD BUT SUBDIVISION REQUIREMENTS ARE THAT LOTS MUST HAVE 10,000 SQ. FT. AREA - AND THIS MAN HAS ONLY 10,013 SQ. FT.  
MR. PARSON ASSURED THE BOARD THAT HE HAD PUT ON THIS PORCH IN IGNORANCE - AND THAT HE WAS NOT TRYING TO EVADE THE ORDINANCE. THE TOPOGRAPHY OF THIS LOT IS IRREGULAR.  
THIS IS AN UNUSUAL SHAPED LOT, MR. E. SMITH POINTED OUT, IT IS ON A COURT THE GENERAL TOPOGRAPHY IN THE AREA IS HILLY AND IRREGULAR. HE MOVED THAT IN THE CASE OF DONALD L. AND MARY G. PARSON, TO ALLOW PORCH TO REMAIN 18.06 FEET FROM REAR PROPERTY LINE, LOT 39, BLOCK 10, SECTION 13, VIRGINIA HILLS, (#1 RONSON COURT), LEE DISTRICT, THE VARIANCE BE GRANTED AS IT MEETS THE REQUIREMENTS OF SECTION 30-36 OF THE ORDINANCE.  
SECONDED, MRS. CARPENTER Cd. UNAN.  
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- 2- MARTIN F. DALTON, TO PERMIT AN ADDITION TO EXISTING CONVALESCENT HOME, LOT 10, FIRST ADDITION TO LEEWOOD, MASON DISTRICT. (RE-1).  
MR. MOORELAND READ A LETTER - WITHDRAWING THIS APPLICATION - THE APPLICANT WOULD LIKE TO HAVE MORE TIME TO STUDY THE PLANS.  
MRS. HENDERSON SUGGESTED THAT THE CASE BE DENIED, AND IF THE APPLICANT GETS MORE LAND HE COULD COME BACK AT THE END OF THE YEAR. SHE RECALLED THAT TODAY WAS TO SEE THE FINAL DECISION ON THIS CASE. ACTUALLY, MRS. HENDERSON SAID, A WITHDRAWAL IS THE SAME AS A DEFERRAL.  
MR. E. SMITH RECALLED THAT THIS CASE HAD A GREAT DEAL OF OPPOSITION AND HE DID NOT THINK IT FAIR TO KEEP PEOPLE DANGLING - COMING BACK TIME AFTER TIME.  
IN VIEW OF THE FACTS PRESENTED AT THE LAST HEARING BEFORE THE PLANNING COMMISSION, MRS. CARPENTER MOVED THAT IN THE CASE OF MARTIN F. DALTON, TO PERMIT AN ADDITION TO EXISTING CONVALESCENT HOME, LOT 10, FIRST ADDITION TO LEEWOOD, MASON DISTRICT, THAT THIS APPLICATION BE DENIED.  
SECONDED, MR. BARNES.  
MRS. CARPENTER MOVED ALSO TO DENY THE REQUEST FOR WITHDRAWAL.  
SECONDED, MR. BARNES.  
MOTION CARRIED. MR. E. SMITH DID NOT VOTE - NOT HAVING HEARD THE ORIGINAL CASE. THE OTHERS VOTED FOR THE MOTION.  
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- 3- W. E. WHORTON, TO PERMIT OPERATION OF A PONY RIDES, PART PARCEL D, EAST GARFIELD TRACT, ON COMMERCE AVENUE, MASON DISTRICT. (C-G).  
MR. MOORELAND SAID THIS HAS BEEN WITHDRAWN - A LETTER WILL FOLLOW - THE RENT ON THE GROUND HAS GONE UP AND MR. WHORTON CANNOT GO AHEAD.  
MRS. CARPENTER MOVED THAT THE APPLICANT BE ALLOWED TO WITHDRAW HIS APPLICATION AS REQUESTED.  
SECONDED, MR. BARNES Cd. UNAN.  
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- 4- WILLIAM G. HENDERSON, TO PERMIT OPERATION OF AN EQUITATION SCHOOL AND VARIANCE FOR BARN TO REMAIN 65.75 FEET FROM EAST SIDE LINE AND 58 FEET FROM WEST SIDE LINE, NORTH SIDE OF POLE ROAD EASTERLY ADJOINING FORT BELVOIR, LEE DISTRICT. (RE-1)

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DEFERRED CASES (CONTINUED)

4-  
CONT'D

THIS CASE WAS DEFERRED FOR THE BOARD TO GET A STATEMENT FROM THE COMMONWEALTH'S ATTORNEY - IN REGARD TO HIS TALK WITH MR. HENDERSON - MR. FITZGERALD HAVING BEEN QUOTED AS SAYING THIS BOARD DID HAVE THE AUTHORITY TO GRANT THIS USE.

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TWO MEMOS WERE READ - ONE FROM MR. ROBERT FITZGERALD AND ONE FROM MR. THOMAS LAWSON - BOTH STATING THAT SECTION 30-128 CLEARLY PROHIBITS THE BOARD OF ZONING APPEALS FROM GRANTING ANY VARIANCE OR MODIFICATION OF THE SPECIFIC REQUIREMENTS SET OUT FOR THE VARIOUS SPECIAL PERMIT USES AND INASMUCH AS THE SETBACK REQUIREMENT HERE CONCERNED IS A SPECIFIC REQUIREMENT FOR THE SPECIAL USE, THE BOARD OF ZONING APPEALS HAS NO AUTHORITY TO VARY SUCH.

MRS. HENDERSON SAID SHE HAD CHECKED WITH THE CLERK TO THE BOARD OF COUNTY SUPERVISORS AND NO EXTENSION OF THE HENDERSON EMERGENCY ZONING HAS BEEN MADE - THEREFORE THE 12.5 ZONING IS NOW IN AFFECT - AND MR. HENDERSON HAS NOT MADE A PERMANENT ZONING APPLICATION FOR ZONING THIS LAND.

IN VIEW OF THE COMMONWEALTH'S ATTORNEY'S LETTER AND THE FACT THAT THE PROPERTY HAS NOW REVERTED BACK TO THE R-12.5 ZONING, MR. E. SMITH <sup>MOVED</sup> THAT IN THE APPLICATION OF WILLIAM G. HENDERSON, TO PERMIT OPERATION OF AN EQUITABLE SCHOOL AND VARIANCE FOR BARN TO REMAIN 65.75 FEET FROM EAST SIDE LINE AND 58 FEET FROM WEST SIDE LINE, NORTH SIDE OF POLE ROAD EASTERLY ADJOINING FORT BELVOIR, LEE DISTRICT, THAT THE APPLICATION BE DENIED.

SECONDED, MRS. CARPENTER Cd. UNAN.

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NEW CASE:

7- R. G. VINCENT CORPORATION, TO ALLOW PORCH TO REMAIN 17.3 FEET FROM SIDE PROPERTY LINE, LOT 2, BRITAIN SUBDIVISION, CENTREVILLE DISTRICT.(RE-2) CASE WITHDRAWN.

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MR. MOORELAND SAID THAT ON SEPTEMBER 26, 1961 THE BOARD GRANTED FRANK SARDINIA A PERMIT FOR A DANCE STUDIO - SECTION 30-36. MR. MOORELAND SAID MR. SARDINIA HAS MET ALL REQUIREMENTS AND THERE HAVE BEEN NO COMPLAINTS - MR. SARDINIA ASKS AN EXTENSION OF HIS PERMIT INDEFINITELY. MR. MOORELAND SO RECOMMENDED.

MRS. CARPENTER MOVED THAT THE APPLICANT BE ALLOWED THIS USE INDEFINITELY WITH THE SAME STIPULATIONS AS WERE PLACED IN THE ORIGINAL MOTION.

SECONDED, MR. BARNES Cd. UNAN.

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THE MEETING ADJOURNED

*Mary K. Henderson*  
MRS. L. J. HENDERSON, JR., CHAIRMAN

*October 9, 1962*  
DATE

THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, SEPT. 25, 1962 AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE WITH ALL MEMBERS PRESENT EXCEPTING MR. E. SMITH AND MR. GEORGE BARNES. MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

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THE MEETING WAS OPENED WITH A PRAYER BY MR. D. SMITH

NEW CASES:

1- SUNNY RIDGE HOMES, INC., TO PERMIT DWELLING TO REMAIN 36.2 FEET FROM THE STREET PROPERTY LINE, LOT 2, BLOCK D, SECTION 4, SUNNY RIDGE ESTATES, (3702 LILLIAN DRIVE), LEE DISTRICT. (R-12.5)

MR. GEORGE FORD REPRESENTED THE APPLICANT.

THE MISTAKE IN HOUSE LOCATION OCCURRED IN THE FIELD, MR. FORD TOLD THE BOARD, AND WAS NOT DISCOVERED UNTIL THE HOUSE WAS UP. IT IS NOW OCCUPIED. MR. KELLY EXPLAINED THAT THE HOUSE WAS STAKED OUT BEFORE THE ROAD WAS IN AND IT WAS PROJECTED ON A LINE WITH THE HOUSE ON LOT 3. THE FIELD MAN DID NOT REALIZE THAT THERE WAS A CURVE IN LILLIAN DRIVE. HAD HE KNOWN THAT, THE HOUSE COULD HAVE BEEN ANGLED PARALLEL WITH THE STREET. THERE IS PLENTY OF ROOM ON THE LOT. THIS MISTAKE OCCURRED AFTER THEY GOT THE BUILDING PERMIT.

MR. D. SMITH SAID HE CONSIDERED THIS A REASONABLE AND JUSTIFIED REQUEST - THE EXPLANATION GIVEN IS UNDERSTANDABLE - THEREFORE HE MOVED THAT IN THE CASE OF SUNNY RIDGE HOMES, INC., TO PERMIT DWELLING TO REMAIN 36.2 FEET FROM THE STREET PROPERTY LINE, LOT 2, BLOCK D, SECTION 4, SUNNY RIDGE ESTATES, (3702 LILLIAN DRIVE), LEE DISTRICT THAT THE APPLICATION BE GRANTED AS APPLIED FOR - CALLING ATTENTION TO SECTION 30-36-4 OF THE ORDINANCE AS THE FACTS UNDER WHICH THE MISTAKE OCCURRED ARE TIED TO THIS SECTION.

SECONDED, MRS. CARPENTER Cd. UNAN.

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2- GEORGE E. DAVIS, TO PERMIT ERECTION OF CARPORT 5 FEET FROM SIDE PROPERTY LINE, LOT 14, BLOCK 17, SECTION 9, VIRGINIA HILLS, (506 PAULONIA ROAD), LEE DISTRICT. (R-10).

MR. DAVIS SAID THERE IS A DROP-OFF IN HIS PROPERTY IMMEDIATELY BACK OF HIS HOUSE. HE WISHED TO REPLACE OLD STEPS WHICH NOW COME IN ON THIS SIDE AND WHICH ARE DANGEROUS AND INACCESSIBLE. MR. DAVIS SAID HE IS A DISABLED VETERAN AND HAS DIFFICULTY IN WALKING.

THE HOUSE IS LOCATED IN THE MIDDLE OF THE LOT WHICH MAKES IT IMPOSSIBLE TO PUT ON AN ADDITION WITHOUT A VARIANCE, MR. DAVIS POINTED OUT. HE ALSO STATED THAT ALL THE HOUSES ON THIS STREET ARE LOCATED ON A RIDGE WITH STEEP SLOPES IN THE REAR.

MRS. HENDERSON SAID SHE SAW NOTHING HERE PECULIAR TO THIS LOT, AND THAT THERE ARE PROBABLY MANY OTHER LOTS IN THE SAME SITUATION. IT WAS PROBABLY NEVER INTENDED THAT THESE HOUSES SHOULD HAVE CARPORTS, SHE CONTINUED, THE HOUSES ARE FAIRLY GOOD SIZED FOR THESE SMALL LOTS.

MR. DAVIS SAID A CARPORT IN THE REAR WOULD BE VERY INCONVENIENT BECAUSE OF HIS CONDITION, AND THERE IS NO REAR ENTRANCE - THE HOUSE IS TWO LEVELS IN THE REAR.

MR. D. SMITH MOVED TO DEFER THE CASE TO OCTOBER 9, 1962 - TO VIEW THE PROPERTY.

SECONDED, MRS. CARPENTER Cd. UNAN.

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NEW CASES (CONTINUED)

3-

MARTIN R. RODGERS, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN ALLOWED BY THE ORDINANCE, PROPOSED LOTS 4 & 5, RODGER'S ADDITION TO MARY LEE PARK Mt. VERNON DISTRICT. (RE-0.5)

MR. RODGERS APPEARED BEFORE THE BOARD, STATING THAT THIS PARCEL OF LAND, WHICH HE WISHES TO SELL, IS 876 FT. X 150 FT. THERE WERE TWO HOUSES ON THE PROPERTY WHEN HE BOUGHT IT. HE HAS LIVED IN ONE OF THEM. THE PROPERTY ACROSS THE STREET, WHICH WAS VACANT WHEN HE BOUGHT HERE, IS NOW BEING DEVELOPED INTO 13 LOTS. HE HAS A SALE FOR THIS PROPERTY FOR DEVELOPMENT PURPOSES. WHEN THE SUBDIVISION PLAT WAS PUT IN, SUBDIVISION CONTROL REQUIRED THAT CLEM DRIVE BE DEDICATED TO A 50 FT. RIGHT-OF-WAY BETWEEN LOTS 4 AND 5. THIS CUTS DOWN THE AREA OF THESE LOTS TO THE EXTENT THAT IT IS NECESSARY TO HAVE A VARIANCE ON AREA. WHILE LOT 4 IS ONLY SLIGHTLY UNDER THE HALF ACRE, LOT 5 IS LESS AND THE AVERAGE OF ALL THE LOTS MUST COME TO THE 21,780 SQ. FT. THERE IS SUFFICIENT FRONTAGE ON BOTH LOTS.

NEITHER THE BOARD NOR THE APPLICANT NOR THE PURCHASER UNDERSTOOD WHY THIS 50 FT. DEDICATION WAS REQUIRED AS IT DEAD ENDS INTO LEA LANE AND APPEARS TO GO NO PLACE IN PARTICULAR. IT COULD NEVER CROSS LEA LANE BECAUSE A HOUSE IS IN THE WAY.

THE BOARD ASKED THAT MR. CHILTON EXPLAIN THIS. MR. CHILTON BROUGHT THE PLATS OF DEVELOPMENTS AROUND THIS PROPERTY SHOWING THAT THIS ROAD WOULD PROVIDE AN OUTLET TO THE EAST ALMOST TO BADGER PARK. SUBDIVISION CONTROL REQUIRES THIS CONNECTION, MR. CHILTON EXPLAINED. MOST OF THIS CONNECTING ROAD IS DEDICATED, MR. CHILTON SAID - ONE PORTION IS UNDER BOND TO BE BUILT, AND ONE OTHER PART IS UNDEVELOPED, AND THEY DO NOT KNOW WHEN IT WILL BE BUT THE CONTINUOUS CONNECTION WILL BE REQUIRED WHEN IT IS DEVELOPED. THIS WILL PROVIDE THE REQUIRED CIRCULATION.

THERE WERE NO OBJECTIONS.

MRS. CARPENTER MOVED THAT THE APPLICATION OF MARTIN R. RODGERS, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN ALLOWED BY THE ORDINANCE, PROPOSED LOTS 4 & 5, RODGER'S ADDITION TO MARY LEE PARK, Mt. VERNON DISTRICT, BE GRANTED BECAUSE THIS MEETS THE REQUIREMENTS UNDER SECTION 30-36, AS THERE IS AN UNUSUAL CIRCUMSTANCE HERE - A ROAD IS REQUIRED TO FORM A STREET CONNECTION AND THAT ROAD CUTS DOWN THE SIZE OF THESE TWO LOTS IN QUESTION AND BY GRANTING THIS THERE WILL BE NO ADVERSE CONDITION CREATED ON ANY OF THE OTHER LOTS. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET.

SECONDED, MR. D. SMITH Cd. UNAN.

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4-

ATLANTIC REFINING COMPANY, TO PERMIT AN ADDITION TO AN EXISTING SERVICE STATION, 7301 Edsall Road, Lee District. (C-N).

MR. COOPER REPRESENTED THE APPLICANT. IT WAS RECALLED THAT THIS CASE WAS BEFORE THE BOARD A YEAR AGO AND WAS DENIED.

THEY HAVE MADE CHANGES NOW, MR. COOPER SAID, ALONG THE LINES SUGGESTED BY THE BOARD. THE ADDITION IS ON THE REAR AND IT GIVES THEM THE ADDED FACILITIES THEY NEED. THE STATION OPERATOR HAS WORKED UNDER A HANDICAP FOR A LONG TIME - WITH AN OVER-LOAD OF WORK AND NO ROOM TO TAKE CARE OF THE CUSTOMERS. THIS ADDITION WILL BE TIED ON TO THE EXISTING STRUCTURE - SAME TYPE OF BUILDING. HE POINTED OUT THAT A 7-11 STORE IS ON ADJOINING PROPERTY AND THERE IS NO PROBLEM OF ACCESS AND ENTRANCES.

THERE WERE NO OBJECTIONS FROM THE AREA.

MRS. CARPENTER MOVED THAT THE APPLICATION OF ATLANTIC REFINING COMPANY, TO PERMIT AN ADDITION TO AN EXISTING SERVICE STATION, 7301 Edsall Road, Lee District, BE GRANTED. THIS IS GRANTED TO THE APPLICANT ONLY AND FOR USE AS A FILLING STATION ONLY. ALL PROVISIONS OF THE ORDINANCE SHALL BE MET. IT IS THE OPINION OF THE BOARD THAT THIS ADDITION TO THE EXISTING USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA.

SECONDED, MR. D. SMITH Cd. UNAN.

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5-

CHARLES F. MILLER, TO PERMIT AN ADDITION TO DWELLING 15.3 FEET FROM REAR PROPERTY LINE, LOT 39, SECTION 1, CHESTNUT HILL, FALLS CHURCH, DIST. (R-17)

MR. PAUL QUIGG, ARCHITECT, REPRESENTED THE APPLICANT.

MR. QUIGG PRESENTED A TOPOGRAPHIC MAP OF THIS PROPERTY WHICH VERY WELL EXPLAINED THE NEED FOR THIS VARIANCE. THE HOUSE AND THE POOL ARE LOCATED TOWARD THE REAR OF THE LOT - THE ONLY HIGH GROUND. THE SEPTIC FIELD IS IN FRONT OF THE HOUSE WHERE THE GROUND SLOPES DOWN TO THE CREEK. IF THE ADDITION WERE PUT FARTHER BACK ON THE LOT THE POOL WOULD HAVE TO COME OUT. THE FRONT YARD SLOPES DOWN TO A FLOOD PLAIN, WHICH IS UNUSABLE.

THIS NEW ROOM WILL BE USED FOR RECREATION; STUDY, AND A STORAGE ROOM ON THE LOWER LEVEL OF THE ADDITION. THE HOUSE ON LOT 38 IS 70 FEET BACK FROM THE ROAD. THEY HAVE THE SAME TOPOGRAPHIC CONDITION. THE HOUSE ON LOT 40 IS WELL BACK. THE AREA IS PRACTICALLY ALL BUILT UP.

MR. D. SMITH NOTED THAT THIS IS AN ODD SHAPED LOT AND IT WOULD APPEAR THAT THIS IS THE ONLY PLACE AN ADDITION COULD BE PUT ON BECAUSE OF THE SEPTIC FIELD.

NO ONE FROM THE AREA OBJECTED.

MR. D. SMITH SAID HE CONSIDERED THAT THIS APPLICATION HAS MERIT DUE TO THE UNUSUAL SHAPE OF THE LOT AND THE FLOOD PLAIN AND THE LOCATION OF THE SEPTIC FIELD, AND OTHER FACILITIES ON THE LOT. IT IS NECESSARY FOR THIS APPLICANT TO HAVE A VARIANCE, MR. D. SMITH CONTINUED, IN ORDER THAT HE MAY HAVE FULL USE OF HIS LOT AND THAT HE MAY HAVE A CHANCE TO EXTEND THE FACILITIES OF HIS HOUSE. IT IS A SMALL DWELLING AND THE REQUEST IS REASONABLE. MR. D. SMITH THERE<sup>FORE</sup> MOVED THAT THE APPLICATION OF CHARLES F. MILLER, TO PERMIT AN ADDITION TO DWELLING 15.3 FEET FROM REAR PROPERTY LINE, LOT 39, SECTION 1, CHESTNUT HILL, FALLS CHURCH DISTRICT, BE APPROVED AS APPLIED FOR, DUE TO THE CIRCUMSTANCES THAT HAVE BEEN BROUGHT OUT IN THE HEARING - THE LOCATION OF THE SEPTIC FIELD, THE FLOOD PLAIN AREA, AND THE TOPOGRAPHY OF THE LOT. IN THE GRANTING OF THIS IT DOES NOT APPEAR THAT THIS WOULD IN ANY WAY HARM THE AREA AND IT WOULD GIVE THE APPLICANT A REASONABLE USE OF HIS LAND.

SECONDED, MRS. CARPENTER CD. UNAN.

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6- SPRINGFIELD METHODIST CHURCH, TO PERMIT OPERATION OF A KINDERGARTEN IN CHURCH BUILDING, SOUTHEAST CORNER OF FRANCONIA ROAD AND SPRING DRIVE, MASON DISTRICT. (RE-1).

MRS. CONSTANCE WAMSLEY, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE KINDERGARTEN, REPRESENTED THE APPLICANT.

THIS IS A CHURCH SPONSORED SCHOOL, MRS. WAMSLEY SAID, BUT IT IS NOT REQUIRED THAT PARENTS OF THE CHILDREN ATTENDING BE MEMBERS OF THE CHURCH. IT IS RUN UNDER THE MISSION OF EDUCATION.

MRS. WAMSLEY SAID THEY HAVE BEEN OPERATING HERE FOR SIX YEARS. THEY NOW HAVE 112 CHILDREN AND CAN TAKE UP TO A TOTAL OF 128. THEY OPERATE IN TWO SESSIONS; 8:30 A.M. TO 11:30 A.M., AND 12:30 P.M. TO 3:30 P.M. - ABOUT 64 CHILDREN IN EACH SESSION. THE CHILDREN COME BY CAR POOL OR WALK.

WHILE THIS IS A KINDERGARTEN THEY HAVE SOME ACADEMIC WORK AS WELL AS PLAY. THEY WILL HAVE TWO TEACHERS (TEACHER AND HELPER) FOR EACH 30 CHILDREN - THEY ARE DIVIDED INTO GROUPS - 15 EACH. THEY OPERATE IN FOUR ROOMS. THEY USE THE PARKING AREA FOR OUTSIDE ACTIVITIES, AND ALSO HAVE SWINGS, BARS, SAND BOX, ETC., AT ONE END OF THE YARD. THE FIRE MARSHAL HAS CHECKED THE SCHOOL AT REGULAR INTERVALS. THIS OPERATES NINE MONTHS IN THE YEAR.

NO ONE FROM THE AREA OBJECTED.

MRS. CARPENTER MOVED THAT THE APPLICATION OF SPRINGFIELD METHODIST CHURCH, TO PERMIT OPERATION OF A KINDERGARTEN IN CHURCH BUILDING, SOUTHEAST CORNER OF FRANCONIA ROAD AND SPRING DRIVE, MASON DISTRICT, BE GRANTED, WITH A LIMITATION OF 128 PUPILS AND WITH THE PROVISION THAT ALL OTHER REGULATIONS OF THE ORDINANCE SHALL BE MET. THIS USE HAS BEEN OPERATING FOR APPROXIMATELY SIX YEARS WITH NO COMPLAINTS AND IT DOES NOT APPEAR TO BE DETRIMENTAL TO THE SURROUNDING AREA. THIS IS GRANTED TO THE APPLICANT ONLY

SECONDED, MR. D. SMITH CD. UNAN.

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NEW CASES, CONTINUED

7-

POWHATAN LODGE NURSING AND CONVALESCENT HOME, TO PERMIT AN ADDITIONAL FLOOR ON WEST WING OF THE BUILDING, PROPERTY ON WEST SIDE OF POWHATAN ST. AT INTERSECTION OF NORTH NOTTINGHAM ST., DRANESVILLE DISTRICT. (R-10). THE GENTLEMAN REPRESENTING THESE PEOPLE SAID THEY DID NOT GET THEIR NOTICES OUT AND THEREFORE ASKED A CONTINUANCE. THERE ARE OTHER THINGS THEY WISH TO COMPLETE, HE SAID, IN ORDER TO MAKE A MORE COMPLETE PRESENTATION. HE ASKED DEFERRAL TO THE SECOND MEETING IN JANUARY 1963. MR. D. SMITH MOVED A DEFERRAL TO THE SECOND MEETING IN JANUARY 1963, IN ACCORDANCE WITH THE APPLICANT'S REQUEST.

SECONDED, MRS. CARPENTER                      CD. UNAN.

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8-

VIRGINIA SAND AND GRAVEL COMPANY, INC., TO PERMIT GRAVEL OPERATION, ON EAST SIDE OF BACKLICK ROAD IMMEDIATELY NORTH OF SOUTHERN RAILROAD, 23.7 ACRES OF LAND, MASON DISTRICT. (I-S). MR. DIGUILIAN AND RICHARD LONG REPRESENTED THE APPLICANT. MR. PETE BALL WAS ALSO PRESENT.

THIS IS A 24 ACRE TRACT, MR. DIGUILIAN TOLD THE BOARD, KNOWN AS THE BROOKFIELD HOME PROPERTY. ALL GRAVEL EXCAVATED FROM THIS GROUND WILL BE HAULED OUT OVER EXISTING ROADS WITHIN THE PROPERTIES CONTROLLED BY VIRGINIA SAND AND GRAVEL. THERE WILL BE NO GRAVEL TRUCKING ON THE HIGHWAYS. NO EXCAVATION WILL COME CLOSER THAN SEVEN OR EIGHT HUNDRED FEET FROM BACKLICK ROAD. THE BROOKFIELD HOUSE WILL BE TAKEN DOWN. THIS PROPERTY IS ZONED I-S.

MR. RICHARD LONG, ENGINEER, LOCATED THE PRESENT GRAVEL OPERATIONS TO THE NORTH AND TO THE EAST WHERE EXCAVATION AND RESTORATION HAVE TAKEN PLACE. A PORTION OF THE PROPERTY TO THE NORTH IS ALSO BEING RESTORED. GRAVEL OPERATIONS ARE TAKING PLACE ON TWO SIDES OF THIS PROPERTY. THIS PROPERTY IS NOT IN THE NR ZONE. MR. LONG POINTED OUT THAT SINCE THIS IS IN AN INDUSTRIAL ZONE THEY DO NOT WISH TO COMPLY WITH THE NR ZONE REQUIREMENTS IN ONE RESPECT - THEY DO NOT WISH TO REPLACE OR RESTORE TOP SOIL. THE PROPERTY IS PLANNED FOR AN INDUSTRIAL USE. HOWEVER, IF WHEN THESE OPERATIONS ARE COMPLETED THERE IS NO IMMEDIATE INDUSTRIAL USE FOR THE GROUND, THEY WILL EITHER SEED IT OR PLANT PINE SEEDLINGS.

MR. DIGUILIAN SAID HE THOUGHT THIS WORK COULD BE COMPLETED WITHIN TWO YEARS, BUT THEY DO NOT WISH TO BE TIED TO THAT LIMITATION - IN CASE THEY MAY NEED AN EXTENSION. THEY WILL START IMMEDIATELY AND WORK CONTINUOUSLY. THEY HAVE A PRESENT URGENT NEED FOR THIS GRAVEL. THEY HAVE COMPLIED WITH REQUIREMENTS IN THE NR ZONE.

MRS. HENDERSON WAS CONCERNED THAT SOME OF THE TRUCKS WOULD GO OVER BACKLICK ROAD, PERHAPS THE DRIVERS COMING TO WORK OR LEAVING.

MR. DIGUILIAN SAID THIS PROBABLY WOULD NOT BE POSSIBLE BECAUSE OF THE BRIDGING OF THE RAILROAD AND THE FILL IN FRONT OF THIS PROPERTY, BUT HE WOULD HAVE NO OBJECTIONS IF THEIR TRUCKS WERE RESTRICTED FROM USE OF BACKLICK ROAD. AS A PRACTICAL MATTER, MR. DIGUILIAN WENT ON TO SAY, THEIR TRUCKS WOULD NOT OPERATE OFF OF THEIR PROPERTY BECAUSE THEY DO NOT HAVE TAGS FOR HIGHWAY TRAVEL. THE GRAVEL WILL BE PROCESSED ON THEIR PROPERTY BEFORE ANY IS SOLD. NO BANK GRAVEL WILL BE SOLD. AFTER MRS. BROOKFIELD MOVES OUT OF THE HOUSE THIS ROAD WOULD NOT BE USED EXCEPT PERHAPS BY SUPERVISORS OR COUNTY INSPECTORS.

MR. D. SMITH SUGGESTED EXCLUDING EMPTY OR LOADED TRUCKS.

NO ONE FROM THE AREA OBJECTED.

THE BOARD DISCUSSED THE TIME ELEMENT BETWEEN COMPLETION OF THE REMOVAL AND EITHER USE OF THE PROPERTY FOR INDUSTRIAL PURPOSES OR THE PLANTING. THE BOARD DID NOT WISH TO HAVE A LONG PERIOD IN BETWEEN - WAITING FOR AN INDUSTRIAL USE TO MATERIALIZE.

MRS. HENDERSON SUGGESTED THAT THE APPLICANT WORK ON THE PROPERTY FOR TWO YEARS THEN COME BACK TO THE BOARD AND REPORT PROGRESS AND EITHER AN EXTENSION COULD BE GIVEN OR THE APPLICANT SHOW HIS PLANS FOR USE OF THE GROUND.

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NEW CASES (CONTINUED)

THE PLANNING COMMISSION RECOMMENDED APPROVAL, AND SINCE THIS IS NOT IN THE NR ZONE, BUT IS PRESENTLY ZONED INDUSTRIAL, LEFT IT UP TO THE BOARD OF ZONING APPEALS' OWN DECRETION WHETHER OR NOT THE NR ZONE REGULATIONS SHOULD APPLY.

IN VIEW OF THE PLANNING COMMISSION'S RECOMMENDATION, AND THE FACT THAT THERE IS NO OBJECTION TO THIS, AND THE PROPERTY IMMEDIATELY ADJOINING IS BEING USED FOR GRAVEL OPERATIONS, AND ALL THE GRAVEL EXCAVATED FROM THIS AREA WILL BE TRANSPORTED TO THAT AREA NOW USED FOR WASHING AND PROCESSING BEFORE IT IS SOLD, MR. D. SMITH MOVED THAT THE APPLICATION OF VIRGINIA SAND AND GRAVEL COMPANY, INC., TO PERMIT GRAVEL OPERATION ON EAST SIDE OF BACKLOCK ROAD, IMMEDIATELY NORTH OF SOUTHERN RAILROAD, 23.7 ACRES OF LAND MASON DISTRICT, BE APPROVED FOR A PERIOD OF TWO YEARS OR SOONER IF THE OPERATIONS CAN BE COMPLETED. AT THE END OF THE OPERATIONS - OR NO LONGER THAN TWO YEARS - THE APPLICANT WILL RETURN TO THIS BOARD AND GIVE HIS PROGRESS REPORT WITH REGARD TO THE WORK AND THE SEEDING OR PLANTING OF TREES. BACKLICK ROAD MAY BE USED FOR PASSENGER CARS AND PICK-UP TRUCKS ONLY AS AN ENTRANCE TO THIS PROPERTY, AND NO GRAVEL TRUCKS, EMPTY OR LOADED, SHALL USE BRADDOCK ROAD. THE APPLICANT WILL MAKE A SERIOUS EFFORT TO STOP DUST AND OTHER OBJECTIONABLE FEATURES THAT WOULD ADVERSELY AFFECT THIS AREA. ALL OTHER PROVISIONS OF THE NR ZONE SHALL BE MET. IF THIS OPERATION IS COMPLETED BEFORE THE TWO YEAR PERIOD, THE APPLICANT WILL COME BACK TO THIS BOARD FOR DIRECTION REGARDING SEEDING OR PLANTING. SECONDED, MRS. CARPENTER Co. UNAN.

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DEFERRED CASES:

1- CHARLES BURTON BUILDERS, TO PERMIT OPEN PORCH TO REMAIN 35.28 FEET FROM FRONT PROPERTY LINE, LOT 7A, BLOCK 7, SECTION 1, COLLINGWOOD ON THE POTOMAC, (CORNER OF NEAL DRIVE AND DOYLE DRIVE), MT. VERNON DIST. (R-12.5) MR. MARSHALL JACOBS REPRESENTED THE APPLICANT. MR. JACOBS PRESENTED A LETTER FROM ALCO STRUCTURES, QUOTED AS FOLLOWS:

"19 SEPTEMBER 1962

CHARLES BURTON BUILDERS  
1014 K STREET, N. W.  
WASHINGTON, D. C.

GENTLEMEN:

THIS IS TO CERTIFY THAT ALL TRUSSES FURNISHED BY OUR COMPANY FOR YOUR 'COLLINGWOOD ON THE POTOMAC' DEVELOPMENT WERE SPECIFICALLY DESIGNED TO CARRY ROOF CEILING WIND AND SNOW LOADS AS REQUIRED BY LOCAL BUILDING CODES, WITH A MINIMUM 2-1/2 TO 1 DESIGN SAFETY FACTOR BEYOND THESE LOADS.

WE WILL NOT AUTHORIZE ANY CHANGES OR ALTERATIONS TO THESE TRUSSES WITHOUT SPECIFIC ENGINEERING DESIGN CONSULTATION. ANY ALTERATIONS OF THESE TRUSSES, MADE BY YOU OR YOUR AGENTS WITHOUT OUR AUTHORIZATION, WILL CANCEL THE PRODUCTS LIABILITY INSURANCE, WHICH WE CARRY ON THESE TRUSSES.

YOURS VERY TRULY,  
THE ANDERSON LUMBER CO. INC.  
PHILIP R. ANDERSON, PRESIDENT"

THE BOARD DISCUSSED AT LENGTH THE AFFECT CUTTING THE OVERHANG BACK TO CONFORM TO THE REQUIRED SETBACK WOULD HAVE UPON THE STRUCTURE. MR. D. SMITH SAID IN HIS OPINION IT WOULD NOT WEAKEN THE STRUCTURE, BUT PROBABLY WOULD STRENGTHEN IT, SINCE THERE WOULD BE LESS ROOF TO BE SUBJECTED TO WIND AND SNOW.

1-  
CONT'D

MR. JACOBS CONTENDED THAT THE WEIGHT BALANCE WOULD BE IMPROPERLY DISTRIBUTED IF THIS WERE TAKEN OFF. THE SUPPORT IS BASED ON THE LENGTH OF THE TRUSS, TO SHORTEN THE TRUSS WOULD AFFECT THE BRACING UNDER THE ROOF. THE SUPPORT WOULD HAVE BEEN IN A DIFFERENT LOCATION IF THE TRUSS WERE NOT SO LONG.

MR. MOORELAND SUGGESTED THAT THE BUILDING INSPECTOR BE QUESTIONED AS TO WHETHER THIS WOULD MEET HIS REQUIREMENTS - IF THE TRUSSES ARE CUT BACK - WHAT WOULD HAPPEN TO THE WEIGHT BEARING.

THE CASE WAS SET ASIDE AND MR. CROY, THE BUILDING INSPECTOR, WAS SENT FOR.

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2- HARRY RAWLINS, TO PERMIT ERECTION OF DWELLING 25 FEET FROM STREET PROPERTY LINE, LOT 24, SOMMERSVILLE HILL, LEE DISTRICT. (R-12.5)

MR. RAWLINS PRESENTED THE FOLLOWING REPORT FROM MR. COLEMAN, SOIL SCIENTIST:

"SEPTEMBER 24, 1962

TO: HERBERT F. SCHUMANN, JR.  
DEPUTY DIRECTOR OF PLANNING

FROM: C. S. COLEMAN, SOIL SCIENTIST

SUBJECT: CHANGE IN SETBACK REQUIREMENTS OF LOT NUMBER 24, SUMMERSVILLE HILLS AND THE EFFECT THIS WILL HAVE IN PREVENTING LANDSLIDES; OWNER OF LOT, HARRY RAWLINS

1. A FIELD CHECK OF THIS LOT WAS MADE ON SEPTEMBER 24, 1962.
2. THE PROPOSED CHANGE IN SETBACK WILL PLACE THE HOUSE WITHIN 25 FEET OF THE EXISTING CURB.
3. THIS ENTIRE LOT IS THE TYPE OF MARINE CLAY THAT LANDSLIDES HAVE OCCURRED IN. THERE HAVE BEEN SMALL LANDSLIDES ON THIS LOT IN THE PAST.
4. IT IS MY OPINION THAT IF THIS CHANGE IN SETBACK IS APPROVED, THE ODDS THAT A LANDSLIDE WILL OCCUR WILL HAVE BEEN REDUCED. HOWEVER, IT WILL NOT ELIMINATE THE POSSIBILITY THAT LANDSLIDES MAY OCCUR AND REACH THE HOUSE AT SOMETIME IN THE FUTURE.
5. OTHER MEANS OF CONTROLLING LANDSLIDES WILL HAVE TO BE USED ON THIS LOT BESIDES MOVING THE LOCATION OF THE HOUSE. ANY MEANS OF CONTROLLING THE LANDSLIDES WILL PROBABLY PROVE TO BE VERY EXPENSIVE AND MAY EXCEED THE VALUE OF THE PROPERTY.

C.S. COLEMAN,  
SOIL SCIENTIST"

IN VIEW OF THIS REPORT, MRS. HENDERSON ASKED MR. RAWLINS IF HE STILL PLANNED TO BUILD?

MR. RAWLINS SAID HE HAD TALKED WITH CAPTAIN PORTER, MR. COLEMAN AND ENGINEERS, AND THOUGHT HE HAD IT WORKED OUT SO HE COULD GO AHEAD. HE WILL REINFORCE THE FOOTINGS ALL THE WAY AROUND. THIS WHOLE AREA IS BUILT UP, MR. RAWLINS POINTED OUT, AND THE HOUSES HAVE BEEN OCCUPIED FOR A LONG TIME. THEY ALL HAVE THE SAME TYPE SOIL, BUT THERE HAS BEEN NO EVIDENCE OF SLIPPAGE AND NO REINFORCING WAS USED ON THESE HOUSES. HE WOULD DRILL AS IF FOR PIERS AND PUT IN ROD-LIKE PILING SET IN CONCRETE. HE FELT SURE THIS WOULD BE SATISFACTORY. THE HOUSE, IF SET AT THE 25 FOOT SETBACK LINE WOULD BE IN A BETTER POSITION THAN IF BACK FARTHER ON THE LOT. HE WOULD DO SOME LEVELING. HE HAS AN APPROVED LOAN, MR. RAWLINS SAID, FROM FHA. THE ONLY DIFFICULTY WITH SLIPPAGE IN THE AREA, MR. RAWLINS SAID, WAS IN THE YARDS - NOT WITH THE HOUSES. THE MOST DESIRABLE PLACE FOR THE HOUSE WOULD BE AT THE TOP OF THE HILL.

AFTER VIEWING THE PROPERTY AND LOOKING AT THE NEW PLATS, MRS. CARPENTER MOVED THAT THE APPLICATION OF HARRY RAWLINS, TO PERMIT ERECTION OF DWELLING 25 FEET FROM STREET PROPERTY LINE, LOT 24, SOMERSVILLE HILL, LEE DIST. BE APPROVED UNDER SECTION 30-36, AS THIS PROPERTY APPEARS TO HAVE AN UN-

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DEFERRED CASES (CONTINUED)

2-  
CONT'D

USUAL TOPOGRAPHIC PROBLEM REGARDING LAND SLIPPAGE. THIS IS A MOST UNUSUAL CASE, MRS. CARPENTER CONTINUED, THE FIRST THE BOARD HAS HANDLED WITH THIS PARTICULAR KIND OF SOIL WHICH HAS A TENDENCY TO SLIDE.  
SECONDED, MR. D. SMITH Cd. UNAN.

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1-  
CONT'D

THE BOARD RETURNED TO THE CHARLES BURTON BUILDERS CASE.  
MR. CROY CAME BEFORE THE BOARD, AFTER GOING OVER THE SITUATION WITH THE BOARD AND MR. JACOBS MR. CROY SAID IN HIS OPINION CUTTING BACK THE FRONT OVERHANG PROBABLY WOULD NOT HARM THE STRUCTURE, BUT IT WOULD INDUCE EXCESSIVE STRESSES.  
THIS OVERHANG WAS SIMPLY AN AFTER-THOUGHT, MR. D. SMITH POINTED OUT - IT WAS MERELY AN EXTENSION OF THE ORIGINAL DESIGN.  
MRS. HENDERSON SUGGESTED THAT ONE OF MR. CROY'S INSPECTORS SEE THE BUILDING AND GIVE THE BOARD AN OPINION ON IT.  
MR. CROY AGREED TO THIS.  
MR. JACOBS SAID THEY COULD NOT MOVE THE POSTS BACK AS THEY ARE NOW SUPPORTING THE OVERHANG.  
MRS. CARPENTER MOVED TO DEFER THE CASE TO OCTOBER 9, 1962 AND IN THE MEANTIME MR. CROY WILL SEND AN INSPECTOR TO SEE THE HOUSE AND HE WILL REPORT TO THE BOARD ON OCTOBER 9, 1962.  
SECONDED, MR. D. SMITH Cd. UNAN.  
MR. D. SMITH SAID THE LETTER FROM ALCO WAS SIMPLY A STATEMENT OF POLICY, AND HAD NO BEARING ON THE QUESTION BEFORE THE BOARD.

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3-

GUNSTON VOLUNTEER FIRE DEPARTMENT, TO PERMIT ERECTION OF AN ADDITION TO FIRE HOUSE, THE PLAZA, GUNSTON MANOR, MT. VERNON DISTRICT. (RE-2)  
MR. DUVALL PRESENTED NEW PLATS WITH 20 PARKING SPACES AT THE SIDE AND REAR OF THE BUILDING. HOWEVER PARKING FROM MASON PLACE SHOWED ONLY A 35 FOOT SETBACK.  
THE BOARD AGREED THAT THE SETBACK MUST MEET THE 50 FOOT REQUIREMENT. WHILE THAT ROAD IS NOT IN, IT IS A DEDICATED ROAD, MR. MOORELAND SAID.  
MR. DUVALL SAID THEY HAD VERY FEW ACTIVITIES HERE - PROBABLY ONE DINNER A YEAR AND A BALL FIELD IN THE REAR. MR. DUVALL AGREED (AND INITIALED THE PLAT) THAT PARKING WOULD MEET THE 50 FOOT SETBACK FROM ALL STREETS.  
MRS. CARPENTER MOVED THAT GUNSTON VOLUNTEER FIRE DEPARTMENT, TO PERMIT ERECTION OF AN ADDITION TO FIRE HOUSE, THE PLAZA, GUNSTON MANOR, MT. VERNON DISTRICT, BE PERMITTED TO ERECT THE ADDITION AS REQUESTED. THERE SHALL BE NO PARKING WITHIN THE REQUIRED SETBACK AREA - 50 FEET FROM MASON PLACE, 50 FEET FROM MT. VERNON BLVD., AND GUNSTON ROAD. IT DOES NOT APPEAR THAT THIS WOULD ADVERSELY AFFECT THE SURROUNDING AREA.  
SECONDED, MR. D. SMITH Cd. UNAN.

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MR. MOORELAND ASKED THE BOARD - WOULD A PHYSICAL THERAPIST BE CONSIDERED A HOME PROFESSION - IN THE SAME CATEGORY AS A NURSE WHO GIVES SOME TREATMENT IN HER HOME?  
THIS WAS DISCUSSED AT LENGTH - SHOULD THIS BE TREATED AS A PROFESSION - THERAPY IS GIVEN IN DOCTORS' OFFICES, HOSPITALS AND CLINICS - IT REQUIRES EQUIPMENT, SOME OF WHICH WOULD AMOUNT TO A CONSIDERABLE AMOUNT OF INSTALLATION. HOW FAR CAN A HOME OCCUPATION GO?  
MR. MOORELAND ASKED THE BOARD FOR A RULING. THE CASE HE HAD IN MIND, MR. MOORELAND SAID, WAS A THERAPIST TO WHOM SEVERAL DOCTORS SENT THEIR PATIENTS. THE ORDINANCE SAYS "SIMILAR PROFESSIONAL PERSONS". CAN DENTAL TECHNICIANS HAVE LABORATORIES IN THEIR HOME?  
THE ANSWER WAS "NO" - THIS COULD BRANCH OUT INTO A FULL FLEDGED MANUFACTURING BUSINESS.

MR. D. SMITH POINTED OUT THAT DOCTORS OPERATING IN THEIR HOMES COULD HAVE THERAPEUTIC EQUIPMENT IN THEIR HOME OFFICES. HE THOUGHT A DENTAL LABORATORY AN ENTIRELY DIFFERENT THING - ALSO X-RAY. HOWEVER, IT WAS NOTED THAT BOTH DOCTORS AND DENTISTS HAVE SMALL X-RAY MACHINES IN HOME OFFICES. BOTH MR. D. SMITH AND MRS. HENDERSON WISHED TO CONSIDER THIS FURTHER. THE BOARD AGREED TO GIVE NO RULING AT THIS TIME, BUT TO TAKE IT UP AGAIN AFTER FURTHER CONSIDERATION.

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MR. MOORELAND - PAGE 531 OF THE ORDINANCE, SECTION 30-76 (D) SITE PLAN. MR. MOORELAND SAID HE HAD DISCUSSED THIS WITH MR. H. F. SCHUMANN, JR., AND THE COMMONWEALTH ATTORNEY - BOTH OF WHOM SAY THAT IF THE BUILDING WAS EXISTING ON THE PROPERTY THEY DO NOT NEED A SITE PLAN, BUT IF THEY HAVE TO GET A PERMIT TO BUILD OR ADD TO THE BUILDING THEY WOULD NEED A SITE PLAN. MR. MOORELAND REFERRED PARTICULARLY TO HOUSES IN JEFFERSON VILLAGE PLANNED FOR C-0.

MR. MOORELAND SAID HE ASKED THE COMMONWEALTH ATTORNEY TO SHOW HIM IN THE ORDINANCE WHERE HE FOUND THIS - MR. FITZGERALD SAID IT WAS UP TO THE BOARD TO INTERPRET THE ORDINANCE.

THE SITE PLAN BECOMES NECESSARY WHEN THESE HOUSES ARE REZONED AND THE USE OF THE PROPERTY CHANGES FROM RESIDENTIAL TO COMMERCIAL, MRS. HENDERSON SAID.

THE BOARD AGREED THAT MR. MOORELAND'S INTERPRETATION BE UPHELD.

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MRS. HENDERSON READ THE FOLLOWING LETTER FROM MR. CRIGLER:

"SEPTEMBER 18, 1962

MR. H. F. SCHUMANN, JR.  
OFFICE OF THE PLANNING COMMISSION  
AND ZONING ADMINISTRATOR

DEAR MR. SCHUMANN:

IN REGARDS TO THE LETTER FROM THE OFFICE OF THE PLANNING COMMISSION AND ZONING ADMINISTRATOR WRITTEN ON JUNE 11, 1962, WE FEEL THAT THE EXISTING SCREENING IS COMPLETELY ADEQUATE SINCE IT IS 30' DEEP ON THE FRONT AND NOT LESS THAN 20' DEEP ON THE BACK SIDE CONSISTING OF TALL TREES, AND DENSE SHRUBBERY WITH NO PATHS THROUGH IT.

SINCE THIS SHRUBBERY HAS BEEN IN GROWTH FOR AT LEAST SOME TWENTY ODD YEARS, AND IS COMPLETELY ON OUR PROPERTY AND UNDER OUR CONTROL, WE FEEL THAT NATURE HAS PRODUCED A SCREENING THAT WE SIMPLY COULD NOT IMPROVE. WE WOULD INVITE INSPECTION BY ANY ONE HAVING A VALID INTEREST IN THE MATTER.

WE HAVE HEARD NO COMPLAINT FROM MR. NEWLON AND FEEL THAT HE REALIZES THE SUITABILITY OF THE EXISTING SCREENING.

WE HOPE THAT THIS DECISION IS APPROVED BY THE PLANNING COMMISSION AND THE FAIRFAX COUNTY BOARD OF ZONING APPEALS.

YOURS TRULY,  
GLEBE ACRES PRIVATE SCHOOL  
JAMES R. CRIGLER"

THE BOARD AGREED THAT THE SCREENING APPEARS TO BE VERY GOOD NOW, BUT NOT MANY OF THE TREES APPEARED ~~NOT~~ TO BE EVERGREEN. MRS. HENDERSON SAID SHE WOULD LIKE TO SEE THE SCREENING WHEN THE TREES ARE BARE.

MR. MOORELAND SUGGESTED GIVING THE CRIGLERS THEIR OCCUPANCY PERMIT SUBJECT TO REVIEW LATER BY BOARD MEMBERS.

THE BOARD AGREED TO THIS.

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DECEMBER MEETINGS - 4TH AND 18TH.

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THE FOLLOWING LETTER WAS READ FROM CAMPBELL & THOMPSON, INC.:

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"MR. H. F. SCHUMANN, JR.  
ZONING ADMINISTRATOR  
OFFICE OF THE PLANNING COMMISSION  
AND ZONING ADMINISTRATOR  
COUNTY OF FAIRFAX  
FAIRFAX, VIRGINIA

RE: APPLICATION OF CAMPBELL & THOMPSON, INC.  
MOTION FOR REHEARING

DEAR SIR:

BY DECISION RENDERED DURING A HEARING ON AUGUST 7, 1962, THE FAIRFAX COUNTY BOARD OF ZONING APPEALS DENIED THE APPLICATION OF CAMPBELL AND THOMPSON, INC., FOR A SPECIAL PERMIT USE UNDER CHAPTER 30, SECTION 30-1, FAIRFAX COUNTY CODE, 1961, ARTICLE X11, SECTION 30-139(b), GROUP VIII, TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND ON A PRIVATE ROAD, S.W. OF HAMPTON ROAD, ROUTE 647, LEE DISTRICT (RE-1). THE PURPOSE OF THIS LETTER IS TO RESPECTFULLY SUBMIT A MOTION FOR A REHEARING ON THIS APPLICATION PURSUANT TO SECTION 30-41 OF THE CODE.

THE DECISION OF THE BOARD WAS INFLUENCED BY THE INADEQUATE SIZE OF THE PARCEL OF LAND ALLOCATED BY CAMPBELL AND THOMPSON FOR THE RECREATION SITE, WITH THE BOARD MEMBERS QUESTIONING WHAT PEOPLE WOULD DO ON SUCH A SMALL PIECE OF LAND AND NOTING THAT THE USERS WOULD NOT BE JUSTLY REWARDED DUE TO THE SMALL AREA. TO THIS END, CAMPBELL AND THOMPSON, INC. HAS SINCE ACQUIRED A SIGNIFICANT AMOUNT OF ADDITIONAL ACREAGE ADJOINING THE ORIGINAL SITE WHICH WOULD BE ALLOCATED TO THE PROPOSED RECREATION GROUND.

WE WOULD LIKE TO HAVE THE OPPORTUNITY TO PRESENT OUR NEW AND REVISED SITE PLAN WHICH INCORPORATES THE ADDITIONAL LAND AND AT THE SAME TIME PRESENT AN EXPANDED PROGRAM OF RECREATIONAL ACTIVITIES MADE AVAILABLE BY THE INCREASED AREA.

CAMPBELL AND THOMPSON, INC., SUBMITS THAT THE USE FOR WHICH THIS SPECIAL PERMIT IS REQUESTED SHOULD BE DEEMED A PERMITTED USE IN THAT IT CONFORMS TO THE STANDARDS AND SPECIFIC REQUIREMENTS OF CHAPTER 30 OF THE FAIRFAX COUNTY CODE, AND IN PARTICULAR, SECTION 30-139(b).

WE LOOK FORWARD TO THE FAVORABLE RECEIPT OF THIS MOTION BY THE BOARD.

RESPECTFULLY,

HERBERT H. CAMPBELL

CAMPBELL AND THOMPSON, INC.  
Box 80-A  
FAIRFAX STATION, VIRGINIA"

SINCE THE MAIN OBJECTION TO THIS WAS THE SMALL PIECE OF GROUND, THE BOARD AGREED TO A REHEARING.

MR. D. SMITH MOVED THAT A REHEARING BE GRANTED TO CAMPBELL AND THOMPSON, INC. - CASE DENIED AUGUST 7, 1962 - ON THE BASIS OF THE LETTER WHICH REACHED THE ZONING OFFICE WITHIN THE REQUIRED TIME. THIS REHEARING IS GRANTED DUE TO THE FACT THAT THE BASIC REASON FOR DENIAL WAS THE SMALL AREA, AND NOW THESE PEOPLE HAVE A SUBSTANTIAL ADDITIONAL AREA AND IT WOULD APPEAR THAT THIS WOULD MERIT RE-CONSIDERATION BY THE BOARD. DATE OF HEARING TO BE THE FIRST MEETING IN NOVEMBER - NOVEMBER 13, 1962 - IF THE PLATS ARE IN BY THAT TIME AND THERE IS TIME FOR PROCESSING THE APPLICATION.

SECONDED, MRS. CARPENTER Cd. UNAN.

MRS. HENDERSON ASKED THAT THE ALEXANDRIA WATER COMPANY BE NOTIFIED OF THIS REHEARING.

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THE MEETING ADJOURNED

Mary K. Henderson  
MRS. L. J. HENDERSON, JR., CHAIRMAN

November 15, 1962  
DATE

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THE FAIRFAX COUNTY BOARD OF ZONING APPEALS  
HELD ITS REGULAR MEETING ON TUESDAY, OCT.  
9, 1962 AT 10 A.M., IN THE BOARD ROOM OF  
THE FAIRFAX COUNTY COURTHOUSE, WITH ALL  
MEMBERS PRESENT. MRS. L. J. HENDERSON, JR.,  
CHAIRMAN, PRESIDING.

THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH

NEW CASES:

1-

C. L. STRINGER, TO ALLOW DWELLING TO REMAIN AS ERECTED CLOSER TO STREET PROPERTY LINE, LOT 8A, RESUB. LOTS 6 THRU 10, SAIGON SUBDIVISION, (3818 SAIGON ROAD), DRANESVILLE DISTRICT. (RE-1)

MR. STRINGER WAS PRESENT AND SUBMITTED SIGNATURES OF THE ADJOINING PROPERTY OWNERS. HE STATED HIS SETBACK SHORTAGE IS CAUSED BY A NON-EXISTING CUL-DE-SAC AS RECORDED IN FRONT OF HIS PROPERTY. HIS PROPERTY LINE IS PART OF THE ARC OF THE CUL-DE-SAC.

MR. D. SMITH SAID THIS IS A DEDICATED CUL-DE-SAC WHICH HAS NOT BEEN BUILT.

MR. E. SMITH SAID THIS WOULD COME UNDER SECTION 30-36, PAR. 4, BECAUSE APPARENTLY THIS ERROR WOULD NOT HAVE A DETRIMENTAL EFFECT ON ADJOINING PROPERTY OWNERS, THEREFORE, HE MOVED THAT THE APPLICATION OF C. L. STRINGER, TO ALLOW DWELLING TO REMAIN AS ERECTED CLOSER TO STREET PROPERTY LINE, LOT 8A, RESUB. LOTS 6 THRU 10, SAIGON SUBDIVISION (3818 SAIGON ROAD), DRANESVILLE DISTRICT, BE GRANTED.

SECONDED, MRS. CARPENTER Cd. UNAN.

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2-

HOWARD AND WILLA ECKLES, TO PERMIT ERECTION AND OPERATION OF A KINDERGARTEN IN HOME, NORTH SIDE OF ROUTE #694, EAST OF ROUTE #1198, DRANESVILLE DISTRICT. (RE-1)

MRS. ECKLES WAS PRESENT AND SUBMITTED SIGNATURES OF ADJOINING PROPERTY OWNERS TO THE BOARD.

THIS PROPERTY IS LOCATED ON LEWINSVILLE ROAD BETWEEN BALLS HILL ROAD AND THE CIRCUMFERENTIAL HIGHWAY.

MRS. ECKLES IS OPERATING A SCHOOL NOW ON TENNYSON DRIVE, WHICH IS IN THE CENTER OF McLEAN, ON A PERMIT ISSUED IN 1954. SHE WANTS TO TRANSFER HER SCHOOL TO A NEW LOCATION BECAUSE A NEW A & P MARKET IS GOING IN ACROSS THE STREET FROM HER PRESENT LOCATION.

THIS WILL BE A SMALL SCHOOL - A TOTAL OF 40 CHILDREN. THERE WILL BE TWO CLASSES (20 CHILDREN TO EACH CLASS) OF TWO HOURS AND 50 MINUTES EACH. THERE WILL BE ONE BUS FOR THE TRANSPORTATION OF THESE CHILDREN.

MRS. HENDERSON ASKED IF THEY HAD A TOPOGRAPHIC PROBLEM HERE?

MRS. ECKLES SAID THEY DID, AND THIS IS THE REASON FOR SO MUCH FRONTAGE.

MR. D. SMITH ASKED HER ABOUT THE BARN IN THE REAR OF THIS PROPERTY - OWNED BY A MR. WRIGHT.

MRS. ECKLES SAID THIS WAS NOT USED FOR ANIMALS.

THE SCHOOL IS JUST FOR FIVE YEAR OLDS. IT WILL MEET THE STANDARDS FOR PLAY AREA, LAVATORY FACILITIES, FIRE REGULATIONS, AND ALSO THE NUMBER OF CHILDREN PER TEACHER. IT WILL HAVE AMPLE SQUARE FOOTAGE AREA PER CHILD.

NO OPPOSITION PRESENT.

MRS. CARPENTER MOVED TO GRANT THE APPLICATION OF HOWARD AND WILLA ECKLES, TO PERMIT ERECTION AND OPERATION OF A KINDERGARTEN IN HOME, NORTH SIDE OF ROUTE #694, EAST OF ROUTE #1198, DRANESVILLE DISTRICT, BECAUSE SHE FELT THIS AN IDEAL LOCATION FOR A SCHOOL. IT WILL NOT BE DETRIMENTAL TO THE SURROUNDING AREA. SHE FURTHER MOVED THAT ALL OTHER PROVISIONS OF THE ORDINANCE BE MET.

SECONDED, MR. BARNES Cd. UNAN.

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3- GRAHAM VIRGINIA QUARRIES, TO PERMIT EXTENSION OF QUARRY PIT ISSUED OCT. 13, 1959, ON RT. #123 NEAR OCCOQUAN BRIDGE, LEE DISTRICT. (RE-1). MRS. HENDERSON READ A MEMORANDUM FROM THE PLANNING COMMISSION, AS FOLLOWS:

"THE PLANNING COMMISSION WOULD LIKE THE OPPORTUNITY TO CONSIDER THIS APPLICATION. THE EARLIEST DATE ON WHICH THIS MIGHT BE DONE IS OCTOBER 25, 1962. THE COMMISSION, THEREFORE, REQUESTS THAT THE BOARD NOT ACT ON THIS APPLICATION AT THIS TIME AND THAT ACTION BE DEFERRED UNTIL THE REGULAR MEETING DATE OF THE BOARD FOLLOWING THE 25TH OF OCTOBER."

MR. BARNES MOVED TO DEFER THE APPLICATION TO NOVEMBER 13, 1962  
SECONDED, MRS. CARPENTER CD UNAN.

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4- MARJORIE C. SINGLETON, TO PERMIT OPERATION OF A KINDERGARTEN AND FIRST GRADE, (104 CHILDREN), ST. MARKS LUTHERAN CHURCH PROPERTY, ON WEST SIDE OF BACKLICK ROAD, APPROXIMATELY 500 FEET NORTH OF HIGHLAND AVENUE, MASON DISTRICT. (R-10)

MRS. SINGLETON PRESENTED SIGNATURES OF ADJOINING PROPERTY OWNERS TO THE BOARD.

MRS. HENDERSON HAD A MEMORANDUM FROM THE PLANNING COMMISSION STATING THEIR UNANIMOUS APPROVAL THAT THIS APPLICATION BE GRANTED.

MRS. SINGLETON STATED THAT THIS SCHOOL HAD BEEN IN OPERATION ON THIS LOCATION FOR THE PAST SEVEN YEARS. THIS SUMMER SHE RECEIVED NOTICE THAT SHE WAS REQUIRED TO HAVE A USE PERMIT - WHICH REQUIREMENT SHE WAS COMPLETELY UNAWARE OF, SINCE THE SCHOOL WAS BEING OPERATED IN A CHURCH. IN 1954 MRS. SINGLETON WAS ISSUED A PERMIT TO OPERATE A SCHOOL IN HER HOME. WHEN THE CHURCH BECAME AVAILABLE SHE DID NOT KNOW A USE PERMIT WOULD BE REQUIRED FOR THIS OPERATION - EVEN THOUGH IT WAS NOT CHURCH SPONSORED. THIS, MRS. SINGLETON SAID, IS MY ERROR.

MRS. HENDERSON ASKED IF THERE WAS A CHANGE IN THE TYPE OF OPERATION SINCE THE PERMIT HAD BEEN ISSUED FOR HER HOME?

MRS. SINGLETON SAID THAT FOR THREE YEARS SHE HAS HAD A FIRST GRADE - OTHERWISE, NO CHANGE.

MRS. SINGLETON EXPLAINED THAT THE SCHOOL CONSISTS OF TWO FLOORS - 33 CHILDREN AND TWO TEACHERS FOR KINDERGARTEN FOR BOTH SESSIONS. MORNING CLASS IS FROM 9 A.M. TO NOON, AND THE AFTERNOON SESSION IS FROM 12:30 P.M. TO 3:30 P.M. FIRST GRADE CONSISTS OF 16 CHILDREN WITH ONE TEACHER IN THE MORNING CLASS AND 12 CHILDREN WITH ONE TEACHER IN THE AFTERNOON SESSION. CHILDREN FOR THE FIRST GRADE MUST BE SIX BY THE FIRST OF JANUARY, MRS. SINGLETON SAID.

NO OPPOSITION PRESENT.

MR. E. SMITH SAID A CHURCH WAS AN IDEAL LOCATION FOR THESE SCHOOLS - ADEQUATE PARKING, AND CERTAINLY NOT DETRIMENTAL TO THE RESIDENTIAL CHARACTER OF THE SURROUNDING AREA. HE THEREFORE MOVED TO APPROVE THE APPLICATION OF MARJORIE C. SINGLETON, TO PERMIT OPERATION OF A KINDERGARTEN AND FIRST GRADE, (104 CHILDREN), ST. MARKS LUTHERAN CHURCH PROPERTY, ON WEST SIDE OF BACKLICK ROAD, APPROX. 500 FT. NORTH OF HIGHLAND AVE., MASON DISTRICT.

SECONDED, MR. D. SMITH CD. UNAN.

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COSTAL BROADCASTERS, INC., TO PERMIT ERECTION OF THREE (3) RADIO TOWERS, 139 FEET HIGH, ON NORTHERLY SIDE OF ROUTE #665, APPROX. 1/2 MILE EASTERLY FROM ROUTE #666, CENTREVILLE DISTRICT. (RE-1)

MR. ED PRICHARD, ATTORNEY, REPRESENTED THE APPLICANT.

MR. PRICHARD SAID THE PLANNING COMMISSION HAD HELD A HEARING ON THIS APPLICATION, AND RECOMMENDED APPROVAL. THE RECOMMENDATION FROM THE PLANNING COMMISSION WAS A UNANIMOUS APPROVAL TO GRANT THIS APPLICATION.

THIS, MR. PRICHARD CONTINUED, IS A VIRGINIA CORPORATION. IT IS A LOCALLY OWNED AND OPERATED CORPORATION. MR. EDWARD SHEPPARD, WHO IS PRESENT TO ANSWER ANY QUESTION WHICH THE BOARD MAY HAVE, IS AN OFFICER OF THIS CORPORATION, MR. PRICHARD STATED.

MR. PRICHARD SAID THEY HAVE APPLIED FOR A REQUIRED PERMIT FROM THE F.C.C. BUT NO ACTION HAS BEEN TAKEN ON IT AS YET. THE F.C.C. WILL HOLD A PUBLIC HEARING ON THIS APPLICATION. MR. PRICHARD POINTED OUT THAT THERE ARE TWO COMPETING APPLICATIONS, THEREFORE MAKING A PUBLIC HEARING BEFORE THE F.C.C. NECESSARY. ALSO, MR. PRICHARD CONTINUED, THE F.A.A. REQUIRED APPROVAL OF THIS OPERATION BECAUSE OF THE HEIGHT OF THE RADIO TOWERS - WHICH ARE 139 FEET HIGH. THAT APPROVAL HAS BEEN OBTAINED FROM THE F.A.A. THERE WILL BE NO INTERFERENCE BY THESE RADIO TOWERS WITH THE DULLES INTERNATIONAL AIRPORT OPERATIONS.

BECAUSE THIS IS A PUBLIC UTILITY, MR. PRICHARD CONTINUED, IT WAS NECESSARY TO OBTAIN THE APPROVAL OF THE PLANNING COMMISSION.

THIS, MR. PRICHARD STATED, WILL BE THE FIRST RADIO STATION IN FAIRFAX COUNTY. THE REASON FOR THE THREE TOWERS IS TO DAMPEN THE SIGNAL SO AS NOT TO INTERFERE WITH OTHER STATIONS IN THE WASHINGTON AREA, MR. PRICHARD EXPLAINED. THIS STATION WILL SERVE THE NORTHWESTERN PORTION OF FAIRFAX COUNTY. IT WILL BE A STATION PARTICULARLY ORIENTED TO PUBLIC AFFAIRS, NEWS AND MUSIC.

MR. PRICHARD WENT ON TO SAY THAT THEY HAVE 14 ACRES OF LAND. HE DID NOT FEEL THAT IT WOULD BE DETRIMENTAL TO THE SURROUNDING AREA. IF THE TOWERS SHOULD HAPPEN TO FALL, MR. PRICHARD POINTED OUT, THEY WOULD FALL ON THE 14 ACRES OWNED BY THE COSTAL BROADCASTERS.

THEY PROPOSE TO BUILD A SMALL TRANSMITTER BUILDING, MR. PRICHARD SAID, BUT THIS DOES NOT APPEAR ON THE PLAT BECAUSE THEY HAVE NOT DETERMINED THE SIZE NOR LOCATION OF SAME.

MRS. HENDERSON ASKED ABOUT ACCESS TO THIS PROPERTY.

MR. PRICHARD SAID THEY WOULD USE ROUTE #665.

MR. PRICHARD POINTED OUT TO THE BOARD THAT THERE IS AN EXISTING UNDERGROUND GAS LINE ON THIS PROPERTY. THIS HE STATED WOULD NOT INTERFERE IN ANY WAY WITH THE OPERATION OF THE RADIO TOWERS - THERE IS NO VOLTAGE INVOLVED IN THE GUARDS ON THE RADIO TOWERS WHICH WOULD CROSS THIS GAS LINE EASEMENT.

MR. SHEPPARD WAS QUESTIONED AS TO THE SIZE OF THE ANTICIPATED BUILDING REFERRED TO ABOVE. HE STATED THAT IT WOULD BE A SMALL BUILDING. THEY WERE NOT YET SURE OF THE ACTUAL SIZE, BUT IT WOULD BE RESTRICTED TO AN OFFICE AND ONE OR TWO STUDIOS. HE THOUGHT THE SIZE WOULD BE APPROXIMATELY 75 FT. X 120 FT.

THERE WAS SOME DISCUSSION WITH REFERENCE TO THE SIZE OF THIS BUILDING - AND IT WAS AGREED THAT THEY WOULD PROBABLY NOT REQUIRE A BUILDING AS LARGE AS MR. SHEPPARD HAD INDICATED.

MR. D. SMITH MOVED TO GRANT THE APPLICATION OF COSTAL BROADCASTERS, INC., TO PERMIT ERECTION OF THREE (3) RADIO TOWERS, 139 FEET HIGH, ON NORTHERLY SIDE OF ROUTE #665, APPROX. 1/2 MILE EASTERLY FROM ROUTE #666, CENTREVILLE

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NEW CASES (CONTINUED)

DISTRICT, AS APPLIED FOR, UNDER SECTION 30-133 GOVERNING PUBLIC UTILITIES AND THAT THE STUDIO BE CONSTRUCTED ON THE PROPERTY SO AS TO MEET ALL THE SETBACK REQUIREMENTS OF THE ORDINANCE AND THAT NO VARIANCE SHALL BE GRANTED FOR THE CONSTRUCTION OF THIS BUILDING. HE FURTHER MOVED THAT ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE APPLICABLE.

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SECONDED, MR. BARNES

MRS. HENDERSON THOUGHT THERE SHOULD BE A TEMPORARY LIMIT ON THE SQUARE FOOTAGE OF THE BUILDING, AND SHOULD THEY FIND THAT THEY HAVE TO EXCEED THIS THEY CAN COME BACK TO THE BOARD AND DISCUSS IT WITH THE MEMBERS.

MRS. CARPENTER AGREED, SAYING IT SHOULD BE IN KEEPING WITH THE RESIDENTIAL CHARACTER OF THE AREA - NOT A LARGE OFFICE BUILDING SITTING OUT IN A RESIDENTIAL ZONE.

MR. D. SMITH THOUGHT IT WOULD BE TO THE ADVANTAGE OF THE BROADCASTING COMPANY TO BUILD A BUILDING THAT WOULD BE IN HARMONY WITH THE AREA.

MRS. HENDERSON FELT THAT 2000 SQUARE FEET SHOULD BE THE LIMIT - IF THEY NEED MORE SPACE, SHE CONTINUED, THEY COULD COME BACK TO THE BOARD - WITHOUT FILING A NEW APPLICATION.

MR. E. SMITH WONDERED IF THEY COULD GO ALONG WITH A BUILDING OF 2000 SQUARE FEET ON ONE FLOOR, AND A MAXIMUM OF TWO FLOORS.

MR. D. SMITH ASKED IF A TWO-STORY BUILDING WAS DESIRABLE FOR THIS TYPE OF OPERATION?

MR. SHEPPARD SAID IF THE COMMUNITY GROWS AS THEY HOPE IT WILL, THEY COULD POSSIBLY USE TWO FLOORS TO PROVIDE FACILITIES FOR USE OF THE COMMUNITY.

MR. D. SMITH SAID HE QUESTIONED THE TWO FLOORS BECAUSE HE HAPPENED TO KNOW OF A STATION WHERE THERE ARE TWO FLOORS - WHERE THERE IS DANCING, ETC. THIS IS NOT DESIRABLE BECAUSE OF NOISE, MR. D. SMITH CONTINUED, AND THEY DO HAVE DIFFICULTY. HE STATED THAT HE WOULD LIKE TO SEE JUST ONE FLOOR TO ELIMINATE THESE PROBLEMS.

(NONE OF THE ABOVE DISCUSSION WAS INCLUDED IN THE MOTION - RECORD CHECKED TO MAKE CERTAIN).

MOTION CARRIED UNANIMOUSLY.

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6-

DUNN LORING WOODS PRIVATE SCHOOL, TO PERMIT OPERATION OF A PRIVATE SCHOOL 250 FT. EAST OF CEDAR LANE, AT DEAD END OF WILLOWMERE DRIVE, PROVIDENCE DISTRICT. (RE-0.5)

MR. WILLIAM HANSBARGER, ATTORNEY, REPRESENTED THE APPLICANT.

MR. D. HOLFORD, ATTORNEY, WAS PRESENT TO REPRESENT THE OPPOSITION.

MR. HANSBARGER PRESENTED TO THE BOARD SIGNATURES OF ADJOINING AND SURROUNDING PROPERTY OWNERS.

MR. HANSBARGER STATED THAT THE APPLICANT IS ASKING FOR A GENERAL INSTRUCTIONAL SCHOOL AS DEFINED IN THE ORDINANCE - GROUP VI. HE DISPLAYED A MAP SHOWING THE LOCATION OF THE PROPOSED SCHOOL AND THE PRESENT SCHOOL NOW BEING OPERATED BY THE APPLICANT.

MR. HANSBARGER INDICATED THE CEDAR LANE ELEMENTARY SCHOOL ON THIS SAME MAP, AND POINTED UP THE FACT THAT IT IS LOCATED IN A RESIDENTIAL AREA. IN FACT, MR. HANSBARGER CONTINUED, PUBLIC SCHOOLS ARE PERMITTED IN RESIDENTIAL AREAS BY RIGHT - THIS IS WHERE SCHOOLS SHOULD BE LOCATED, HE SAID - THIS SCHOOL IS DESIGNED TO SERVE A RESIDENTIAL AREA.

WITH REFERENCE TO TRAFFIC, MR. HANSBARGER POINTED OUT THAT AT PRESENT THERE IS NO TRAFFIC ON WILLOWMERE DRIVE, HOWEVER A TRAFFIC COUNT ON CEDAR LANE FOR A PERIOD OF 24 HOURS DISCLOSED THAT THERE WERE APPROXIMATELY 3600 CARS TRAVELING THIS ROAD. THIS, MR. HANSBARGER STATED WAS IN EXCESS OF WHAT WOULD BE EXPECTED IN A RESIDENTIAL AREA.

MRS. CARPENTER ASKED IF THIS WAS MRS. SCHUMANN'S SCHOOL?

MR. HANSBARGER STATED THAT IT WAS, AND TOOK THIS OPPORTUNITY TO INTRODUCE MRS. SCHUMANN AND SEVERAL OF THE TEACHERS TO THE BOARD.

Mr. HANSBARGER CONTINUED WITH THE CASE. HE STATED THAT WATER IS AVAILABLE TO THIS TRACT, HOWEVER SEWER IS NOT AVAILABLE AT THE PRESENT TIME. SEWER WILL BE AVAILABLE SOME TIME IN 1964. HE DISPLAYED A SOILS MAP INDICATING THE SOIL HERE TO BE 55 BL-2, WHICH IS GOOD-TO-EXCELLENT FOR SEPTIC TANK AND DRAINAGE FIELDS.

WHEN MRS. SCHUMANN SENT OUT APPLICATIONS FOR ENROLLMENT THIS FALL, MR. HANSBARGER SAID, MANY MORE CHILDREN WERE ENROLLED THAN HER FACILITIES COULD POSSIBLY TAKE CARE OF. IT WOULD BE ALMOST IMPOSSIBLE TO EXPAND THE PRESENT BUILDING TO ACCOMMODATE FROM 180 TO 200 CHILDREN, AND MRS. SCHUMANN THEREFORE WISHES TO BUILD THIS PROPOSED SCHOOL. THE PRESENT SCHOOL WOULD BE CLOSED UPON COMPLETION OF THE PROPOSED SCHOOL.

Mr. D. SMITH ASKED IF THERE WOULD BE FROM 180 TO 200 CHILDREN IN A SIX ROOM SCHOOL?

Mr. HANSBARGER ANSWERED "YES".

Mrs. HENDERSON ASKED IF IT WOULD BE AN ALL DAY SCHOOL - FIVE DAYS A WEEK?

Mr. HANSBARGER INDICATED THAT IT WOULD BE.

Mrs. CARPENTER QUESTIONED WHETHER THIS WOULD BE IN OPERATION DURING THE SUMMER MONTHS?

THE ANSWER WAS "YES".

Mrs. CARPENTER WONDERED WHETHER ANYONE WOULD BE LIVING IN THE BUILDING, AND THE ANSWER WAS "NO".

Mrs. HENDERSON ASKED MRS. SCHUMANN WHAT WOULD BE THE AGES OF THE CHILDREN ATTENDING HER SCHOOL.

Mrs. SCHUMANN STATED THAT THEY WOULD BE FROM 3 YEARS TO 7 YEARS OLD. THE THREE YEAR OLDS WOULD BE JUNIOR KINDERGARTEN, Mrs. SCHUMANN SAID.

Mrs. HENDERSON ASKED WHAT THE HOURS OF THE THREE YEAR OLDS WOULD BE?

Mrs. SCHUMANN SAID SOME WOULD LEAVE AT NOON AND OTHERS AT 2:00 P.M. Mrs. SCHUMANN FURTHER STATED THAT THE THREE YEAR OLDS HAD AN ACADEMIC PROGRAM JUST AS THE OTHER CHILDREN.

Mr. D. SMITH ASKED HOW MANY STUDENTS WERE ENROLLED IN THE PRESENT SCHOOL?

Mrs. SCHUMANN SAID THERE ARE 85, AND SHE HAS MORE APPLICANTS. THEY SERVE HOT MEALS, Mrs. SCHUMANN STATED, AND ARE LICENSED BY THE STATE TO DO THIS.

Mrs. CARPENTER ASKED HOW FAR THE CHILDREN CAME FROM TO ATTEND THIS SCHOOL?

Mrs. SCHUMANN SAID MANTUA HILLS WAS AS FAR AS THE SCHOOL BUS GOES, BUT THEY HAVE A FEW CHILDREN COMING FROM LEESBURG - HOWEVER THESE CHILDREN ARE TRANSPORTED BY THEIR PARENTS.

#### OPPOSITION:

Mr. HOLFORD, ATTORNEY REPRESENTING THE OPPOSITION, PRESENTED A PETITION TO THE BOARD WITH 51 SIGNATURES OF PEOPLE FROM THE SURROUNDING AREA WHO OPPOSE THIS SCHOOL.

HE FILED WITH THE BOARD THE SCHOOL ADVERTISEMENT FROM THE YELLOW PAGES OF THE TELEPHONE DIRECTORY, WHICH ADVERTISEMENT HE NOTED STATED THE AGES TO BE TWO YEARS TO SEVEN YEARS, AND THE HOURS AS 7 A.M. TO 6 P.M. - WHICH HE POINTED OUT WAS NOT WHAT HAD BEEN STATED TO THE BOARD.

THERE WERE 14 PEOPLE PRESENT IN OPPOSITION TO THIS APPLICATION, ALL OF WHOM WERE ADJOINING PROPERTY OWNERS (HUSBANDS AND WIVES).

Mr. HOLFORD SAID THE PEOPLE LIVING HERE ARE OPPOSED TO THIS SCHOOL BECAUSE IT WOULD NOT BE IN HARMONY WITH THE RESIDENTIAL CHARACTER OF THE AREA, AND THAT THE CLOSE PROXIMITY OF SUCH A SCHOOL WOULD DIMINISH THE ENJOYMENT OF THEIR PROPERTY. HE SUBMITTED PICTURES OF SOME OF THE HOMES IN THIS AREA.

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MR. HOLFORD CONTENDED THAT THE 3600 TRAFFIC COUNT ON CEDAR LANE WHICH MR. HANSBARGER HAD POINTED UP COULD BE ACCOUNTED FOR - CEDAR LANE IS THE SHORTEST AND MOST DIRECT ROUTE FROM VIENNA TO LEE HIGHWAY, HE STATED, AND IS USED IN THE EARLY MORNING AND LATE AFTERNOON BY PEOPLE GOING TO AND COMING FROM WORK. WITH ONLY FOUR VOLKSWAGEN BUSES, MR. HOLFORD CONTINUED, HE WAS CERTAIN THESE BUSES WOULD HAVE TO MAKE MORE THAN ONE TRIP TO TRANSPORT 200 CHILDREN - OR THE PARENTS WILL BE DOING THE TRANSPORTING OF THE CHILDREN - AND THIS WILL CERTAINLY INCREASE THE TRAFFIC PROBLEM ON CEDAR LANE.

APPARENTLY, MR. HOLFORD CONTINUED, THIS IS A SUCCESSFUL SCHOOL OPERATION WHICH MAY KEEP ON GROWING. HE SAID THEY WERE NOT QUESTIONING THE ABILITY OF MRS. SCHUMANN, BUT ONCE THIS GETS STARTED IT COULD KEEP ON GROWING - SIX ROOMS TODAY COULD BE FILLED IMMEDIATELY, AND THIS COULD BE JUST THE FOUNDATION OF THE THING, AND THE PEOPLE LIVING IN THE AREA BELIEVE IT IS COMPLETELY OUT OF CHARACTER WITH THE SURROUNDING DEVELOPMENT. IT WOULD BE A PROBLEM OF NOISE AND TRAFFIC COMING INTO A QUIET RURAL SUBDIVISION, MR. HOLFORD CONTENDED.

IF THERE IS A NEED FOR SUCH A SCHOOL IN THE COUNTY, MR. HOLFORD CONTINUED, THERE ARE MANY UNDEVELOPED AREAS WHICH COULD BE OBTAINED - LOCATIONS WHICH WOULD NOT INTRUDE SO CLOSELY UPON A RESIDENTIAL AREA.

MR. HOLFORD SAID THERE WERE PEOPLE PRESENT IN OPPOSITION WHO WOULD LIKE TO BE HEARD.

MR. O'BEAR, AN ADJOINING PROPERTY OWNER, LIVING ON LOT 16, SAID THEY HAD LOOKED FOR A WHOLE YEAR TRYING TO LOCATE A NICE QUIET RESIDENTIAL AREA TO LIVE IN. HE HAS LIVED HERE FOR FIVE YEARS, AND SAID THE PROPOSED SCHOOL DIRECTLY ADJOINS HIS HOME, AND HE FELT THERE WAS PLENTY OF LAND IN THE COUNTY THAT WOULD BE MORE APPROPRIATE AND LESS INJURIOUS TO SO MANY HOMES.

MR. JOHN T. ARRINGTON, WHO LIVES ON LOT 6, STATED THAT THIS PROPOSED SCHOOL WOULD BE IN HIS BACK YARD. HE STATED THAT HE DID NOT OBJECT TO CHILDREN, BUT IT WAS THEIR PRIVACY HE WAS CONCERNED ABOUT. HE WAS ASKED TO SIGN A SIMILAR PETITION A YEAR AGO ON THE EXISTING SCHOOL, AND HE DID NOT OBJECT. HOWEVER, HE STATED HE HAD COUNTED THE CHILDREN COMING AND GOING AT THE EXISTING SCHOOL AND HE COUNTED 104 - AND HE COULD HAVE MISSED SOME, HE STATED.

MR. ARRINGTON FELT THAT THE OPENING UP OF WILLOWMERE DRIVE WOULD CREATE FURTHER TRAFFIC PROBLEMS. TRAFFIC IS BAD NOW ON CEDAR LANE AND COTTAGE STREET, HE CONTENDED. HE ASKED THE BOARD TO TAKE INTO CONSIDERATION THE PRIVACY OF THE PEOPLE LIVING IN THIS AREA.

MRS. SALSURY, OWNER OF WILLOWMERE FARMS, SAID SHE KNEW NOTHING ABOUT A SCHOOL OF THIS TYPE BEING PROPOSED FOR THIS PROPERTY. THE SALE CONTRACT SHE SIGNED WAS FOR A RESIDENCE. SHE CONSIDERED THAT THIS USE WOULD BE A GREAT DETRIMENT TO THE PARCELS OF LAND WHICH ARE NOT DEVELOPED. SHE HAD CONTRACTED TO SELL THIS PARCEL OF LAND TO THE DILLON LAND COMPANY. MR. DILLON THEN CONTRACTED TO SELL IT TO MR. W. W. JOHNSON, AND MR. JOHNSON IN TURN CONTRACTED TO SELL IT TO MRS. SCHUMANN. MRS. SALSURY DID NOT SELL THE PROPERTY FOR THIS PURPOSE, AND SAID IT CERTAINLY WOULD BE A GREAT DETRIMENT TO HER.

MR. DILLON (OF DILLON LAND COMPANY), A BUILDER AND REAL ESTATE AGENT, SAID THERE WERE NO HOMES IN THE AREA UNDER \$25,000. MOST OF THE HOMES RANGE FROM \$28,000 TO \$39,000. HE HAD PLANS TO DEVELOP MORE HOMES IN THE \$25,000 TO \$35,000 RANGE - EXCLUSIVE OF THE PRICE OF THE LOT.

MR. D. SMITH ASKED MR. DILLON IF HE WOULD OBJECT TO 18 OR 20 CHILDREN?

MR. DILLON SAID "NO" - BUT HE DID OBJECT TO 200 OF THEM.

MR. DILLON STATED THAT HE FELT THIS SCHOOL WOULD BE A DETRIMENT TO THE SURROUNDING AREA, BUT WHEN ASKED IF HE KNEW OF ANY SCHOOL OF THIS TYPE WHICH HAD ADVERSELY AFFECTED THE VALUE OF SURROUNDING HOMES HE WAS UNABLE TO NAME A PARTICULAR INCIDENT. HOWEVER, HE CONTENDED THAT HE HAD SOLD REAL ESTATE FOR MANY YEARS AND THAT HE FELT A SCHOOL DID DECREASE THE VALUE OF HOMES.

MR. W. SALSURY, SON OF MRS. SALSURY WHO SPOKE PREVIOUSLY, SAID THIS LAND WAS SUPPOSED TO HAVE BEEN SOLD FOR THE DEVELOPMENT OF HOMES. HE IS A TEACHER AT FAIRFAX HIGH SCHOOL, AND STATED THAT HE KNEW WHAT HARM A SCHOOL COULD DO TO AN AREA.

MR. HOLFORD SAID THAT IF THIS PERMIT WERE ISSUED IT WOULD DISTURB THE QUIET LIFE AND PRIVACY OF THE AREA. THEY FELT THERE WERE OTHER PLACES IN THE COUNTY FOR THE SCHOOL, AND THEY WERE MORE INTERESTED IN THEIR PEACE THAN THE PRICE THEY WOULD BE ABLE TO GET FOR THEIR HOMES.

IN REBUTTAL MR. HANSBARGER SAID HE KNEW THESE PEOPLE HAD FINE HOMES, AND THAT THEY WERE SINCERE IN THEIR BELIEFS. UNTIL NOW HE KNEW OF NO OBJECTIONS TO THIS SCHOOL. HE HAD SCHEDULED A MEETING TO DISCUSS THIS PROPOSED SCHOOL WITH THE RESIDENTS OF THIS AREA, AND NO ONE SHOWED UP. SCHOOLS OF THIS TYPE, MR. HANSBARGER CONTINUED, GO INTO RESIDENTIAL DISTRICTS FROM NECESSITY. THEY ARE JUST NOT BUILT IN A COMMERCIAL OR INDUSTRIAL DISTRICT. THE SAME FEARS WHICH HAVE BEEN EXPRESSED HERE TODAY BY THESE RESIDENTS HAVE BEEN EXPRESSED BEFORE, AND PEOPLE HAVE FOUND THAT THESE FEARS NEVER MATERIALIZE.

MR. HANSBARGER DISPLAYED A MAP SHOWING ALL THE SCHOOLS IN THE COUNTY THAT PERMITS HAVE BEEN ISSUED FOR - ALL IN RESIDENTIAL DISTRICTS.

THERE IS A SHORTAGE OF THIS TYPE OF SCHOOL, HE CONTINUED. RESIDENTS IN THIS AREA ARE NOW TRANSPORTING THEIR CHILDREN TO FLINT HILL PRIVATE SCHOOL BECAUSE OF THE OVER-CROWDED CONDITIONS. IF THIS LOCATION WAS PROPOSED FOR A PUBLIC SCHOOL SITE, MR. HANSBARGER STATED, THERE WOULD BE NO QUESTION OF ITS GOING IN HERE.

MR. HANSBARGER ASSURED THE BOARD THAT THE FEARS EXPRESSED BY THE RESIDENTS OF THIS AREA HERE TODAY WOULD BE PROVEN TO BE UNFOUNDED IF THIS APPLICATION WERE GRANTED. HE STATED THAT HE KNEW OF NO OTHER LOCATION WHERE FEWER PEOPLE WOULD BE AFFECTED THAN HERE. THERE IS NO SAFETY HAZARD IN THIS LOCATION, MR. HANSBARGER POINTED OUT.

MR. D. SMITH ASKED HOW MANY CHILDREN WOULD BE OUT IN THE PLAY AREA AT ONE TIME?

MRS. SCHUMANN SAID THE THREE YEAR OLDS AND FOUR YEAR OLDS WOULD HAVE RECESS TOGETHER, AND THE FIVE YEAR OLDS AND THE FIRST GRADERS WOULD GO TOGETHER - WEATHER PERMITTING. THIS WOULD BE ABOUT 20 CHILDREN TO EACH SIDE OF THE BUILDING - TWO PLAY AREAS - 30 MINUTES EACH.

MR. D. SMITH ASKED IF THERE WAS A RECESS IN THE AFTERNOON?

MRS. SCHUMANN SAID "NO" - AND WHEN THEY DO RECESS IN THE MORNING THEY ARE SUPERVISED AT ALL TIMES.

MR. D. SMITH ASKED IF THE BUILDING WAS TO BE AIR CONDITIONED?

MRS. SCHUMANN SAID SHE DID NOT KNOW, BUT THAT THERE WOULD NOT BE ENOUGH NOISE FROM WITHIN THE BUILDING TO BOTHER THE NEIGHBORS WHILE THEY WERE IN SESSION.

MRS. HENDERSON QUESTIONED THE NUMBER OF CHILDREN ATTENDING THE PRESENT SCHOOL. A PERMIT WAS ISSUED ON JULY 25, 1961 FOR TWO SHIFTS WITH 30 TO 40 CHILDREN EACH SHIFT.

MR. HANSBARGER SAID THIS IS THE REASON FOR THIS NEW PROPOSAL - THE AD IN THE TELEPHONE DIRECTORY IS THE EARLY PROPOSAL FOR THE SCHOOL.

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MR. HANSBARGER SAID THE PERMIT ISSUED DID NOT SPECIFY A CERTAIN NUMBER OF CHILDREN, ALTHOUGH IT WAS STATED WHAT THEY THOUGHT THE NUMBER MIGHT BE. MRS. HENDERSON ASKED MRS. SCHUMANN TO RE-STATE THE HOURS IN THE NEW SCHOOL. MRS. SCHUMANN SAID 9 A.M. TO NOON WOULD BE NURSERY, JUNIOR AND SENIOR KINDERGARTEN; FIRST AND SECOND GRADERS WOULD BE IN SESSION FROM 9 A.M. TO 2 P.M. - FIVE DAYS A WEEK.

MRS. CARPENTER ASKED HOW MANY CHILDREN WOULD ATTEND THE SUMMER SCHOOL? MRS. SCHUMANN SAID SHE WOULD LIKE TO HAVE TWO CLASSES. SHE ADDED THAT THE SUMMER CLASSES WOULD BE PART INSTRUCTIONAL AND PART SUMMER CAMP.

MRS. HENDERSON ASKED WHO WOULD BUILD THE EXTENSION OF WILLOWMERE DRIVE, IF IT IS NOT CONSTRUCTED - IS THE SCHOOL GOING TO DO THIS?

MR. HANSBARGER STATED THAT THE SCHOOL WOULD CONSTRUCT THIS EXTENSION.

MRS. CARPENTER SAID SHE FELT THIS WAS A FAIRLY LARGE OPERATION TO GO INTO THIS AREA. SHE WOULD LIKE TO VIEW THE PROPERTY BEFORE MAKING ANY DECISION. MRS. CARPENTER THEREFORE MOVED TO DEFER THIS CASE UNTIL OCTOBER 23, 1962.

SECONDED, MR. D. SMITH CD. UNAN.

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DEFERRED CASES:

- 1- GEORGE E. DAVIS, TO PERMIT ERECTION OF CARPORT 5 FT. FROM SIDE PROPERTY LINE, LOT 14, BLOCK 17, SECTION 9, VIRGINIA HILLS, (506 PAULONIA ROAD), LEE DISTRICT. (R-10)

THIS CASE HAD BEEN DEFERRED FOR THE BOARD MEMBERS TO VIEW THE PROPERTY. MR. & MRS. DAVIS WERE PRESENT, AND MR. DAVIS GAVE THE BOARD A LETTER STATING HIS HARDSHIP.

MRS. HENDERSON READ HIS LETTER TO THE BOARD, AND THEN TOLD MR. DAVIS THAT THE BOARD COULD NOT TAKE INTO CONSIDERATION HIS PERSONAL HARDSHIP.

MRS. HENDERSON STATED THAT THERE WAS NOTHING EXTRAORDINARY ABOUT THIS LOT IT IS THE SAME AS OTHERS IN THE NEIGHBORHOOD. MRS. HENDERSON SAID THAT WHILE SHE COULD APPRECIATE HIS PERSONAL SITUATION THE ORDINANCE DID NOT ALLOW THIS BOARD TO TAKE INTO CONSIDERATION PERSONAL HARDSHIP.

THE FRONT OF THE PROPERTY, MRS. HENDERSON CONTINUED, IS LEVEL AND THEREFORE MR. DAVIS COULD USE THE FRONT DOOR WITHOUT TOO MUCH DIFFICULTY.

MRS. CARPENTER MOVED THAT THE APPLICATION OF GEORGE E. DAVIS, TO PERMIT ERECTION OF CARPORT 5 FT. FROM SIDE PROPERTY LINE, LOT 14, BLOCK 17, SEC. 9, VIRGINIA HILLS, (506 PAULONIA ROAD), LEE DISTRICT, BE DENIED - AS THERE IS NO EVIDENCE OF HARDSHIP AS STATED IN SECTION 30-36 OF THE ZONING ORDINANCE.

SECONDED, MR. BARNES

VOTING FOR THE MOTION: MRS. HENDERSON, MR. D. SMITH, MRS. CARPENTER AND MR. BARNES

MR. E. SMITH DID NOT VOTE BECAUSE HE WAS NOT PRESENT AT THE ORIGINAL HEARING.

MOTION CARRIED

MR. AND MRS. DAVIS ASKED THE BOARD WHAT THEY WOULD SUGGEST THEY DO WITH THIS PROPERTY?

THE BOARD DID NOT MAKE ANY DEFINITE SUGGESTIONS, BUT POINTED OUT THEY WOULD HAVE TO MEET A 10 FOOT SETBACK.

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DEFERRED CASES (CONTINUED)

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2-

CHARLES BURTON BUILDERS, TO PERMIT OPEN PORCH TO REMAIN 35.28 FT. FROM FRONT PROPERTY LINE, LOT 7A, BLOCK 7, SECTION 1, COLLINGWOOD ON THE POTOMAC, (CORNER OF NEAL DRIVE AND DOYLE DRIVE), MT. VERNON DIST.(R-12.5) MR. MOORELAND SAID MR. CROY, THE BUILDING INSPECTOR, OR MR. WOOD WERE TO REPORT ON THIS DWELLING - HOWEVER, THEY WERE BOTH OUT TO LUNCH.

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THE BOARD RECESSED ONE HOUR FOR LUNCH.

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THE MEETING WAS CALLED TO ORDER, AND MR. WOOD WAS PRESENT TO REPORT ON THE CASE OF CHARLES BURTON BUILDERS.

MR. WOOD STATED THAT HE FELT THE CUTTING BACK OF THE FRONT OVERHANG ON THE PORCH OF THIS DWELLING COULD BE DONE WITHOUT DAMAGING THE STRUCTURE OF THE HOUSE.

MRS. HENDERSON ASKED IF IT ALL COULD BE DONE FROM THE OUTSIDE?

MR. WOOD REPLIED THAT IT COULD.

MR. D. SMITH ASKED MR. WOOD IF HE HAD BEEN OUT TO SEE THE HOUSE?

MR. WOOD SAID THAT HE HAD NOT, BUT THAT ONE OF THE INSPECTORS HAD.

MR. BARNES ASKED IF THIS CUT-OFF WOULD DISTURB THE TRUSSES INSIDE THE BUILDING?

MR. WOOD SHOWED THE BOARD THE PLANS FOR THE DWELLING AND SAID IT WOULD NOT DISTURB THE INSIDE TRUSSES TO CUT BACK THE FRONT OVERHANG.

MRS. HENDERSON DID NOT THINK THIS SHOULD BE A BIG OPERATION SINCE THEY ONLY HAD TO CUT 19 INCHES OFF TO MEET THE SETBACK.

MR. WOOD STATED THAT IF THEY ONLY HAD TO CUT OFF 19 INCHES IT WOULD BE A VERY SIMPLE OPERATION.

MR. D. SMITH SAID HE FAILED TO FIND A JUST REASON FOR GRANTING A VARIANCE HERE. THEY HAD NOT COMPLIED WITH THE REQUIREMENTS OF THE BUILDING PERMIT. IT HAS BEEN POINTED OUT THAT BY CUTTING OFF A SMALL PORTION OF THE OVERHANG THEY COULD MEET THE SETBACK REQUIREMENTS. THEREFORE, MR. D. SMITH MOVED THAT THE APPLICATION OF CHARLES BURTON BUILDERS, TO PERMIT OPEN PORCH TO REMAIN 35.28 FT. FROM FRONT PROPERTY LINE, LOT 7A, BLOCK 7, SECTION 1, COLLINGWOOD ON THE POTOMAC, (CORNER OF NEAL DRIVE AND DOYLE DRIVE), MT. VERNON DISTRICT, BE DENIED.

SECONDED, MR. BARNES Cd. UNAN.

(WITH MRS. HENDERSON, MRS. CARPENTER, MR. D. SMITH AND MR. BARNES PRESENT AND VOTING.)

MR. D. SMITH SAID HE THOUGHT THERE SHOULD BE A TIME LIMIT FOR THIS TO COMPLY WITH THE ORDINANCE.

THE BOARD AGREED THAT THIS WOULD HAVE TO BE COMPLETED WITHIN 45 DAYS.

MR. MOORELAND STATED THAT THE APPLICANT WOULD HAVE TO FILE A NEW PLAT SHOWING THAT THIS DWELLING COMPLIED WITH THE ORDINANCE, WHEN THE WORK IS COMPLETED.

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3-

JOHN R. GRAYBILL, TO PERMIT OPERATION OF A RIDING STABLE AND SCHOOL, ON NORTH SIDE OF COMPTON ROAD, ROUTE #658, APPROX. .9 MILE WEST OF INTERSECTION WITH ROUTE #645 NEAR CLIFTON, CENTREVILLE DISTRICT. (RE-1)

MRS. HENDERSON POINTED OUT THAT THIS CASE HAD BEEN DEFERRED FOR 120 DAYS TO GIVE THE APPLICANT A CHANCE TO CLEAN UP THE PLACE AND PROVIDE BETTER FACILITIES FOR THE ANIMALS. EVIDENTLY, MRS. HENDERSON CONTINUED, THIS HAS NOT BEEN DONE.

MR. D. SMITH SAID HE THOUGHT THE PLACE HAD BEEN ABANDONED - TELEPHONE DISCONNECTED.

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A GENTLEMAN IN THE AUDIENCE HAD STATED (BEFORE THE RECESS) THAT THE SIGN WAS POSTED AGAIN ON THIS PROPERTY.

MR. D. SMITH SAID THE ANIMALS MUST HAVE BEEN MOVED TO ANOTHER LOCATION. THE BUILDINGS ON THIS PROPERTY ARE DETERIORATING VERY FAST - THERE IS NO INDICATION OF BUILDING THE PLACE UP - THEREFORE HE MOVED THAT THE APPLICATION OF JOHN R. GRAYBILL, TO PERMIT OPERATION OF A RIDING STABLE AND SCHOOL, ON NORTH SIDE OF COMPTON ROAD, RT. #658, APPROX. .9 MILE WEST OF INTERSECTION WITH RT. #645 NEAR CLIFTON, CENTREVILLE DISTRICT, BE DENIED. SECONDED, MR. BARNES CD. UNAN.

(MRS. HENDERSON, MRS. CARPENTER, MR. D. SMITH AND MR. BARNES PRESENT AND VOTING.)

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MR. MOORELAND TOLD THE BOARD THAT HE HAD HAD A LETTER FROM MR. CLARKE ASKING FOR PERMISSION TO PUT A DISPLAY HOME ON A LOT ORIGINALLY GRANTED FOR A USED CAR LOT, IN A C-G ZONE.

IT WAS THE FEELING OF THE BOARD THAT THIS HOUSE COULD BE DISPLAYED BUT COULD HAVE NO FACILITIES CONNECTED WITH IT.

THEY AGREED TO HEAR MR. CLARKE AT THEIR NEXT MEETING, WHICH WILL BE ON OCTOBER 23, 1962.

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MRS. HENDERSON CALLED THE BOARD'S ATTENTION TO THE FACT THAT THE PHILLIPS GAS STATION ON ROUTE #7 HAS A CANOPY OVER THE GAS PUMP. THIS WAS NOT ON THE SITE PLAN NOR THE BUILDING PERMIT.

MR. MOORELAND SAID THEY WERE NOT DEDICATING A SERVICE ROAD. <sup>THEREFORE</sup> ~~HE~~ HE CONTINUED, <sup>THE PUMP ISLANDS</sup> ~~THEY~~ <sup>THEY</sup> COULD BE 50 FEET FROM THE <sup>NEAR PROPERTY</sup> ~~LINE~~ LINE - ~~THE ORDINANCE STATES~~ ~~THAT THEY MUST BE 75 FEET FROM THE PROPERTY LINE.~~

MR. D. SMITH ASKED IF THE SITE PLAN ASKED FOR THE DEDICATION OF A SERVICE ROAD?

MR. MOORELAND STATED THAT THE SITE PLAN SHOWED A SERVICE ROAD AND NOT A DEDICATION.

MRS. HENDERSON REQUESTED MR. MOORELAND TO NOTIFY THESE PEOPLE TO APPEAR BEFORE THIS BOARD TO EXPLAIN THEIR VIOLATIONS.

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THE MEETING ADJOURNED.

Mary K. Henderson  
MRS. L. J. HENDERSON, JR., CHAIRMAN

November 21, 1962  
DATE



THE MEETING WAS OPENED WITH A PRAYER BY MR. GEORGE BARNES

NEW CASES

- 1- RAVENWOOD TOWERS, INC., TO PERMIT SPECIAL PERMIT USES UNDER SEC. 30-55(B)  
AS AMENDED, AT 221 LEESBURG PIKE, MASON DISTRICT. (RM-2).

MR. KEITH PRICE, REPRESENTING THE APPLICANT, PRESENTED COPIES OF LETTERS  
SENT TO FIVE PERSONS IN THE IMMEDIATE VICINITY NOTIFYING THEM OF THE DATE  
AND TIME OF THIS PUBLIC HEARING.

ON A FLOOR PLAN OF THE BUILDING, MR. PRICE POINTED OUT THE WING BELOW THE  
GROUND WITH WELL-WINDOWS TO BE USED FOR THE COMMERCIAL USES PROPOSED. AT  
THE PRESENT TIME THREE COMMERCIAL USES ARE PROPOSED - DELICATESSEN, BEAUTY  
SHOP AND MASSAGEUSE SHOP, A USE SIMILAR TO THAT OF A BEAUTY SHOP.

IT WAS THE CONSENSUS OF THE BOARD THAT THE MASSAGEUSE SHOP IS A SIMILAR  
USE AS THAT OF A BEAUTY SHOP.

MRS. HENDERSON WAS INCLINED TO GRANT ALL USES UNDER THE ORDINANCE PLUS  
THE MASSAGEUSE SHOP SO THAT THE APPLICANT WOULD NOT HAVE TO COME BEFORE  
THE BOARD AND REQUEST SUCH USE.

IT WAS POINTED OUT THAT AN OCCUPANCY PERMIT WOULD BE REQUIRED OF EACH  
OCCUPANT.

MR. MOORELAND SUGGESTED THAT, TO EXPEDITE THE MATTER OF SIMILAR USES, HE  
BRING IT TO THE BOARD'S ATTENTION WHEN A SIMILAR USE IS ANTICIPATED.

THE BOARD AGREED TO THIS.

MAJOR RUDD WAS INTERESTED INASMUCH AS THIS WING FACES HIS PROPERTY. HE  
ASKED IF THERE WOULD BE ACCESS FROM OLIN DRIVE TO THE PROPOSED COMMERCIAL  
USES IN THE APARTMENT BUILDING?

MRS. HENDERSON ANSWERED "NO" - AND READ THE SECTION OF THE ORDINANCE WHICH  
PROHIBITS ENTRANCES FROM THE OUTSIDE TO THE SHOPS.

MRS. CARPENTER MOVED THAT RAVENWOOD TOWERS, INC., TO PERMIT SPECIAL PERMIT  
USES UNDER SEC. 30-55(B) AS AMENDED, AT 221 LEESBURG PIKE, MASON DISTRICT,  
BE PERMITTED SPECIAL PERMIT USES UNDER SECTION 30-55(B) AS AMENDED WITH  
THE ADDITION OF A MASSAGEUSE SHOP, AS IT IS THE CONSENSUS OF THE BOARD  
THAT THIS IS A USE SIMILAR TO THAT OF A BEAUTY SHOP, THAT THERE BE NO  
ENTRANCE FROM THE BACK YARD AND ALL THE REGULATIONS OF THE ORDINANCE BE  
MET. SHE FELT THAT THESE USES WILL NOT BE DETRIMENTAL TO THE SURROUNDING  
AREA.

SECONDED, MR. BARNES                      CD. UNAN. (MR. D. SMITH <sup>AND E. SMITH</sup> NOT PRESENT)

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- 2- N. K. CRANFORD, TO PERMIT ERECTION OF CARPORT 8.3 FT. FROM SIDE PROPERTY  
LINE, LOT 24, BLOCK C, SECTION 4, SUNNY RIDGE ESTATES, (3721 LILLIAN DR.)  
LEE DISTRICT. (R-12.5).

MR. CRANFORD PRESENTED TO THE BOARD COPIES OF LETTERS OF NOTIFICATION TO  
PROPERTY OWNERS AND A PICTURE OF HIS HOME. HE STATED THAT HE FELT THE  
MAJORITY OF THE PEOPLE IN THE AREA WILL BE ASKING FOR THIS VARIANCE.

HIS HOUSE WAS FINISHED IN APRIL AND HE WAS NOT TOLD BY THE BUILDER THAT  
IT WAS IMPOSSIBLE TO BUILD A CARPORT.

MRS. HENDERSON ASKED THE OWNER TO STIPULATE ANY VARIANCE WHICH WOULD NOT  
PERTAIN TO ANY OTHER LOT IN THE AREA.

THIS HE APPARENTLY WAS UNABLE TO DO.

(MR. DANIEL SMITH ARRIVED AT THE MEETING)

A REVIEW WAS MADE OF OTHER LOTS IN THE AREA, AND IT WAS MR. MOORELAND'S

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OPINION THAT THERE IS TOO LARGE A HOUSE ON EACH OF THE LOTS REVIEWED FOR A CARPORT.

MR. CRANFORD BROUGHT TO THE BOARD'S ATTENTION THE FACT THAT THERE IS A HOUSE ON SQUIRE LANE WHICH HAS A DOUBLE CARPORT AND IT APPEARS THERE IS ONLY ABOUT 6 FEET FROM THE SIDE PROPERTY LINE.

MR. MOORELAND MADE A NOTE OF THIS.

MRS. CARPENTER MOVED THAT N. K. CRANFORD, TO PERMIT ERECTION OF CARPORT 8.3 FT. FROM SIDE PROPERTY LINE, LOT 24, BLOCK C, SECTION 4, SUNNY RIDGE ESTATES, (3721 LILLIAN DRIVE), LEE DISTRICT, BE DENIED, AS THIS BOARD HAS FOUND THAT THERE ARE NOT UNUSUAL CIRCUMSTANCES OR CONDITIONS APPLYING TO THIS LOT BECAUSE THE ADJOINING PROPERTY OWNERS HAVE THE SAME PROBLEM. IT APPEARS THAT THE HOUSES ARE MUCH TOO LARGE FOR THE LOTS. SECONDED, MR. BARNES Co. UNAN. (MR. E. SMITH NOT PRESENT)

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3- (MR. E. SMITH ARRIVED AT THE MEETING).

ALVIN DEPEW, TO ALLOW GARAGE IN SIDE YARD CLOSER TO SIDE LINE THAN ALLOWED BY THE ORDINANCE, AT THE END OF WALL STREET, ADJACENT TO MOSSCREST SUBDIVISION, DRANESVILLE DISTRICT. (RE-1)

MR. DEPEW PRESENTED COPIES OF LETTERS OF NOTIFICATION TO PROPERTY OWNERS. THIS IS LOCATED NEAR TYSON'S CORNER, OFF ROUTE #123, NEAR THE WATER TOWER BEING BUILT. HE GAVE PROPERTY FOR THE WATER TOWER.

THE GARAGE IS READY FOR A ROOF AND WAS PUT UP WITHOUT A BUILDING PERMIT AS HE WAS NOT AWARE OF THE FACT THAT A PERMIT WAS REQUIRED. IT IS A TWO-CAR GARAGE ON A SLAB. HE WAS HOPING TO CONVERT <sup>THE GARAGE ATTACHED TO HIS HOUSE</sup> INTO A BEDROOM INASMUCH AS HE HAS ONLY A TWO-BEDROOM HOUSE AND HE HAS THREE CHILDREN AND HIS MOTHER-IN-LAW LIVES WITH HIM. THE GARAGE <sup>IN ROESTON</sup> IS OPEN ON THREE SIDES, THE BACK BEING THE ONLY SIDE WHICH IS CLOSED.

MRS. HENDERSON POINTED OUT THAT IF MR. DEPEW MOVED THE WALL ON THE SIDE LINE IN TWO FEET HE WOULD NOT NEED A VARIANCE.

MR. DEPEW SAID THAT ACCORDING TO TWO FENCE POSTS WHICH HE THOUGHT INDICATED HIS PROPERTY LINE THE CONSTRUCTION IS 4 FEET FROM THE LINE.

MR. E. SMITH STATED THAT ABOUT ONCE A WEEK THERE IS SOMEONE BEFORE THE BOARD WHO HAS STARTED CONSTRUCTION WITHOUT A PERMIT. HE SUGGESTED THE COUNTY DO SOMETHING ABOUT IT BY GETTING A FLIER OUT PERHAPS WITH TAX BILLS POINTING OUT THE VARIOUS TYPES OF PERMITS REQUIRED IN THE COUNTY. INASMUCH AS THE APPLICANT HAS INDICATED HE CAN COMPLY WITH THE ORDINANCE, MR. E. SMITH MOVED THAT THE APPLICATION OF ALVIN DEPEW, TO ALLOW GARAGE IN SIDE YARD CLOSER TO SIDE LINE THAN ALLOWED BY THE ORDINANCE, AT THE END OF WALL STREET, ADJACENT TO MOSSCREST SUBDIVISION, DRANESVILLE DIST., BE DENIED.

SECONDED, MRS. CARPENTER Co. UNAN.

MRS. HENDERSON SUGGESTED TO MR. DEPEW THAT HE HAVE THE INSPECTOR OUT NOW TO CHECK THE SETBACKS AND THEN HAVE IT RECHECKED ON COMPLETION.

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4- GRACE PRESBYTERIAN CHURCH, TO PERMIT OPERATION OF A KINDERGARTEN IN EXISTING CHURCH BUILDING, S.W. CORNER OF GRACE STREET AND BATH STREET, MASON DISTRICT. (RE-12.5)

MR. DAVE WILLBRANT PRESENTED COPIES OF LETTERS OF NOTIFICATION. HE STATED THIS IS A NON-PROFIT, CHURCH SPONSORED SCHOOL, WHICH HAS BEEN IN OPERATION FOR SIX YEARS. LAST YEAR THE ENROLLMENT WAS 60 PUPILS, AND THIS YEAR THEY NUMBER ABOUT 43. MOST OF THE CHILDREN ARE WALKING TO SCHOOL. TWO CAR POOLS TRANSPORT THOSE WHO CANNOT WALK TO SCHOOL. THE

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CONT'D

CHILDREN RANGE FROM 4-1/2 YEARS OF AGE UP TO THOSE WHO HAVE NOT BEEN ABLE TO ENTER THE FIRST GRADE. THE HOURS ARE FROM 8:45 A.M. TO 11:45 A.M. THEY SERVE A SNACK IN THE MORNING - NO LUNCH. MR. MOORELAND SAID THIS IS ONE OF THE CHURCHES WHICH IS COMING IN FOR PERMISSION TO OPERATE A KINDERGARTEN. YEARS AGO THIS WAS GRANTED, BUT IT HAS BEEN FOUND THAT THESE SCHOOLS HAVE GROWN EVEN THROUGH THE FIRST GRADE.

MRS. HENDERSON FELT THERE SHOULD BE A MAXIMUM NUMBER OF CHILDREN ALLOWED AND FOR KINDERGARTEN ONLY.

MR. D. SMITH MOVED THAT THE APPLICATION OF GRACE PRESBYTERIAN CHURCH, TO PERMIT OPERATION OF A KINDERGARTEN IN EXISTING CHURCH BUILDING SW CORNER OF GRACE STREET AND BATH STREET, MASON DISTRICT, BE APPROVED WITH A MAXIMUM OF 75 STUDENTS, KINDERGARTEN ONLY, WITH THE PERMIT TO THE APPLICANT ONLY.

SECONDED, MR. BARNES CD. UNAN.

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5-

ARCHIE T. DEEM, TO PERMIT DIVISION OF LOT AND/OR DIVISION OF LOT WITH VARIANCES AS TO SIDE YARD SETBACKS OF DWELLING ON PROPOSED LOT 248, ENGLANDBORO SUBDIVISION, (587 OXFORD STREET), MASON DISTRICT. (R-17)

MR. DEEM SAID HIS ATTORNEY, MR. MORGAN, HAD BEEN DELAYED.

MR. D. SMITH SUGGESTED THE CASE BE MOVED UP BEYOND, AT LEAST, THE NEXT CASE.

MR. WEAVER, REPRESENTING THE ENGLANDBORO CITIZENS ASSOCIATION, PRESENTED A PETITION SIGNED BY 16 PROPERTY OWNERS IN THE AREA ASKING THE BOARD TO DENY THE APPLICATION. THERE WERE NINE PEOPLE AT THE HEARING WHO WERE OPPOSED TO THE APPLICATION, AND THEY WISHED TO GET BACK TO WORK.

MR. WEAVER REQUESTED THE APPLICATION BE DENIED AT THE MOMENT.

MR. E. SMITH SAID THAT ALTHOUGH HE FELT MR. MORGAN SHOULD BE HERE, HE MOVED THE CASE BE SET TO BE HEARD IMMEDIATELY AFTER THE 11 A.M. CASE ON THE AGENDA.

MR. MOORELAND POINTED OUT THAT THIS IS IN THE CIRCUIT COURT AND HE FELT IT WOULD BE WISE TO HOLD THE HEARING.

IT WAS THE CONSENSUS OF THE BOARD THAT THIS BE HELD UNTIL 11:30 A.M.

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6-

WILLIAM D. CHALEK, TO PERMIT ERECTION OF A CARPORT 15.38 FT. FROM SIDE LOT LINE, LOT 9, J. W. GIBBS SUBDIVISION, (709 SURREY DRIVE), MT. VERNON DISTRICT. (RE-0.5)

COLONEL CHALEK PRESENTED PICTURES OF HIS HOME, WHICH HE PURCHASED THREE MONTHS AGO, AND POINTED OUT THAT WHEN THE HOUSE WAS BUILT THE ORDINANCE PERMITTED A GARAGE 15 FEET FROM THE PROPERTY LINE.

HE SUBMITTED A LETTER FROM HIS NEIGHBOR, LT. COLONEL CHARLES L. TUCKER WHICH INDICATED THAT FAR FROM HAVING AN OBJECTION HE WOULD BE IN FAVOR OF COLONEL CHALEK BUILDING THE CARPORT, AS HE FELT IT WOULD ENHANCE PROPERTY VALUES IN THE NEIGHBORHOOD.

IT WAS SUGGESTED THAT THE CARPORT BE PUT IN THE REAR, AFTER CUTTING AWAY THE FILL.

COLONEL CHALEK SAID HE WISHED TO USE THE EXISTING DRIVEWAY AND FILL WHICH WAS INTENDED FOR A CARPORT WHEN THE HOUSE WAS BUILT. THERE IS ONLY ONE HOME IN THE IMMEDIATE AREA WITHOUT A CARPORT.

MR. WILLIAM H. FLETCHER, WHO LIVES DIRECTLY ACROSS THE STREET AT 710 SURREY DRIVE, HAD NO OBJECTION TO THE CARPORT, AND FELT IT WOULD IMPROVE THE VALUE OF THE PROPERTY. HE RECOMMENDED THAT THE BOARD GRANT THE VARIANCE.

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THE MOST PROFITABLE USE CERTAINLY DOES NOT CONSTITUTE A HARDSHIP. VALUE ALONE IS NOT A PROPER CRITERIA FOR DETERMINING UNNECESSARY HARDSHIP. THE HARDSHIP, IF ONE EXISTS HERE, WAS CREATED NOT BY THE ORDINANCE BUT BY THE APPLICANT OR PERSONS KNOWN TO THE APPLICANT OR AGENTS OF THE APPLICANT. SUCH A SITUATION CERTAINLY HAS ARISEN THROUGH THE IMPROVEMENTS THAT WERE MADE IN VIOLATION, WHETHER THEY BE WILLFUL OR INNOCENT, AND CERTAINLY DOES NOT GIVE THIS BOARD AUTHORITY TO GRANT A VARIANCE. THEREFORE, HE MOVED THAT THE APPLICATION BE DENIED.

SECONDED, Mr. E. SMITH Cd. UNAN.

A FULL TRANSCRIPT OF THE RECORDING OF THIS HEARING IS ON FILE IN THE RECORDS OF THIS CASE, AND IS HEREBY MADE A PART OF THESE MINUTES.

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THE MEETING ADJOURNED FOR LUNCH UNTIL 2:00 P.M.

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7-

RONALD ROSSIE, TO PERMIT ERECTION OF BUILDING CLOSER TO SIDE LINE THAN ALLOWED BY THE ORDINANCE, LOT 3, ROBERT BRADLEY SUBDIVISION, ON GALLOWS ROAD, FALLS CHURCH DISTRICT. (C-G).

MR. ROSSIE PRESENTED PHOTOGRAPHS OF THE PROPERTY AND SIGNATURES OF TWO PROPERTY OWNERS WHICH HE HAD NOTIFIED.

TO MRS. HENDERSON'S STATEMENT THAT HE SHOULD HAVE FIVE SIGNATURES, HE STATED THERE WAS NO WAY HE COULD GET THEM DUE TO THE FACT THAT THERE IS NO WAY HE CAN GET IN TOUCH WITH THEM - THEY ARE NOT ON THE TAX ROLLS AS THEY DON'T PAY TAXES ON EITHER SIDE OF HIM. HE UNDERSTANDS FLORENCE JONES GAVE HER PROPERTY TO A CHURCH, AND HE CANNOT LOCATE HER.

IT WAS THE CONSENSUS OF THE BOARD THAT THIS IS SATISFACTORY.

MR. ROSSIE STATED HE WOULD LIKE TO HAVE THE VARIANCE FOR THE PURPOSE OF BUILDING A MAINTENANCE BUILDING FOR MAINTAINING TRUCKS AND SMALL EQUIPMENT WHICH HE OWNS. AT THE PRESENT TIME, HE HAS ONLY A CONSTRUCTION SHACK IN WHICH HE HAS ONLY A TELEPHONE - NO TOILET FACILITIES, EXCEPT FOR A RENTED JOHNNY-ON-THE-SPOT. WATER AND SEWER ARE BOTH ACCESSIBLE TO THE PROPERTY. HE SUGGESTED THE BUILDING DID NOT HAVE TO BE AS SHOWN ON THE PLAT - IT COULD BE TURNED 40 FEET - IT COULD BE CLOSER TO THE BACK LINE. THE BUILDING IS SHOWN ON THE PLAT CLOSE TO THE SOUTH SIDE OF THE PROPERTY BECAUSE THE SMALL CONSTRUCTION SHACK IS ON THE NORTH SIDE, AND IT WOULD HAVE TO BE TORN DOWN BEFORE CONSTRUCTION COULD BEGIN.

MR. MOORELAND HAD ADVISED HIM PREVIOUSLY THAT THE AREA BEING SURROUNDED BY RESIDENTIAL - ALTHOUGH IT IS INDICATED IN THE MASTER PLAN TO BE LIGHT INDUSTRIAL - THE SETBACKS WOULD HAVE TO BE 45 FEET IN THE REAR, 15 FEET IN THE FRONT, AND 20 OR 25 FEET PLUS THE HEIGHT OF THE BUILDING ON THE SIDE LINE.

TO MR. MOORELAND'S QUESTION, MR. ROSSIE STATED HIS EQUIPMENT CONSISTED OF ONE DUMP TRUCK, THREE HYDRO-CRANES, AND A WELDING TRUCK. HE AND TWO OTHER MEN MAINTAIN THE EQUIPMENT - WHICH HE RENTS OUT.

MR. MOORELAND POINTED OUT THAT THE ONLY CLASSIFICATION IN WHICH THERE IS CONSTRUCTION EQUIPMENT AND REPAIRS IS IN THE I-L DISTRICT.

MR. ROSSIE STATED THE PROPERTY WAS REZONED IN JULY OF 1960 FOR HIS PURPOSE BY MR. RUNYAN, WHO HANDLED THE MATTER. HE WISHED TO COMPLY WITH THE ORDINANCE AND ASKED TO BE ADVISED BY THE BOARD AS TO REQUIREMENTS.

MR. ROSSIE STATED AGAIN THAT HE RENTS THE EQUIPMENT OUT ONLY - HE DOES NOT GO OUT AND DO JOBS HIMSELF.

MRS. HENDERSON POINTED OUT THAT THE SIDE LINE SHOULD BE 18 FEET (THE HEIGHT OF THE BUILDING) FROM THE BUILDING, RATHER THAN 6 FEET.

TO THE QUESTION THE STAFF RAISED, MR. D. SMITH FELT THAT, AS LONG AS THIS

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TO MRS. HENDERSON'S QUESTION, MR. FLETCHER SAID HE DID NOT HAVE A CARPORT, BUT THAT HE HAD ROOM FOR A 24 FOOT GARAGE.

REGARDING THE APPLICATION OF WILLIAM D. CHALEK, TO PERMIT ERECTION OF A CARPORT 15.38 FEET FROM SIDE LOT LINE, LOT 9, J. W. GIBBS SUBDIVISION, (709 SURREY DRIVE), MT. VERNON DISTRICT, MR. D. SMITH SAID THAT AFTER HEARING THE EVIDENCE HE FELT COLONEL CHALEK DID HAVE SOME UNUSUAL CIRCUMSTANCES, IN FACT THAT THERE IS FILL THERE AND THE FACT THAT THERE COULD HAVE BEEN A CARPORT BUILT THERE AT THE TIME THE HOUSE WAS CONSTRUCTED 15 FEET OFF THE SIDE PROPERTY LINE. MR. D. SMITH DID FEEL THE APPLICANT COULD MAKE USE OF THE EXISTING DRIVEWAY AND THE EXISTING FILL WITH A VARIANCE NOT GREATER THAN 4 FEET, RATHER THAN THE VARIANCE HE SEEKS, THIS BEING ABOUT THE MINIMUM SIZE CARPORT THAT MOST OF THE BUILDERS USE. AFTER HAVING SEEN THE PICTURES OF THIS PARTICULAR HOUSE HE FELT THE LITTLE DIFFERENCE THERE WOULD NOT MATTER AS FAR AS ESTHETICS ARE CONCERNED. THEREFORE, MR. D. SMITH MOVED THAT THE APPLICANT BE PERMITTED A VARIANCE OF 4 FEET, RATHER THAN THE VARIANCE SOUGHT. DUE TO THE UNUSUAL CIRCUMSTANCES, MR. D. SMITH FELT THIS WARRANTS A VARIANCE.

SECONDED, MR. BARNES

VOTING FOR THE MOTION: MESSRS. D. SMITH AND G. BARNES

MRS. HENDERSON, MRS. CARPENTER AND MR. E. SMITH VOTED AGAINST THE MOTION.

MOTION DID NOT CARRY.

MRS. HENDERSON SAID THAT THE APPLICATION IS DENIED, AND, AS FAR AS SHE WAS CONCERNED, SHE FELT THERE WAS AN ALTERNATE LOCATION FOR THE CARPORT.

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5- ARCHIE T. DEEM, TO PERMIT DIVISION OF LOT AND OR DIVISION OF LOT WITH VARIANCES AS TO SIDE YARD SETBACKS OF DWELLING ON PROPOSED LOT 24B, ENGLANDBORO SUBDIVISION, (587 OXFORD STREET), MASON DISTRICT. (R-17)

MR. MORGAN, REPRESENTING THE APPLICANT, HAVING ARRIVED AT THE MEETING IT WAS DECIDED TO HEAR THIS CASE.

MR. MORGAN SAID THIS CASE WAS PRESENTED TO THE BOARD OVER A YEAR AGO; AND SINCE THE MATTER WAS HEARD AND DENIED BY THE BOARD OF ZONING APPEALS, THE BOARD OF SUPERVISORS HAS AMENDED THE ZONING ORDINANCE GIVING THE BOARD OF ZONING APPEALS A WIDER LATITUDE. HE REFERRED TO ZONING AMENDMENT #37, ADOPTION OF AMENDMENT TO CHAPTER 30 OF THE 1961 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA.

MRS. HENDERSON ASKED IF HE WAS REFERRING TO SECTION 30-36 (4), THE VARIANCE SECTION, AND WONDERED HOW THIS COMES UNDER THIS SECTION.

MR. MORGAN READ SECTION 30-36 (4) OF THE ZONING ORDINANCE.

AFTER A VERY LENGTHY DISCUSSION, THE FOLLOWING MOTION WAS PASSED:

MR. D. SMITH SAID THAT SEVERAL STATEMENTS WERE MADE, FIRST, CALLING THIS A HOUSE, THEN A GARAGE; BUT THE RECORDS ON FILE INDICATE THAT THIS WAS TO BE USED AS A DWELLING WITH A PRIVATE GARAGE ON THE SAME LOT. THEREFORE, HE MOVED THAT THE APPLICATION OF ARCHIE T. DEEM, TO PERMIT DIVISION OF LOT AND OR DIVISION OF LOT WITH VARIANCES AS TO SIDE YARD SETBACKS OF DWELLING ON PROPOSED LOT 24B, ENGLANDBORO SUBDIVISION, (587 OXFORD ST.), MASON DISTRICT, BE DENIED, FOR THE FOLLOWING REASONS: THE PREMISES CANNOT BE USED IN THE MANNER PERMITTED BY THE ZONING ORDINANCE UNLESS THE VARIANCE IS GRANTED. OF COURSE, A STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL NOT PRECLUDE REASONABLE USE OF THE LAND OR BUILDINGS AS THEY WERE ORIGINALLY INTENDED. THE MOST PROFITABLE USE DOES NOT CREATE UNNECESSARY HARDSHIP. THERE HAS BEEN NO EVIDENCE OF HARDSHIP PRESENTED. THE MERE INCONVENIENCE TO THE APPLICANT TO NOT PUT THIS TO

IS TO MAINTAIN HIS OWN EQUIPMENT AND HE IS THE SOLE OWNER AND OPERATOR, THE BOARD COULD CERTAINLY WAIVE THE 25 FEET REQUIRED FOR A SERVICENTER. THIS IS NOT A SERVICENTER - IT IS A STORAGE FACILITY WHILE WAITING TO RENT THE EQUIPMENT.

UPON BEING QUESTIONED, MR. ROSSIE STATED THE REPAIRS WILL BE DONE INSIDE THE BUILDING, OTHERWISE THE EQUIPMENT WILL BE PARKED OUTSIDE THE BUILDING. AFTER SOME DISCUSSION, MR. E. SMITH SAID MR. ROSSIE CALLED HIM ABOUT THIS MATTER. MR. E. SMITH FELT THE PROPER ZONING SHOULD BE I-L AND NOT C-G. HE SUGGESTED A REZONING APPLICATION ON THE BACK LAND IN ADDITION TO LOT 3 WHICH WOULD GIVE HIM THE FLEXIBILITY FOR HIS NEEDS. HE ALSO STATED THIS AREA WAS CONSIDERED IN THE MERRIFIELD PLAN FOR I-L.

TO MR. D. SMITH'S QUESTION, MR. ROSSIE SAID HE HAD 16,527 SQUARE FEET BEHIND HIM - HE OWNS LOT 4, BUT NOT LOT 5. LOT 5 WAS SOLD RECENTLY CONTINGENT ON REZONING TO I-L.

MR. D. SMITH STATED MUCH OF THE PROPERTY IN THIS AREA, AS A RESULT OF THE PLAN, HAS BEEN REZONED TO I-L.

MRS. HENDERSON SAID THE MAJOR QUESTION IS THE DETERMINATION OF WHETHER THIS IS PERMITTED IN C-G.

MR. D. SMITH SAID THIS IS NOT A SALES BUSINESS - IT IS A RENTAL BUSINESS INVOLVING 6 PIECES OF EQUIPMENT.

TO MR. D. SMITH'S QUESTION, MR. ROSSIE STATED HE HAS NO INTENTION OF GETTING LARGER EQUIPMENT, BUT HE MIGHT ADD ANOTHER WELDING TRUCK IN A YEAR OR TWO.

MR. D. SMITH FELT THIS COULD CERTAINLY COME UNDER C-G, UNDER PARKING GARAGES, AS LONG AS THERE IS NO OUTSIDE REPAIR WORK DONE.

MRS. HENDERSON STATED, IF HE COMES IN UNDER #14 (SECTION 30-7 (C)(2)), HE MUST HAVE ANOTHER 25 FEET FOR SETBACK. SHE SAID THE BOARD WILL HAVE TO DETERMINE IF THIS COMES UNDER SECTION 30-63 (A) (14) SO THAT IT WILL KNOW WHAT SIDE LINE SETBACK IS REQUIRED; AND SHE FELT THAT, AS LONG AS IT IS REPAIR OF TRUCKS AND RENTAL EQUIPMENT OF THIS NATURE, IT SHOULD BE IN THAT CATEGORY.

MR. D. SMITH SAID THE DEFINITION OF A REPAIR GARAGE IS NORMALLY FOR A FLEET OPERATION OF VEHICLES. THIS IS FOR THE PURPOSE OF MAINTENANCE OF EQUIPMENT OWNED BY ONE INDIVIDUAL - IT IS FOR MAINTENANCE RATHER THAN REPAIR.

MR. E. SMITH STATED HE HAD INSPECTED THE OPERATION AND HE WAS WILLING TO CALL IT A REPAIR GARAGE; AND HE THOUGHT THE OPERATION WOULD BE MORE AT HOME IN THE I-L ZONE.

MR. D. SMITH AGREED THAT IT WOULD BE MORE COMFORTABLE IN THE I-L ZONE; BUT HE THOUGHT THIS SMALL OPERATION AND THE NATURE OF THE EQUIPMENT WHICH HE IS RENTING WARRANTS CONSIDERATION IN C-G. IF IT WERE HEAVY CONSTRUCTION EQUIPMENT, HE WOULD NOT ENTERTAIN THE THOUGHT OF PLACING IT IN C-G.

MR. E. SMITH AGREED WITH HIM AND THOUGHT THIS COULD BE CONSIDERED A C-G USE UNDER REPAIR AND STORAGE GARAGE, BUT HE WOULD FEEL BETTER ABOUT IT IF IT WERE I-L RATHER THAN C-G, BUT THE SCOPE OF THE OPERATION, AS NOW CONDUCTED, IS NO MORE INTENSE THAN A NUMBER OF REPAIR GARAGES IN THE COUNTY THAT ARE OPERATING IN C-G.

MR. E. SMITH MOVED THAT THIS BE CONSIDERED A USE IN C-G UNDER CATEGORY (14) OF SECTION 30-63 (A) GASOLINE STATIONS, PARKING GARAGES AND REPAIR GARAGES.

MR. D. SMITH SECONDED THE MOTION. Cd. UNAN.

(SITE PLAN APPROVAL WOULD BE REQUIRED.)

MRS. HENDERSON SAID, REGARDING THE QUESTION OF SETBACK, THAT IT SEEMED TO

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CONT'D

HER, IF MR. ROSSIE COULD MANEUVER IN 37 FEET - WHICH WOULD BE THE WIDEST SIDE LINE - HE WOULDN'T NEED A VARIANCE.

MR. ROSSIE SAID IT WOULD BE HARD TO MANIPULATE UNDER THOSE CIRCUMSTANCES. THERE WAS NO OPPOSITION TO THIS APPLICATION.

MR. E. SMITH POINTED OUT THAT MR. ROSSIE HAS SOME ADDITIONAL LAND IN THE REAR OF THE BUILDING, AND HE THOUGHT APPLICATION SHOULD BE MADE TO CHANGE THE ZONING CATEGORY ON THAT REAR LAND. THIS WOULD ENABLE HIM TO MOVE THE BUILDING BACK AND HAVE ALL THE PARKING AND MANEUVERING IN THE FRONT.

AFTER SOME DISCUSSION, MR. E. SMITH STATED THAT THE BOARD HAS RULED A PROPER CATEGORY WHICH GIVES THE ZONING ADMINISTRATOR KNOWLEDGE OF WHAT THE SETBACK SHOULD BE; AND HE MOVED DEFERRAL OF THE MATTER FOR TWO WEEKS, TO GIVE THE APPLICANT OPPORTUNITY TO WORK OUT WITH THE ZONING ADMINISTRATOR PLACEMENT OF THE BUILDING IN COMPLIANCE WITH THE ORDINANCE. HE SUGGESTED THAT PERHAPS TWO WEEKS FROM NOW THE APPLICANT COULD WITHDRAW THE APPLICATION.

MRS. HENDERSON SAID, IF HE CAN'T WITHDRAW IT, THE BOARD COULD SEE IF ANY RELIEF COULD BE GIVEN.

MR. E. SMITH THOUGHT FIRST HE SHOULD PURSUE ALL AVENUES REGARDING THE PLACEMENT OF THE BUILDING WITHIN THE SETBACKS IN THE C-G ZONE, BEFORE HE COMES BACK TO THE BOARD.

MRS. HENDERSON SAID IT WAS ALSO POSSIBLE TO GET THE BOARD OF SUPERVISORS' PERMISSION TO PARK ON HIS OWN RESIDENTIAL LAND.

MRS. CARPENTER SECONDED THE MOTION.

MRS. HENDERSON RESTATED THE MOTION, SAYING IT HAS BEEN MOVED AND SECONDED THAT THIS CASE BE DEFERRED UNTIL THE NEXT MEETING OF THE BOARD ON NOV. 14, 1962, SO THE APPLICANT MAY WORK OUT WITH MR. MOORELAND, AND TO HIS OWN SATISFACTION, THE QUESTION OF WHETHER OR NOT THE BUILDING CAN BE PLACED SO HE CAN MANEUVER AND MEET THE SETBACK REQUIREMENTS FOR A REPAIR GARAGE.

MR. D. SMITH SAID, IF A SOLUTION IS REACHED, THE CASE WILL BE AUTOMATICALLY CLOSED.

THE MOTION CARRIED UNANIMOUSLY.

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THERE FOLLOWED A DISCUSSION WITH REGARD TO THE PROPOSED PLAN FOR INDUSTRIAL FOR THIS AREA, WHICH IS EVIDENTLY DEFERRED FOR SIX MONTHS.

MRS. HENDERSON SUGGESTED TO MR. ROSSIE THAT IT MAY BE WELL WORTH HIS WHILE TO WAIT FOR THIS I-L ZONING, THEN HE WOULD BE RELIEVED OF THE PROBLEM OF SETBACKS. MR. ROSSIE STATED HE HAD BEEN WAITING TWO YEARS.

IT WAS BROUGHT OUT THAT THE REASON HE IS BEFORE THE BOARD IS THE FACT THAT HE HAS A BANK LOAN COMMITMENT TO BUILD THIS BUILDING AND THE BANK IS PRESSING HIM - IT HAS BEEN A YEAR SINCE THE BANK MADE THE LOAN.

MR. E. SMITH SUGGESTED THE APPLICANT TALK TO MR. SCHUMANN ABOUT THE ZONING OF THIS TO I-L, BECAUSE OF THE FACT THAT HE DOES HAVE FRONTAGE ON GALLOWS ROAD.

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8- FAIRFAX COUNTY WATER AUTHORITY, TO PERMIT ERECTION AND OPERATION OF A WELL HOUSE AND WATER STORAGE TANK, LOT 19, SECTION 4, HALLOWING POINT RIVER ESTATES, MT. VERNON DISTRICT. (RE-2).

MR. THOMAS MIDDLETON, REPRESENTING THE WATER AUTHORITY, AND MR. FRED GRIFFITH, THE ASSISTANT ENGINEER, PRESENTED A CERTIFICATE INDICATING THOSE PEOPLE WHO WERE NOTIFIED OF THE HEARING.

LOTS 18, 10 AND 21, THREE SURROUNDING LOTS, ARE OWNED BY THE HALLOWING POINT RIVER ESTATES, INC., AND THE OTHER ADJACENT LOT IS LOT 10, OWNED BY

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JAMES S. SHREVE. THESE OWNERS WERE NOTIFIED AS WELL AS SIX OTHERS WHO ARE SERVED BY THE WATER AUTHORITY.

FOLLOWING A DISCUSSION WITH REGARD TO THE PLAT, WHICH IS NOT CERTIFIED, THE BOARD DECIDED NOT TO HOLD UP THE CASE. A CERTIFIED PLAT WILL BE SUBMITTED FOR THE FILE.

MR. MIDDLETON READ THE FOLLOWING LETTER ADDRESSED TO THE BOARD OF ZONING APPEALS, FROM MR. JAMES J. CORBALIS, JR., ENGINEER-DIRECTOR OF THE FAIRFAX COUNTY WATER AUTHORITY:

" WE RESPECTFULLY REQUEST YOUR FAVORABLE CONSIDERATION OF OUR APPLICATION FOR A SPECIAL USE PERMIT WHICH WILL ENABLE US TO INSTALL AN ADDITIONAL WELL AND APPURTENANT FACILITIES TO SERVE THE HALLOWING POINT RIVER ESTATES COMMUNITY. THESE FACILITIES ARE NEEDED FOR THE FOLLOWING REASONS:

1. THE EXISTING SYSTEM IS NOW BEING SERVED, AND IS WHOLLY DEPENDENT UPON, ONE WELL. IF EITHER THE WELL OR THE PUMP SHOULD REQUIRE REPAIR OR THE POWER SERVICE SHOULD BE DISRUPTED, THE CUSTOMERS WOULD BE WITHOUT WATER SERVICE. THIS COULD EXTEND OVER A RELATIVELY LONG PERIOD OF TIME SINCE REPAIR PARTS FOR THE EXISTING LARGE, SINGLE-PHASE ELECTRIC MOTOR ARE NOT READILY AVAILABLE.
2. THE EXISTING WELL ON LOT 53-A IS LOCATED NEAR THE EASTERN BOUNDARY OF THE SUBDIVISION AND DURING PERIODS OF HEAVY WATER DEMAND, THE SUPPLY AND PRESSURE ARE INADEQUATE FOR CUSTOMERS IN THE WESTERN PORTION OF THE SUBDIVISION. THE PROPOSED WELL, WHICH IS TO BE LOCATED IN THE WESTERN PORTION OF THE SUBDIVISION, WILL PROVIDE AN ADEQUATE SUPPLY AND PRESSURE FOR THESE CUSTOMERS.
3. THE EXISTING WELL, WHICH PRODUCES APPROXIMATELY 60 GALLONS PER MINUTE, CAN SERVE THE 41 HOUSES CURRENTLY CONNECTED ONLY UNDER THE CONDITIONS NOTED ABOVE. HOWEVER, AN ADDITIONAL WELL, WITH AN ESTIMATED CAPACITY OF 50 GALLONS PER MINUTE, AND OTHER PLANNED IMPROVEMENTS, WILL BE REQUIRED TO SERVE THE 200 HOUSES WHICH ARE PROJECTED FOR THIS SUBDIVISION.
4. THE 5,000 GALLON PNEUMATIC TANK TO BE INSTALLED AT THE REAR OF THE WELL HOUSE, AS SHOWN ON THE EXHIBIT DRAWINGS, WILL PROVIDE ADDITIONAL STORAGE OF WATER FOR USE DURING PERIODS OF POWER OR MECHANICAL FAILURE, AS OCCURRED DURING THE SNOW STORMS OF LAST WINTER.

THESE IMPROVEMENTS TO THE SYSTEM WERE RECOGNIZED BY THE AUTHORITY AS BEING NECESSARY AT THE TIME IT ACQUIRED THE SYSTEM AND THE RESIDENTS OF THE COMMUNITY HAVE BEEN ADVISED OF THE AUTHORITY'S INTENTION TO MAKE THESE IMPROVEMENTS. IN ADDITION, THE HALLOWING POINT RIVER ESTATES CITIZENS ASSOCIATION HAS REQUESTED IMPROVEMENTS TO THE SYSTEM, AS EVIDENCED BY ITS LETTER OF JULY 19, 1962, A COPY OF WHICH IS ATTACHED.

THE SITE OF THE NEW WELL, BEING LOT 19 OF SECTION 4 OF THE SUBDIVISION, HAS BEEN APPROVED BY THE VIRGINIA DEPARTMENT OF HEALTH FOR A WELL INSTALLATION, AS EVIDENCED BY ITS PERMIT OF JUNE 15, 1962, A COPY OF WHICH IS ATTACHED."

MR. MIDDLETON ALSO SUBMITTED A LETTER FROM NORMAN M. COLE, JR., PRESIDENT OF THE HALLOWING POINT CITIZEN'S ASSOCIATION, DATED JULY 19, 1962, ADDRESSED TO THE FAIRFAX COUNTY WATER AUTHORITY, REQUESTING THAT SOMETHING OF THIS NATURE BE SPECIFICALLY ERECTED. IT WAS HIS UNDERSTANDING FROM THE STATUTE THAT THEY HAVE TO SHOW TO THE BOARD THE TYPE OF USE, LOCATION AND SIZE.

MR. GRIFFITH SAID THIS ADDITIONAL WELL IS NEEDED TO SERVE FUTURE DEVELOPMENT OF THE SUBDIVISION. THE WELL IS 310 FEET DEEP AND THE BUILDING WILL BE ABOUT 8 FEET WIDE AND 20 FEET LONG. THE LOT IS WOODED AT THIS TIME, AND IT IS PLANNED TO LEAVE MOST OF THE WOODS FOR SCREENING



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AND THEY WOULD ADD ANYTHING THAT WILL COMPLIMENT THE NEIGHBORHOOD. IN REPLY TO QUESTIONS FROM THE BOARD MEMBERS, MR. MIDDLETON STATED THAT THE HEALTH DEPARTMENT DOES NOT ALLOW WATER TANKS TO BE BURIED UNDERGROUND. THE FACT THAT THE TANK IS NOT ENCLOSED IN THE BUILDING IS DUE TO THE EXPENSE INVOLVED, AND THE TANK WILL BE PAINTED GREEN TO BLEND IN WITH THE SURROUNDING AREA.

THERE WAS NO OPPOSITION TO THE APPLICATION.

THE PLANNING COMMISSION RECOMMENDED APPROVAL, UNDER 15-964.10, PROVIDED SCREENING BE PROVIDED TO THE EXTENT THE BOARD FEELS NECESSARY.

MR. PRICE MADE THE MOTION, WHICH WAS SECONDED BY MR. HARTWELL.

THE MOTION CARRIED UNANIMOUSLY, MRS. DALTON, MESSRS. TEPPER, PRICE, HARTWELL, EGGLESTON, QUACKENBUCH, WILLIAMS AND WRIGHT VOTING IN FAVOR OF THE MOTION.

FOLLOWING A DISCUSSION WITH REGARD TO SCREENING, EXPENSE OF THE INSTALLATION AND THE NEED TO SUPPLY THE COMMUNITY WITH WATER, MR. E. SMITH MOVED THAT IN THE CASE OF THE FAIRFAX COUNTY WATER AUTHORITY, TO PERMIT ERECTION AND OPERATION OF A WELL HOUSE AND WATER STORAGE TANK, LOT 19, SEC. 4, HOLLOWING POINT RIVER ESTATES, MT. VERNON DISTRICT, THE APPLICATION BE GRANTED, PROVIDED THE NATURAL SCREENING EXISTING ON THE LOT WILL BE DISTURBED ONLY TO THE EXTENT NECESSARY TO PERMIT THE CONSTRUCTION OF THE PROPOSED BUILDING INSTALLATION.

SECONDED, MRS. CARPENTER CD. UNAN.

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9-

FAIRFAX COUNTY CHILD GUIDANCE CLINIC, TO PERMIT ERECTION OF A BUILDING FOR OFFICE AND CLINIC SPACE, #13 SLEEPY HOLLOW ROAD, MASON DIST. (R-12.5) MR. ADAMS, REPRESENTING THE APPLICANT, PRESENTED TO THE BOARD LETTERS OF NOTIFICATION. HE BROUGHT OUT THE FACT THAT THIS IS ONE OF THE MOST EFFECTIVE MENTAL HEALTH AGENCIES WORKING IN THE FIELD OF MENTAL HEALTH IN THE AREA. IT IS A NON-PROFIT AGENCY, WORKING UNDER THE DEPARTMENT OF VIRGINIA MENTAL HYGIENE AND HOSPITALS.

THE CLINIC IS SUPPORTED BY FAIRFAX COUNTY, FAIRFAX, FALLS CHURCH AND THE STATE. FAIRFAX COUNTY PROVIDES CLOSE TO 50 PER CENT OF THE CLINIC'S BUDGET. IT IS A FAST GROWING ORGANIZATION AND HAS OUTGROWN THE PROPERTY IT IS NOW IN. THEY ARE SURROUNDED ON TWO OF THREE SIDES BY C-0. EVENTUALLY THE CLINIC WISHES TO LOCATE CLOSE TO THE NORTHERN VIRGINIA MENTAL HOSPITAL. THAT MAY BE A LONG TIME OFF; AND IN THE MEANTIME, THEY ARE BADLY IN NEED OF SPACE AND WISH TO PROVIDE THAT SPACE AT THE LEAST POSSIBLE EXPENSE. THEY SELECTED A TRAILER WHICH HAS RESALE VALUE TO BE USED FOR OFFICE SPACE AT THE REAR OF THE PROPERTY. WITH 32,000 SQUARE FEET, IT IS ALMOST IMPOSSIBLE TO LOCATE A BUILDING HERE WITH THE PROPER SETBACKS.

THE TRAILER WILL BE CONSTRUCTED IN RICHMOND FOR THIS PARTICULAR PURPOSE. THEIR PURPOSE IN COMING BEFORE THE BOARD IS TO OBTAIN A PERMIT TO LOCATE THIS CLOSER THAN 100 FEET FROM THE SIDE LINE. THIS IS A TEMPORARY MEASURE BECAUSE ULTIMATELY, AS THE CLINIC GROWS, IT WILL BE NECESSARY TO OBTAIN LARGER QUARTERS.

MR. ADAMS POINTED OUT THAT THE PLANNING COMMISSION QUESTIONED THE USE OF A TRAILER. HE SAID THERE ARE TWO CODE SECTIONS (30-11 AND 30-102) WHICH STATE THAT A TRAILER CANNOT BE USED AS A DWELLING, BUT NOWHERE IN THE CODE DOES IT PROHIBIT THE USE OF A TRAILER FOR OFFICE QUARTERS.

MRS. HENDERSON THOUGHT THERE WAS DEFINITELY A NEED FOR THIS SERVICE, BUT WONDERED HOW THE BOARD COULD GET AROUND SECTION 30-128, WHICH PROHIBITS VARYING SPECIFIC REQUIREMENTS FOR USE PERMITS.

THERE WAS SOME DISCUSSION WITH REGARD TO AN ADDITION TO THE BACK OF THE BUILDING; BUT THIS IS NON-CONFORMING AND ONE CAN'T ADD ON TO A NON-CONFORMING BUILDING.

MR. D. SMITH AGREED WITH THE CHAIRMAN THAT UNDER THE PROVISIONS SET FORTH IN THE ORDINANCE THERE HAS BEEN FOUND NO WAY OF GRANTING SPECIAL USE PERMITS WHERE THERE WAS A NECESSITY FOR A VARIANCE.. THE TRAILER WILL BE PUT ON A FOUNDATION AND, AT THAT POINT, IT BECOMES A STRUCTURE. MR. D. SMITH THOUGHT PERHAPS IT WOULD BE WELL TO LEAVE IT ON WHEELS SO THAT IT WOULD BE MOBILE. IT WAS POINTED OUT THAT IT WOULD BE MOBILE WHETHER IT WAS PUT ON BLOCKS OR NOT.

MR. SMITH SUGGESTED THAT BY LEAVING THE TRAILER MOBILE IT MIGHT BE A MEANS OF ACCOMPLISHING WHAT IS NEEDED, BUT IT WOULD BE UP TO MR. MOORELAND TO RULE AS TO WHETHER OR NOT THE TRAILER COULD BE PARKED THERE FOR SPECIFIC PURPOSES.

MR. ADAMS ASKED THE CHAIRMAN IF IT WOULD BE POSSIBLE TO DEFER THIS FOR A SHORT TIME, SO THAT THE PROBLEM COULD BE STUDIED FURTHER?

MRS. RUBY ANGSTEN PRESENTED A PETITION SIGNED BY FIVE RESIDENTS IN THE AREA WHO ARE OPPOSED TO THE APPLICATION.

BRIEFLY, THEY OBJECTED TO THE PRESENT BUILDINGS, WHICH ARE EYESORES, ACCUMULATION OF TRASH, THE SIREN LOCATED ON THE PROPERTY, ETC.

IF THE BOARD DOES SEE FIT TO PERMIT THE TRAILER, IT IS REQUESTED THAT THE TRAILER BE PLACED SO THAT IT CANNOT BE VIEWED FROM THEIR PROPERTIES.

IT WAS AGREED THAT THE BUILDINGS ARE MONSTROUS IN APPEARANCE, BUT THAT THERE IS A VERY GREAT NEED FOR THIS SERVICE, AND THEY ARE HELPING CHILDREN OF OUR COUNTY.

(A SITE PLAN WILL BE REQUIRED FOR THIS ADDITION).

MR. E. SMITH MOVED TO DEFER THE APPLICATION UNTIL NOVEMBER 13, 1962.

SECONDED, MR. D. SMITH, WITH THE UNDERSTANDING THAT A FURTHER STUDY BE MADE.

CARRIED UNANIMOUSLY.

IT WAS RECOMMENDED BY THE PLANNING COMMISSION THAT THIS APPLICATION BE APPROVED. THE MOTION WAS MADE BY MR. HARTWELL AND SECONDED BY MR. PRICE. THOSE WHO VOTED IN FAVOR OF THE MOTION WERE: MRS. DALTON, MESSRS. TEPPER, PRICE, HARTWELL, EGGLESTON, QUACKENBUSH, WILLIAMS AND WRIGHT.

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10- GEORGE DODD, TO PERMIT GRAVEL OPERATION ON 16.424 ACRES OF LAND, PROPERTY ON NORTH SIDE OF AN OUTLET ROAD, LEADING EAST FROM BEULAH ROAD, RY. #613, LEE DISTRICT.

MR. THORPE RICHARDS, REPRESENTING THE APPLICANT, PRESENTED COPIES OF LETTERS OF NOTIFICATION TO ADJOINING PROPERTY OWNERS.

HE LOCATED THE SITE ON THE MAP. MR. RICHARDS POINTED OUT THAT THE PLANNING COMMISSION, IN THEIR RECOMMENDATION, SUGGESTS THAT 25 ACRES ADJACENT TO THE PROPERTY BE SUBJECT TO THE RESTORATION PLANS FILED WITH THE RESTORATION BOARD AND THEIR RECOMMENDATIONS.

MR. DODD HAS ALREADY BEGUN THIS OPERATION. MR. DODD HAS AGREED TO DEEPEN THE WELL ON PARCEL 83 SO THAT THE PEOPLE WOULD HAVE WATER, SHOULD IT BE AFFECTED BY THE EXCAVATION.

MR. DODD HAS CONTRACTED TO BUY MR. ROGERS AND MR. JONES PROPERTY ON WHICH THE OTHER TWO WELLS EXIST.

THE OTHER PROBLEM WHICH THE PLANNING COMMISSION CONSIDERED IS THE RIGHT-OF-WAY THROUGH THIS PROPERTY. MR. FRANK GILLINGHAM, AT ONE TIME, OWNED THIS PROPERTY. WHEN HE PURCHASED THIS PROPERTY IN THE EARLY 1900'S HE

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NEW CASES (CONTINUED)  
 ALSO BOUGHT A RIGHT-OF-WAY OUT TO BEULAH ROAD. IN 1924 THERE WAS AN ATTEMPT TO PREVENT MR. GILLINGHAM FROM THE USE OF THE ROAD. HE WENT TO COURT AND THE COURT DECREED MR. GILLINGHAM DID HAVE AN OUTLET ROAD AND THAT THIS WAS IT. THE QUESTION CAME UP WHEN MR. DODD PROPOSED TO RE-LOCATE THE ROAD TEMPORARILY DURING THE PERIOD OF EXCAVATION. MRS. HUNDER WHO IS THE SUCCESSOR AT INTEREST TO MR. GILLINGHAM HAS NO OBJECTION TO THIS TEMPORARY RELOCATION OF THE ROAD. NORTHERN VIRGINIA HAS NO OBJECTION SO LONG AS THE TEMPORARY ROAD INTENDED TO BE CONSTRUCTED BE AVAILABLE TO THEIR USE.

DURING A DISCUSSION WITH REGARD TO THE RESTORATION OF THIS PROPERTY, MR. RICHARDS SAID THAT IT WOULD BE MR. DODD'S INTENTION TO COME BEFORE THE BOARD AGAIN FOR A GRAVEL OPERATION ON 78,79 AND 76 WHICH HE HAS PERSONNALLY ACQUIRED WITH AN AMENDED PLAN FOR A GREATER AREA. IT WAS THOUGHT THAT BY DOING IT OVER A LARGER AREA IT COULD BE DONE ON A GRADE WITHOUT LEAVING SEVERAL HOLES IN THE GROUND.

IT WAS BROUGHT OUT BY MR. MOORELAND THAT THE RESTORATION BOARD FELT THE \$1,000 PER ACRE BOND WAS INSUFFICIENT UNLESS INSPECTIONS WERE MADE PERIODICALLY. MR. MOORELAND FELT THIS SHOULD BE GRANTED FOR THE TIME REQUIRED TO EXCAVATE THE LAND WITH INSPECTIONS AND REPORTS TO HIS OFFICE AND THE RESTORATION BOARD.

THERE WAS NO OPPOSITION TO THE APPLICATION.

MRS. HENDERSON READ THE RECOMMENDATION OF THE PLANNING COMMISSION TO THE BOARD, DATED OCTOBER 19, 1962, AS FOLLOWS:

"AT THE MEETING OF THE PLANNING COMMISSION HELD ON OCTOBER 4, 1962, CONSIDERATION WAS GIVEN TO THE APPLICATION OF GEORGE DODD TO PERMIT GRAVEL OPERATION ON APPROX. 16 ACRES, LOCATED 700 FT. EAST OF BEULAH ROAD (RT. 613) AND APPROX. 1,300 FT. NORTH OF HAYFIELD ROAD (RT. 635). LEE MAGISTERIAL DISTRICT.

MR. WRIGHT MOVED THE COMMISSION RECOMMEND TO THE BOARD OF ZONING APPEALS THAT THE APPLICATION BE GRANTED IN ACCORDANCE WITH THE STAFF REPORT AND THE RECOMMENDATIONS OF THE RESTORATION BOARD.

MR. EGGLESTON MOVED AN AMENDMENT TO THE MOTION TO THE END THAT THE APPLICANT DRAW UP A DOCUMENT TO BE FILED WITH THE BOARD OF ZONING APPEALS ASSURING ADJOINING PROPERTY OWNERS AGAINST LOSS OF WATER. MR. EGGLESTON SUGGESTED A LETTER OF DOCUMENT SIMILAR TO THAT ACCEPTED PREVIOUSLY BY THE BOARD OF ZONING APPEALS.

MR. WILLIAMS MOVED THE BOND PROVIDED FOR RESTORATION BE IN AN AMOUNT COMMENSURATE WITH THE COST OF RESTORATION RATHER THAN THE STANDARD \$1,000 AN ACRE TO BE DETERMINED BY THE RESTORATION BOARD.

MR. EGGLESTON OFFERED AN AMENDMENT TO INCLUDE THE 25 ACRES ADJACENT TO THE PROPERTY TO BECOME A PART OF THIS APPLICATION SUBJECT TO THE RESTORATION PLANS FILED WITH THE RESTORATION BOARD AND THEIR RECOMMENDATIONS.

THE VOTE ON THE MOTION TO RECOMMEND APPROVAL AS AMENDED WAS: MRS. DALTON, MESSRS. TEPPER, HARTWELL, EGGLESTON, QUACKENBUSH AND WRIGHT VOTED "AYE". MR. WILLIAMS VOTED AGAINST THE MOTION. MR. PRICE REFRAINED FROM VOTING."

"IN THE STAFF REPORT, MR. SCHUMANN POINTED OUT THAT BOTH SIDES ARE INCLUDED IN NATURAL RESOURCE DISTRICT #1. THE APPLICANT HAS MET ALL REQUIREMENTS OF THE ORDINANCE. THE STAFF FEELS THIS IS A REASONABLE USE OF THE LAND. THIS TYPE OF OPERATION HAS BEEN CARRIED ON IN A SUBSTANTIAL AREA ADJACENT TO THE PROPERTY FOR A CONSIDERABLE PERIOD OF TIME AND THE PROPOSAL DOES NOT INTRODUCE A NEW OPERATION AT ALL. THE LAND WILL BE RESTORED IN ACCORDANCE WITH THE ORDINANCE, CONTAINING STRICT REQUIREMENTS AS TO OPERATION AND RESTORATION. THE STAFF RECOMMENDS THIS APPLICATION BE APPROVED IN ACCORD WITH RECOMMENDATION OF THE RESTORATION BOARD. MR. SCHUMANN STATED THE RESTORATION BOARD RECOMMENDED BECAUSE IT FEELS \$1,000 AN ACRE BOND FAR FROM ADEQUATE, THAT THE BOARD CONSIDER LIMITING THE TIME OF THE INITIAL PERMIT TO A PERIOD NOT EXCEEDING ONE YEAR IN ORDER THAT COUNTY AGENCIES MIGHT HAVE A POSITIVE OPPORTUNITY TO REVIEW THE RESULTS OF OPERATION TO THAT TIME AND SO AS NOT TO PERMIT EXCESSIVE EXCAVATION WITHOUT APPROPRIATE BACKFILLING."

NEW ORLEANS (CONTINUED)  
MR. E. SMITH MOVED THAT GEORGE DODD BE GRANTED A PERMIT TO CONDUCT A GRAVEL OPERATION ON 16.424 ACRES OF LAND, PROPERTY ON NORTH SIDE OF AN OUTLET ROAD, LEADING EAST FROM BEULAH ROAD, RT. 613, LEE DISTRICT, FOR A PERIOD OF THREE YEARS, CONDITIONED UPON THE APPROPRIATE COUNTY OFFICIALS MAKING INSPECTION OF THE PROPERTY EVERY THREE MONTHS AND BEING SATISFIED THAT ADEQUATE MEASURES ARE BEING TAKEN TO RESTORE THE LAND AS THE OPERATIONS ARE CONDUCTED IN SUCH A WAY THAT THE \$1,000 BOND WOULD BE ADEQUATE AT ALL TIMES TO BRING THE LAND BACK TO ITS ORIGINAL GRADE AND STATE, FURTHER CONDITIONED UPON THE APPLICANT GIVING US ASSURANCES THAT IN THE EVENT THE WATER SUPPLY OF ADJACENT PROPERTY OWNERS IS CONTAMINATED OR DEPLETED AS A RESULT OF THE OPERATION, THAT IMMEDIATE STEPS BE TAKEN TO GUARANTEE AND ASSURE THESE PEOPLE OF A CONTINUOUS AND ADEQUATE PURE WATER SUPPLY, AND FURTHER THAT THE APPLICANT AGREE TO RESTORE TO THE STANDARDS OF THE PRESENT NR ZONE ORDINANCE THE ADJACENT 25 ACRES OF LAND WHICH IS OWNED BY MR. ERRINGTON.

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SECONDED, MRS. CARPENTER

MR. MOORELAND POINTED OUT THAT THE APPLICANT HAS TOLD THE RESTORATION BOARD THAT THEY HAVE ADEQUATE FILL ON THE PROPERTY WHICH THEY OWN THERE TO MAKE THIS FILL, THAT THE APPLICANT OR THE OWNER OF THAT PROPERTY GIVE THE COUNTY A RIGHT TO GO ON THAT PROPERTY AND GET THAT FILL SHOULD THEY HAVE TO FINISH THE OPERATION UNDER THE BOND. IF THE COUNTY HAD TO GO OUT AND BUY FILL, IT COULD NOT BE DONE.

MR. E. SMITH AMENDED HIS MOTION TO MAKE THE APPROVAL FURTHER CONDITIONED UPON THE APPLICANT ENTERING INTO AN AGREEMENT WITH THE COUNTY THAT, IN THE EVENT IT IS NECESSARY TO PROCEED UNDER THE BOND AS A RESULT OF NON-PERFORMANCE OF THE APPLICANT, THAT THE COUNTY IS GIVEN A SUFFICIENT LEGAL RIGHT TO GO UPON THE ADJACENT PROPERTY OWNED OR CONTROLLED BY THE APPLICANT, THE LESSEE AND LESSOR, AND REMOVE THEREFROM THE FILL NECESSARY TO RESTORE THE SUBJECT LANDS AS SET FORTH IN THE PLANS FILED WITH THE RESTORATION BOARD.

MRS. CARPENTER ACCEPTED THE AMENDMENT.

THERE FOLLOWED A DISCUSSION WITH REGARD TO THE WELLS.

MR. E. SMITH SAID HE HAD IN MIND THAT, IN THE EVENT THE WATER SUPPLY OF THE ADJACENT PROPERTY OWNERS IS DESTROYED OR ALTERED, THE APPLICANT PROVIDE AN ADEQUATE WATER SUPPLY AND, IN THE EVENT HE DID NOT, HIS OPERATION COULD BE CLOSED DOWN. IT WAS THE CONSENSUS THAT THE WORDING OF THE MOTION IS SUFFICIENT IN THIS RESPECT.

MRS. HENDERSON WAS WILLING TO VOTE FOR GRANTING THIS FOR ONE YEAR, WITH A COMPLETE REVIEW <sup>BY</sup> ~~OF~~ THE BOARD AT THE END OF THE YEAR.

MR. E. SMITH HAD NO OBJECTION TO REDUCING THE THREE YEARS TO ONE YEAR, BUT HE STILL WANTED THE PORTION OF HIS MOTION WHICH PROVIDED THAT, ON NINETY-DAY INTERVALS, IF IT WAS FOUND THERE WERE ANY DANGERS, A HALT COULD BE CALLED TO THE OPERATION IF THE RESTORATION BOARD REQUESTS THE BOARD OF ZONING APPEALS TO DO SO.

IT WAS BROUGHT OUT BY MR. MOORELAND THAT THE RESTORATION BOARD WILL SELECT THE PEOPLE TO MAKE THESE INSPECTIONS.

IT WAS AGREED THAT THE MOTION BE AMENDED TO THE EXTENT THAT THE PERMIT BE GRANTED FOR A PERIOD OF ONE YEAR, WITH NINETY-DAY INSPECTIONS.

MRS. HENDERSON TOLD MR. RICHARDS THAT HE WAS CORRECT IN ASSUMING THAT THREE EXTENSIONS COULD BE GRANTED AT YEARLY INTERVALS WITHOUT REFILEING.

THE MOTION CARRIED UNANIMOUSLY.

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11-

DOUGLAS AND DAISY GOODNOUGH, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN REQUIRED BY THE ORDINANCE, LOTS 1 AND 2, WOODY ACRES, (ON WEST SIDE OF #645, CLIFTON ROAD, APPROX. 1600 FT. NORTH OF BRADDOCK ROAD). CENTREVILLE DISTRICT. (RE-1)

MR. D. SMITH STATED HE HAD REVIEWED THE PLATS IN CONNECTION WITH THIS APPLICATION AND HE FEELS THE APPLICANT CAN WORK THIS OUT WITH THE STAFF WITHOUT COMING BEFORE THE BOARD FOR A VARIANCE.

HE FELT THE ORDINANCE WOULD PERMIT THIS UNDER THE 270 PER CENT CLAUSE, AND HE, THEREFORE, RECOMMENDED THE APPLICANT ASK FOR A TWO WEEKS DEFERMENT.

INASMUCH AS THE APPLICANT WAS NOT IN ATTENDANCE AND THERE WAS NO ONE TO SPEAK EITHER FOR OR AGAINST THE APPLICATION, THE CASE WAS DEFERRED TO NOVEMBER 13, 1962.

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DEFERRED CASES:

1-

HENRY J. ROLFS, TO PERMIT ERECTION AND OPERATION OF A NURSING HOME, SOUTH SIDE OF COLUMBIA PIKE, NORTHERLY ADJACENT TO FOREST HILLS SUBDIVISION, MASON DISTRICT. (R-17).

MR. ROLFS APPROACHED THE BOARD AND REQUESTED A SECOND SIX MONTH DEFERMENT.

MRS. HENDERSON SUGGESTED THAT IT BE THE LAST DEFERMENT.

IT WAS POINTED OUT THAT THE INITIAL DEFERMENT WAS AT THE BOARD'S SUGGESTION.

MR. E. SMITH MOVED THE CASE BE DEFERRED FOR SIX MONTHS.

SECONDED, MR. D. SMITH Cd. UNAN.

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2-

DUNN LORING WOODS PRIVATE SCHOOL, TO PERMIT OPERATION OF A PRIVATE SCHOOL, 250 FEET EAST OF CEDAR LANE AT DEAD END OF WILLOWMERE DRIVE, PROVIDENCE DISTRICT. (RE-0.5).

THE BOARD REVIEWED THE MAPS SHOWING THE PROPOSED SITE OF THE SCHOOL AS WELL AS THE PLOT PLAN. IN A BRIEF REVIEW OF THE PUBLIC HEARING, IT WAS POINTED OUT THAT THE APPLICANT INDICATED SHE WOULD IMPROVE WILLOWMERE DR. DOWN AS FAR AS INDICATED ON THE PLAN; THAT THE PROPOSED ENROLLMENT WAS 180 TO 200 CHILDREN THREE TO SEVEN YEARS OF AGE, KINDERGARTEN THROUGH THE SECOND GRADE, WITH A SUMMER SESSION.

MRS. HENDERSON VOICED HER OPINION TO THE EFFECT THAT MRS. SCHUMANN WOULD BE BETTER OFF IN ANOTHER LOCATION WHERE SHE WOULD NOT BE RESTRICTED TO A 2 P.M. HOUR AND NO SUMMER ACTIVITIES, AND THAT WOULD BE THE ONLY WAY SHE WOULD CONSIDER THIS LOCATION. SHE THOUGHT THAT A DAY-CARE FACILITY IS VERY MUCH NEEDED BUT THE OPERATION IS TOO DENSE FOR THE LOCATION SURROUNDED ON TWO SIDES BY SOME VERY NICE HOUSES, AND SHE THOUGHT A SUMMER OPERATION WITH 200 CHILDREN COULD BE QUITE NOISEY, AND SHE REALLY DIDN'T THINK THE ONLY ACCESS SHOULD BE THROUGH A SUBDIVISION AND SURROUNDED ON TWO SIDES BY DEVELOPED PROPERTY.

MR. E. SMITH SAID THERE IS A TREMENDOUS NEED IN THE COUNTY FOR THIS KIND OF OPERATION AND HE WAS IMPRESSED WITH THE EXTENSIVE PLANS WHICH MRS. SCHUMANN PROPOSES. IT APPEARED TO HIM THAT IT WILL BE ONE OF THE BEST SCHOOLS OF THIS TYPE IN THE AREA. IN VIEWING THE PROPERTY, HE FELT IT WOULD BE A GOOD LOCATION FOR THIS TYPE OF OPERATION. IT IS LOCATED IN SINGLE-FAMILY DEVELOPMENT, BUT THERE IS STILL A FEELING OF OPEN-NESS. WITH REGARD TO ACCESS, MR. E. SMITH BELIEVES THESE SCHOOLS SHOULD NOT BE LOCATED ON PRIMARY ROADS AND THEY MUST BE IN THE AREAS CLOSEST TO THE COMMUNITY THEY SERVE - THEY SHOULD BE IN RESIDENTIAL AREAS.

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MRS. HENDERSON AND MRS. CARPENTER AGREED THAT THESE SCHOOLS SHOULD BE IN RESIDENTIAL AREAS.

MR. D. SMITH QUESTIONED THE NOISE FACTOR OF THIS TYPE OF SCHOOL OPERATION. HE HAS YET TO SEE A SCHOOL IN OPERATION WHERE THE PEOPLE HAVE VIGOROUSLY OBJECTED TO NOISES OF CHILDREN. THERE ARE A NUMBER OF PRIVATE OR PAROCHIAL SCHOOLS THROUGHOUT THE COUNTY THAT BACK RIGHT UP TO SUBDIVISIONS BECAUSE PEOPLE WITH CHILDREN BUY AND BUILD IN AREAS NEAR SCHOOLS. HE SAID THERE IS CERTAINLY A NEED FOR THIS.

MRS. HENDERSON AGREED AS TO THE NEED, IN FACT, THERE IS NEED FOR A MORE INTENSE OPERATION INCLUDING DAY CARE, SAY, FROM 7 TO 6 O'CLOCK, BUT THIS IS NOT THE LOCATION FOR THAT.

MR. E. SMITH MOVED TO GRANT THE APPLICATION OF DUNN LORING WOODS PRIVATE SCHOOL, TO PERMIT OPERATION OF A PRIVATE SCHOOL, 250 FEET EAST OF CEDAR LANE AT DEAD END OF WILLOWMERE DRIVE, PROVIDENCE DISTRICT, BECAUSE HE DOES FEEL THE APPLICATION MEETS THE STANDARDS SET FORTH IN THE ORDINANCE, SEC. 30-126, SPECIAL PERMIT USES IN R DISTRICTS, WITH A MAXIMUM OF 180 CHILDREN AGED THREE TO SEVEN, JUNIOR KINDERGARTEN, KINDERGARTEN AND FIRST AND SECOND GRADES, HOURS FOR FIRST AND SECOND GRADE CHILDREN FROM 9 A.M. TO 2 P.M. AND KINDERGARTEN FROM 9 A.M. TO NOON, FIVE DAYS A WEEK WITH A SUMMER SESSION AND CAMPING OPERATION.

MR. D. SMITH SECONDED THE MOTION, WITH THE COMMENT THAT THIS OPERATION IS IN AN AREA THAT HAS BEEN DEVELOPED OR IS IN THE PROCESS OF BEING DEVELOPED AND HE WONDERED IF MRS. SCHUMANN COULD GIVE THE BOARD AN IDEA AS TO THE EXTENT OF THE SUMMER OPERATION. HE FELT THIS SHOULD BE DEFINED AND CLARIFIED SO THAT THERE WOULD BE NO PROBLEM IN THE FUTURE AS TO WHAT EXTENT SHE INTENDS TO OPERATE DURING THE SUMMER MONTHS.

MRS. SCHUMANN SAID THE SUMMER SESSION WOULD CONSIST MAINLY OF DAY CARE FROM 9 A.M. TO 2 P.M. WITH VARIOUS ACTIVITIES SUCH AS ARTS AND CRAFTS, PLANNED AND ORGANIZED GAMES AND SWIMMING - THE SWIMMING TO TAKE PLACE ELSEWHERE. ABOUT HALF OF THE ACTIVITIES WILL TAKE PLACE INDOORS AND THE OTHER HALF OUTDOORS.

IT WAS UNDERSTOOD THAT THE PRESENT SCHOOL WOULD BE DISCONTINUED AT THE TIME THE NEW SCHOOL IS OPENED.

THOSE WHO VOTED IN FAVOR OF THE MOTION WERE: MESSRS. D. SMITH, E. SMITH, AND GEORGE T. BARNES.

MESDAMES HENDERSON AND CARPENTER VOTED AGAINST THE MOTION.

MRS. CARPENTER VOTED AGAINST THE MOTION BECAUSE SHE THOUGHT A SCHOOL WITH 180 PUPILS IN THIS CERTAIN LOCATION WILL ADVERSELY AFFECT THE USE AND DEVELOPMENT OF THE ADJOINING PROPERTY.

MRS. HENDERSON VOTED AGAINST THE MOTION BECAUSE SHE THOUGHT IT TOO INTENSE AN OPERATION FOR THE SIZE OF THE LAND AND THAT IT DOES NOT MEET PARAGRAPH (C) OF SECTION 30-126.

MOTION CARRIED TO GRANT.

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MR. MOORELAND STATED THAT THE BOARD DIRECTED HIM, AT THE LAST MEETING, TO NOTIFY MR. WRENCH OF POTOMAC OIL TO SHOW CAUSE WHY THE PERMIT SHOULD NOT BE REVOKED; BUT MR. MOORELAND FAILED TO DO SO.

THE CHAIRMAN RECOGNIZED MR. WRENCH AND INFORMED HIM THAT THE GAS STATION IS NOT IN ACCORDANCE WITH HIS USE PERMIT - THE MOTION TO GRANT A USE PERMIT SAID "NO CANOPY". SHE REMINDED HIM HE HAD STATED THE CANOPY HAD BEEN REMOVED AND BESIDES THAT THE CANOPY DID NOT SHOW ON THE SITE PLAN NOR ON THE BUILDING PERMIT.

MR. WRENCH SAID THE CANOPY DID NOT SHOW ON THE SITE PLAN BUT IS ON THE

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IMPROVED BUILDING PLANS - THE PLANS ON WHICH HE GOT A BUILDING PERMIT. TO MR. D. SMITH'S QUESTION, MRS. HENDERSON SAID THE MOTION STIPULATED NO PEPSI STANDS, TIRE RACKS OR CANOPY.

IT WAS BROUGHT OUT THAT THE CANOPY EXTENDS FROM THE CORNERS OF THE BUILDING OUT OVER THE GAS PUMPS.

MRS. HENDERSON SAID SHE FEELS VERY STRONGLY ABOUT APPLICANTS WHO RECEIVE A PERMIT FROM THE BOARD AND DON'T ABIDE BY THE MOTION TO GRANT THE PERMIT; AND SHE SAID THAT JUDGE HAZEL STATED AT THE HEARING THAT THE CANOPY WOULD BE REMOVED - IT WAS STATED TWICE IN THE MINUTES - AND THE MOTION SAID NO CANOPY. 151

MR. WRENCH STATED THEY WERE GIVEN PRELIMINARY APPROVAL BY THE OIL COMPANY UNTIL THE USE PERMIT WAS OBTAINED. THEN THEY RECEIVED WORD THAT IT WOULD ONLY BE APPROVED WITH A CANOPY. HE CHECKED WITH HIS ATTORNEY WHO FELT THAT THIS STRUCTURE IS WITHIN THE LETTER OF THE ORDINANCE. HE SAID THERE WERE THREE ITEMS FOR DISCUSSION: (1) IS A LEGAL QUESTION, AND HIS ATTORNEY'S INTERPRETATION IS THAT THE BUILDING AS IT EXISTS IS WITHIN THE ORDINANCE AND WITHIN THE APPROVAL THAT WAS OBTAINED. THE ONLY THING WHICH THEY ASKED FOR WAS A USE PERMIT - THEY ARE WITHIN THEIR SETBACK LIMITS.

MRS. HENDERSON POINTED OUT, AT THE HEARING HE WAS GOING TO DEDICATE THE SERVICE ROAD AND, IF HE DID NOT DO SO, THEN, OF COURSE, THE PUMPS WOULD BE <sup>BEYOND</sup> WITHIN THE SETBACK OF 25 FEET; SO THIS IS A SUBSEQUENT INTERPRETATION.

MR. WRENCH SAID THAT, AS FAR AS DEDICATING THE PROPERTY FOR PUBLIC USE IS CONCERNED THIS WILL BE DONE. THE SECOND QUESTION IS WHETHER THERE HAS BEEN BAD FAITH ON HIS PART WITH THE BOARD OF ZONING APPEALS AND WITH THE COUNTY. HE FEELS THAT THE STRUCTURE IS COMPATIBLE WITH THE NEIGHBORHOOD. THE SAME STRUCTURE WAS BUILT IN SOUTHWEST WASHINGTON DEVELOPMENT WITH APPROVAL OF THE PEOPLE THERE. THE REASON THE CANOPY IS THERE IS BECAUSE OF THE FACT THAT THE BUILDING SETS SO FAR BACK THAT IT IS NECESSARY AND DESIRABLE.

IT WAS MRS. HENDERSON'S FEELING THAT THE CANOPY BE REMOVED UNLESS EVIDENCE COULD BE GIVEN AS TO WHY IT SHOULDN'T BE AND WHY IT GOT THERE IN SPITE OF THE MOTION TO GRANT THE APPLICATION WHICH, PROVIDED FOR NO CANOPY.

MR. D. SMITH HAD NO REAL OBJECTION TO THE CANOPIES. THIS IS A NORMAL DESIGN OF A PRESENT-DAY GAS STATION. THIS WAS QUESTIONED BY MESDAMES HENDERSON AND CARPENTER. MR. D. SMITH SAID THIS DESIGN WAS APPROVED BY ONE OF THE MOST RESTRICTIVE GROUPS OF PLANNERS IN THE COUNTRY IN THE SOUTHWEST REDEVELOPMENT AREA.

MRS. HENDERSON SAID THE TREND HERE IN FAIRFAX COUNTY IS TOWARD COLONIAL DESIGNED GAS STATIONS. MRS. HENDERSON SAID SHE WAS NOT SAYING CANOPIES WERE GOOD OR BAD PER SE - WHAT SHE OBJECTED TO WAS THE FACT THAT IT WAS PUT UP WITHOUT COMING BACK TO THE BOARD FOR A VARIATION IN THE ORIGINAL PERMIT, <sup>AND IT WAS</sup> THAT SPECIFICALLY STATED BY THE APPLICANT'S ATTORNEY THAT THERE WOULD BE NO CANOPY.

MR. WRENCH SAID THAT, AS LATE AS THIS MORNING, MR. HAZEL WAS NOT AWARE THAT THIS WAS A CONDITION OF THE ISSUANCE OF THE PERMIT. MR. WRENCH DID NOT RECALL RECEIVING A COPY OF THE RESOLUTION.

MR. D. SMITH MOVED TO DEFER THIS CASE UNTIL THE NEXT MEETING OF THE BOARD ON NOVEMBER 13, 1962, TO GIVE MR. WRENCH TIME TO PREPARE HIMSELF TO SHOW CAUSE WHY THE PERMIT GRANTED POTOMAC OIL ON <sup>JUNE</sup> ~~JULY~~ 27, 1961 SHOULD NOT BE REVOKED FOR VIOLATION OF THE CONDITIONS OF THE MOTION GRANTING THE USE. SECONDED, MRS. CARPENTER Co. UNAN.

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MR. MOORELAND STATED THAT ON NOVEMBER 14, 1961 A PERMIT WAS GRANTED MR. ROBERT GILL. MR. HANSBARGER REPRESENTED THE APPLICANT. THIS WAS IN REFERENCE TO SETBACKS ON LOTS 41, 42 AND 46 IN BIRCH SUB-DIVISION.

HE READ A LETTER FROM MR. GILL REQUESTING A 12 MONTH EXTENSION OF TIME BE GRANTED REGARDING THE VARIANCE. THE REASON FOR THE REQUEST IS THAT NEGOTIATIONS REGARDING STORM DRAINAGE IN RELATION TO THIS SITE HAVE NOT YET BEEN SUCCESSFULLY CONCLUDED WITH THE PUBLIC WORKS DEPARTMENT. THE DEPARTMENT OF PUBLIC WORKS HAS NOT COME UP WITH A DEFINITE DRAINAGE PLAN FOR THIS AREA. MR. GILL SAID HIS ENGINEERS HAVE BEEN WORKING WITH THE DEPARTMENT.

INASMUCH AS MR. GILL HAS PURSUED THE QUESTION, IT WAS THE CONSENSUS OF THE BOARD THAT THERE SHOULD BE NO OBJECTION TO GRANTING THIS REQUEST FOR ONE YEAR.

MR. D. SMITH MOVED THE REQUEST OF MR. ROBERT GILL FOR AN EXTENSION ON A VARIANCE GRANTED ON NOVEMBER 14, 1961 BE EXTENDED FOR A YEAR - TO NOV. 13, 1963.

THE MOTION WAS SECONDED AND CARRIED UNANIMOUSLY.

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MR. MOORELAND SUBMITTED A DRAWING SHOWING A PROPOSED STRUCTURE TO BE ERECTED AT THE ENTRANCE OF A SUBDIVISION. THE QUESTION IS, WOULD THE DEVELOPER BE REQUIRED TO HAVE A LOT THERE THE SIZE OF A SUBDIVISION.

MR. MOORELAND SAID HE THOUGHT THEY WOULD NOT, HOWEVER, THEY WOULD BE REQUIRED TO HAVE THE PROPER SETBACKS.

IT WAS THE CONSENSUS OF THE BOARD THAT THIS WAS DESIRABLE, HOWEVER, THE DEVELOPER WOULD BE REQUIRED TO OBSERVE THE PROPER SETBACKS.

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MRS. HENDERSON BROUGHT THE MATTER OF THE U-HAUL AT SEVEN CORNERS - (MACATEE) WHICH HAS ANOTHER BUSINESS GOING ON CALLED "SEVEN CORNERS TOOLS AND RENTAL EQUIPMENT".

MR. D. SMITH POINTED OUT THAT THIS WAS SIMPLY MOVED FROM ACROSS THE STREET, THEY HAD THAT ALL THE TIME.

MR. MOORELAND STATED HE HAD INVESTIGATED THIS SOME TIME AGO, AND THIS WAS SIMPLY AN OPERATION WHICH WAS MOVED ACROSS THE STREET.

IT WAS AGREED THAT MR. MCATEE HAS A SLOPPY OPERATION.

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MRS. HENDERSON SAID SHE HAD A REQUEST FROM MR. GIBSON THAT THE BOARD STATE A POLICY OR RESOLUTION WITH REGARD TO WHAT IT HAS ALWAYS MAINTAINED - THAT A USE PERMIT PERTAINS TO THE LAND MORE THAN THE INDIVIDUAL AS LONG AS THAT PARTICULAR USE GOES ON. IF CHANGES ARE MADE IN A CERTAIN BUILDING IT CANNOT BE TRANSFERRED TO A DIFFERENT USE. HAZELTON LABORATORIES ARE APPARENTLY HAVING SOME DIFFICULTY WITH FINANCING BECAUSE THE COMMONWEALTH ATTORNEY HAS SO STATED, BUT THIS BOARD HAD NOT TAKEN A FIRM POSITION ALONG THESE LINES AND THE FINANCE COMPANY WILL BE HAPPY IF THE BOARD DOES SO. IT WAS MRS. HENDERSON'S UNDERSTANDING THAT, IF THERE WAS ANY CHANGE IN THE USE, THEN IT MUST COME BACK TO THE BOARD FOR CONSIDERATION.

MR. MOORELAND READ SECTION 30-45. MR. MOORELAND WENT ON TO SAY THAT THE QUESTION BROUGHT UP, AND THE COMMONWEALTH ATTORNEY HAS ANSWERED, IS THAT A USE THAT HAS NOT EXPIRED BY NON-USAGE GOES WITH THE LAND UNLESS SO SPECIFICALLY GRANTED TO THE APPLICANT.

MRS. HENDERSON SAID HER FEELING HAS BEEN THAT THE SAME USE COULD CHANGE HANDS, ESPECIALLY WHEN THERE ARE BUILDINGS INVOLVED, ETC.

AFTER SOME DISCUSSION, MR. MOORELAND SUGGESTED THAT ANY USE PERMIT GRANTED

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NOT TO THE APPLICANT ONLY MAY BE CONTINUED BY CHANGE OF OWNERSHIP AS LONG AS THE SAME USE IS BEING CONDUCTED.

IT WAS THE CONSENSUS OF THE BOARD THAT THE USE MAY CONTINUE AS LONG AS THE USE IS THE SAME AS THE USE WHICH WAS ORIGINALLY GRANTED UNLESS IT WAS GRANTED TO A SPECIFIC PERSON AND THAT PERSON ONLY.

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THE MEETING ADJOURNED.

Mary J. Henderson

MRS. L. J. HENDERSON, JR., CHAIRMAN

November 21, 1962

DATE

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The Fairfax Board of Zoning Appeals held its regular meeting on Tuesday, November 13, 1962 at 10 A.M., in the Board Room of the Fairfax County Courthouse, with all members present Mrs. L.J. Henderson, Jr., Chairman, Presiding.

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

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NEW CASES

- 1 - Lucille E. Augustine, to permit extension of a day nursery in present dwelling, Lots 207 and 208, Block F, Memorial Heights, (313 Preston Avenue), Mt. Vernon District. (R-12.5).

Mrs. Augustine told the Board that her permit, granted in June of 1959, ran out June 23 of this year. The original permit was for day care - a maximum of 15 children. She is asking for only 10 in this extension, all under 3 years of age. The school has been inspected by the Health Department, Fire Marshall, and Welfare, and it complies in all respects. (She does not keep welfare children). She picks up the children at 6 A.M. and keeps them until 5 P.M.

Mr. Mooreland said he had had no complaints on this operation, and there were no objections at the hearing.

In the application of Lucille E. Augustine, etc., Mr. Dan Smith moved that the application be approved with a maximum of 10 children as requested by the applicant. This school has been in operation for three years and there have been no complaints and it appears that this is a service that is needed - particularly for small children whose mothers are working. Mr. Smith moved to extend this for three years with the provision that all other provisions of the Ordinance shall be met. This is granted to the applicant only.

Seconded, Mr. Barnes

Mr. E. Smith suggested that the Board or the County should have a more frequent check on operations of this type.

The motion was changed to grant the application for one year with two more years of automatic extension - if in the opinion of the Zoning Administrator the operation is handled satisfactorily. In this case, she may extend the operation - not to exceed three years - with yearly inspections. This will be granted to the applicant only with a maximum of 10 children. The Zoning Administrator will report to the Board after each of his yearly inspections. Carried unanimously.

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- 2 - Alfred T. Meschter, to allow horses to be kept on 75,046 sq.ft. of land, Lots 7 and 8, Overlook Acres, Providence District. (RE-1).

Mr. Meschter said he wished to keep one horse and a pony. His home is on Lot 7. Lot 8 cannot be used for a dwelling as the ground will not pass the percolation test - it has a heavy clay soil with considerable hard-pan. They wish to use Lot 8 for the horse - that lot is fenced - plus a portion of lot 7. Mr. Meschter discussed this area as a "horse country" - many people keep horses. They moved here particularly so they could enjoy a country life and have horses. He showed a map of the area, indicating property owners who have horses - several of which were on tracts of less than two acres. He noted particularly that in Spring Lake Subdivision, many horses are kept on less than two acres. He estimated that there are about 100 horses in this area.

This is a small tract, Mr. Meschter admitted, but it is well situated for this purpose, being triangular in shape and bounded by two roads which serve as a good buffer. There is only one adjoining lot that is on the short side of his property. The other neighbors are protected and well screened because of the woods. He showed pictures of the area.

This subdivision is fully developed except for Lot 8, Mr. Meschter went on, and they are now deprived of a reasonable use of that lot because the ground will not perk. They could not have a home on the property, nor could they use it for farming because of the clay soil. He submitted a petition from 16 people in the area stating they had no objections to this use. Twenty people live in the subdivision.

This is consistent with the established pattern in the area because so many horses are already here.

It was noted that the actual area used for the horse is only slightly more than 36,202 sq.ft., the area of Lot 8. However, Mr. Meschter pointed out that many people with horses on two acres include their home area - although that is not actually used for the horse.

There will be no structure on this property for the horses - they are stabled and boarded a few blocks away.

2 - The fact that Lot 8 does not perk, has little to do with this case, Mr. E. Smith said - he pointed out that there are hundreds of lots in the County that do not meet Health Department requirements for septic and cannot be built upon until sewer becomes available. Mr. Smith said he could not see that an intense use should be granted on this in order to give this man, what he calls a reasonable use of his land. He suggested that many less intense uses are available to the applicant and it might also be that a way to sewer this lot would be found in time.

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Mr. Dan Smith pointed out that the applicant is asking only grazing rights on this property and has no desire to house the horses there. He thought this was a little different from stabling the horses permanently on the property.

Mrs. Henderson noted that there were only three on the map who had horses on less ground than 2 acres - and the Board did not know how long these people had been keeping horses. It could go back to the time when this was permitted.

Mr. E. Smith was of the opinion that there was a difference in keeping horses on less than 2 acres in an area that is undeveloped. This he pointed out, is a developed subdivision - designed for single family residences only.

This is a horse area, Mr. Barnes said, many people are here because of the nearness of the Dillon Equitation School - which is very famous - it made him feel a little different about this since it is such a horse conscious area. He noted that many horses in this area have been grazing on less than 2 acres.

Mr. Bradford, who lives on Lot 4, across the cul-de-sac from lot 7 and 8, said he built the houses in this subdivision. He said Lot 8 was turned down for septic on a one-hole test. If it were tried again in another spot it may pass the test.

These homes are \$30,000 or more in value. The purchasers knew they could not have horses on these lots when they bought.

Mr. Bradford presented an opposing petition signed by people living on Lots 1, 3, 4 and 5. The owner of Lot 2 is over seas.

This lot is not attractive - there is no grass, nor trees, it would be dusty to have horses here, they will no doubt want a riding ring. People do not like the fence, he said.

Mr. William Mullis read an opposing statement - briefed as follows: 1-Health problem - stables so near homes might present a problem because of insufficient drainage. 2-Odors, offensive to adjacent homes, as evidenced by other barns and stables in the area. 3-Riding ring, this would cause a severe dust problem. 4-Reduce property values - with stables too close to homes, unsightly view for all homes on the cul-de-sac. They all face Lot 8. Mr. Mullis presented a petition signed by people in the immediate area.

Mr. Mullis said he did not object to riding or grazing there occasionally but asked how could that be controlled - who would say what was "occasionally."

Mr. Adams, from Lot 1, bought, understanding these lots would be used for residential purposes only.

Mr. Dan Smith suggested that Mr. Meschter could graze his horse there now, Mrs. Henderson answered - "not without a permit."

Mr. Meschter was reasonably sure there would be no drainage problem because of the slope of the ground and because the ground was impervious, it would not seep into the ground and therefore into wells.

Mr. Meschter said he had no intention of building on this lot, he only wanted to enjoy his property in a manner consistent with the area. He thought one or two more horses would have no affect on the community.

In the application of Alfred T. Meschter etc., Mr. Dan Smith moved that the application be denied, because there has been shown no evidence of hardship that to deny this application would deny a reasonable use of the land. The property can be used for many other purposes. The applicant purchased this ground knowing the Ordinance prohibited keeping horses on less than 2 acres. This is a developed subdivision - only Lot 8 is not developed. These houses were built with the understanding that these would be single family homes used for no other purpose. He moved to deny the case.

Seconded, Mr. E. Smith.

Voting yes - Mr. Dan Smith, Mr. E. Smith and Mrs. Henderson.

Mr. Barnes voted no. Mrs Carpenter refrained from voting.

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- 3 - The Odricks Citizens Association, to permit erection and operation of a community building, N.E. corner of Dulles Airport Road and Route 684, Dranesville District. (RE-1).  
Mr. Blakely Weaver represented the applicant. In this application they are asking for permission to have a community building to serve the immediate community, Mr. Weaver said. They will have only the one building approximately 32 x 60. This is designed primarily as a social and recreation place for young people.  
Mr. Weaver pointed out that the airport access roads runs along the south line of this property - cutting off a corner at one side. This Association operates in this area now - it has a membership of about 100. They own 5 acres of ground.  
Mr. Ollie Tinner asked the Board to grant this. He gave a short resume of the background of this group. Mr. Tinner was on the committee when the colored school was first proposed here. The citizens in the area bought these acres and built the first colored school in the county. They had recreation in the basement. The school was operated by the County. It was a one room school. When the County schools were consolidated and the one room schools abolished this property was dedicated to the County. It was sold at public auction. The community was unable to buy it back, so they lost their property. Later they bought this tract. There is a great need, Mr. Tinner said, for a community building in this area.  
No one from the area objected.  
Mrs. Carpenter moved that the Odricks Citizens Association be permitted to erect and operate a community building at the N.E. corner of Dulles Airport Road and Route 684 as it does not appear that this building would be a detriment to the surrounding area. All provisions of the Ordinance pertaining shall be met. There shall be no parking within 25 feet of any property line.  
Seconded, Dan Smith  
A site plan will be required.  
Motion carried unanimously.  
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- 4 - Brothers Moving Company, to permit erection of an addition to building 35 feet from front property line, Lot 9, Section 1, Dowden Center, on Center Street, Mason District. (C-G.)  
Mr. Travis represented the applicant. This is a small lot, Mr. Travis said, with a 600 sq. ft. existing building. They bought it with the intention of building over to the Leone Building and having a second story. The existing building sets back 35 feet from Center Street - the same as all other buildings in the area. This was the legal setback when these buildings were erected. They are 25 feet from the rear line. (Mr. Travis noted that the plat is incorrect - the rear setback is 25 feet.)  
They will fence the rear in a manner satisfactory to the County. This is a storage building for their retail store on Seminary Road. The employees here can use the retail store area for parking. They have no objection to constructing curb and gutter across the front of their property.  
Mr. Travis said they use about 22-foot vans in their work. The delivery vans are about 50 feet.  
No one from the area objected.  
In the case of Brothers Moving Company, to permit erection of an addition to building 35 feet from front property line, Lot 9, Section 1, Dowden Center, on Center Street, Mason District, Mr. E. Smith moved that a variance be granted as requested. This is the minimum variance that would permit relief and it would not be detrimental to the character of the neighborhood. This granting is contingent upon approval of the site plan and construction by the applicant of curb and gutter and paving of the right of way to the curb across the entire frontage boundary of this property.  
Seconded, Mrs. Carpenter. Carried unanimously.  
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The Board took a 10 minute recess  
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- 5 - Fairfax Funeral Home, Inc., to permit erection and operation of a funeral home, on S.W. side of Route 7, and Peace Valley Lane, opposite Olin Drive, Mason District. (R-12.5)  
Mr. Robert Watson, Attorney, and Reverend Pippin, Pastor of Christian Church were present representing the applicant.  
Mr. Watson said the County of Fairfax (exclusive of the incorporated areas) had no Funeral Homes. The amendment which would allow Funeral Homes in residential districts under use permit was recently passed unanimously by the Board of Supervisors. After passage of the amendment this case was filed.

- 5 - The Ravenswood Park Citizens Association has approved this use, Mr. Watson told the Board, also the Christian Church and the Christ Church. He showed a rendering of the proposed building - an attractive colonial structure, very like a home - the building is 32 x 85 feet.
- Mrs. Henderson noted that the parking must be 25 feet from all property lines, it was not so indicated on the plat.
- Mr. Watson quoted Mr. Schumann as saying that requirement did not apply in this case.
- Mrs. Henderson disagreed - saying this comes under Group 6 - which makes this requirement. She read from the Ordinance.
- Mr. Mooreland said - regarding specific requirements in group 6 - in the codification of this, f,g,h,i, of group 6 were amendments passed after this was made a specific requirement in the Ordinance, but the 25 feet setback applies to all uses under Group 6.
- The Board agreed that the 25 feet setback requirement applied in this case.
- Mrs. Henderson suggested that the applicant get more land from the Church which Mr. Watson said was available, to provide necessary parking and setback.
- Mr. E. Smith asked if this use was carried on in residential districts in other jurisdictions. In Arlington they are in C-2 with a use permit, Mr. Watson answered - he did not know about Alexandria.
- Mr. Mooreland recalled that the Board of Zoning Appeals had granted one mortuary in the County that is not in a C District. It is colored.
- Reverend Pippin said this type of operation is most acceptable to the Church. They considered it more compatible than any other type of use that could go here, there would be no noise and it is dignified. These are reputable people and he felt assured that they would do an excellent job on this.
- It was noted that there is room for another use between this parking area and the Church - which Mrs. Henderson suggested might be sold - and thereby this use could be rendered non conforming and incapable of expansion. Reverend Pippin said they had no thought of that.
- Mr. Watson said there would be no Sunday funerals except in rare cases where it is necessary.
- Mr. James Covington, who will operate the Funeral Home discussed the operation; they would have a chapel and three display rooms for the deceased, bodies will be prepared in the basement, where there will also be a garage for the funeral cars, display room for caskets, which they will sell, (actually, Mr. Covington explained, the funeral is for sale). No cremation will take place here. <sup>Every thing is handled</sup> from death to burial. Visiting hours every day. Someone will be on duty all the time - not to live here, however, but as a watchman.
- Mr. Covington said they often had college students sleeping in the funeral home as a night watchman and going to school during the day. This is State licensed.
- Mr. Cavil who owns property immediately to the rear said this would be a satisfactory use to him if the drainage is properly taken care of - the property slopes toward the rear.
- No one from the area objected.
- An adequate number of parking spaces was discussed. Mr. Covington said they could use the Church parking if they did not have enough.
- Mrs. Henderson said they should show adequate parking on the use. (The Board agreed, without motion, that the 25 feet set back for parking applied).
- Mr. E. Smith moved, that the case be deferred to November 27, for the applicant to submit new certified plats showing 39 parking places which meet the requirements of the Ordinance, (25 feet off the lines) the applicant will either purchase more land or re-arrange the parking shown on the plat. Seconded, Mrs. Carpenter. Carried unanimously.

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- 6 - Alice Lawson, to permit operation of a beauty shop in home, north side of Route 7, approximately 200 feet west of Route 702, Dranesville District. (RE-1).

This would be a one chair operation. Mrs. Lawson told the Board she would operate the shop without another employee. She could take care of only two people at one time. She would take customers every day except Sunday. The dwelling operates on well and septic. She contacted the Health Department who told her to get the use permit, then they would give her a written statement of what would need to be done to comply with their standards. She will have to have an outside entrance and seal the room in which she operates from the balance of the house. There will be another bath.

Mr. E. Smith thought the Health Department requirements should be taken care of before the Board is asked to pass on a permit of this kind.

Mr. Mooreland said it was not fair to ask people to spend money on those requirements - then the permit may be refused.

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Mrs. Lawson said she was operating now in a very small way-among family and friends. She had not considered that this was a business. She has two driers and a bowl.

Mr. Dan Smith told Mrs. Lawson that since she is operating without a permit she should discontinue the work until this permit is complied with. It was noted that she could not get an occupancy permit until this permit is granted.

Mrs. Lawson said she thought she could have the work completed (required by the Health Department) within one month and that she would cease operations for that time.

There were no objections from the area.

In the application of Alice Lawson, to permit operation of a beauty shop in home, north side of Route 7, approximately 200 feet west of Route 702, Dranesville District. (RE-1), Mr. Dan Smith moved that the application be approved pending approval of the Health Department and that the operation of this business shall cease until such time as she complies. All other provisions of the Ordinance pertaining shall be met.

Seconded, Mr. Barnes. Carried unanimously.

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7 -

L. R. Broyhill, Inc., to permit erection of dwelling 35 feet from Airport Access Road, Lot 8, Section 7, west Lewinsville Heights, (South end of Baldwin Drive), Dranesville District. (R-12.5).

The Plats presented with the case showed the building facing Baldwin Drive, from which it sets back 40 feet as required. The Airport Access Road right of way follows along the rear of the lot and is within 35 feet of one corner of the house. They could not move the house any way to make it conform, Mr. Broyhill said. This setback affects only one corner of the carport and one corner of the house.

West - Lewinsville - Rosemont Citizens Association have approved this, Mr. Broyhill noted.

There were no objections from the area.

This meets the requirements of the Ordinance for hardship, Mr. E. Smith stated - due to the unusual topographic condition and the situation that has resulted here from the airport access road right of way. The variance from the rear line of the property abuts the 300 feet right of way of a limited access road, Mr. Smith pointed out and he could not see any detriment to the development of the area. In a sense it actually helps the area because it allows this parcel to be used - therefore he moved that the application be approved. All other requirements of the Ordinance shall be met.

Seconded, Mrs. Carpenter. Carried unanimously.

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8 -

Burke Volunteer Fire Department, to permit erection of a fire house, S.E. corner of Route 652 and Route 645 at Burke, Falls Church District. (C-N).

Mrs. Henderson read a letter from Mr. Lee Charters, Secretary to Fire Commission, approving this application. Mr. Douglas Adams represented the applicant.

It was noted that site plan approval would be required on this since it is C-N zoning adjoining residential zoning. This will be a new building for their fire apparatus - they will keep the old building for the present. This will not be a community building, Mr. Adams said. They have suppers during the year but they are held in the school cafeteria. They have found that it does not pay to install kitchen facilities necessary to put on their dinners. There were no objections.

There was no recommendation from the Planning Commission as the Commonwealth Attorney said it was not necessary in view of the established use.

Mrs. Carpenter moved that the application of Burke Volunteer Fire Department, to permit erection of a fire house, S.E. corner of Route 652 and Route 645 at Burke, Falls Church District. (C-N), be approved. This will not be detrimental to surrounding property. All provisions of the Ordinance shall be met.

Seconded, Mr. Barnes.

This is a new building on the same property where the old building has been located and would be an improvement, Mrs. Henderson pointed out.

Carried unanimously.

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Mr. Douglas Adams asked to withdraw the case of Fairfax County Child Guidance Clinic - scheduled at 11:50 as the section of the Ordinance under which this would operate is unduly restrictive - and practically impossible to meet.

It was suggested that the Ordinance might be amended.

The Board agreed informally to the withdrawal.

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- 9 - Vienna Police Association, to permit operation of a Police pistol range, on westerly side of Route 636, Hooes Road, 3000 feet north of Route 611, Lee District. (RE-1).

Mr. Morehouse represented the Applicant. Mr. E. Smith asked if Vienna could not use the present County police range. Mr. Morehouse answered that they could - but at the convenience of the County which was not always satisfactory to their plans. He thought they needed a place where they would be at liberty to practice at all times.

It was agreed that this was filed under Group 8.

Mr. Morehouse said this would be used only for the Vienna Police and other Police in the surrounding area whom they invited to use it, and it would be used only for training purposes. It would be built in accordance with the National Rifle Association specifications. The target would be 20 feet high and the silhouette 6 feet high. They will build a bank along the range on Falbert Road with a 5 foot high barbed wire (from strangers) fence which will be posted at 10 feet intervals. They would fire between 9 and 5 any day except Sunday. The practice firing will be supervised at all times - a coach will be present. (Mr. Morehead located his own home which is on the property immediately adjoining the range.) He would know at all times who goes on to the property. The entire range will be fenced. They will also add trees along the border.

There were no objections from the area.

In the application of Vienna Police Association, to permit operation of a Police pistol range, on westerly side of Route 636, Hooes Road, 3000 feet north of Route 611, Lee District. (RE-1), Mr. Dan Smith moved that the application be approved as applied for. This range shall be built and operated in accordance with National Rifle Association requirements. This is a range for the benefit of the Police of Vienna and the surrounding area for the purpose of training and for the future improvement of the shooting ability of the police. All other provisions of the Ordinance shall be met. This shall meet requirements of the Health Department and a site plan shall be approved.

This range is for the benefit of the Police of Vienna and such other guests of Fairfax County and surrounding jurisdictions within the 10th Congressional District as shall be invited and this is for the benefit of the police only. The police from other jurisdictions in the 10th District shall be permitted to use this range only by invitation of the Vienna Police. Seconded, E. Smith. Carried unanimously.

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The Board recessed for lunch.

Upon re-convening, the hearings continued in the order of the agenda.

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#### DEFERRED CASES

- 1 - Douglas and Daisy Goodnough, to permit division of lots with less area than required by the Ordinance, Lots 1 and 2, Woody Acres, (on west side of 645, Clifton Road, approximately 1600 feet north of Braddock Road, Centerville District. (RE-1).

This was deferred with a view toward working out something with the planning staff. The problem is not yet resolved.

Mr. Dan Smith moved to defer to November 27, 1962.

Seconded, Mr. Barnes. Carried unanimously.

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- 2 - Ronald Rossie, to permit erection of building closer to side line than allowed by the Ordinance, Lto 3, Robert Bradley Subdivision, on Gallows Road, Falls Church District. (C-G).

Mrs. Henderson called attention to an <sup>EMERGENCY</sup> amendment passed by the Board of Supervisors on October 31, granting the Planning Commission the right to relieve required setbacks when land adjoining a commercial district is in the plan for commercial development. Mr. Rossie said the property surrounding the land is all in the Industrial plan. Therefore, Mrs. Henderson said the only variance Mr. Rossie would need is in the rear, <sup>if this is a 20' side setback</sup> relief on side setbacks could go before the Planning Commission.

It was determined also that this use will be only for maintenance of their own small equipment, Mr. Rossie's own equipment. In view of this, the Board agreed that since this is not a repair garage the applicant does not have to increase his setback by 25 feet in the rear. He already has 41 feet. Therefore in this case the applicant needs no variance from the Board of Zoning Appeals. This was the determination of the Board. The only thing necessary for the applicant is to go before the Planning Commission for relief on the side setbacks.

- 2 - In view of the recent emergency amendment, passed by the Board of Supervisors on October 31, this case is no longer before this Board, Mr. T. Barnes stated, and if this applicant wishes to take his case to the Planning Commission for relief in side setbacks as allowed under the recent emergency amendment, he is at liberty to do so.  
It was noted also that the Board has determined that this is not considered a repair garage but that the building will be used for maintenance of small equipment - therefore the extra 25 feet setback will not be required - therefore further action by this Board is not necessary.  
Seconded, Mr. Dan Smith. Carried unanimously.  
It was noted that if relief is granted, Mr. Rossie could get a larger building - which he may need to take care of his operations.  
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- 3 - Fairfax County Child Guidance Clinic, to permit erection of a building for office and clinic space, #13 Sleepy Hollow Road, Mason District. (RE-1).  
The Applicant had asked earlier in the hearings to withdraw this case - because of the great number of complications - it was questionable if they could ever comply with the Ordinance.  
Mrs. Carpenter moved that the applicant's request for withdrawal be granted.  
Seconded, Mr. Dan Smith. Carried unanimously.  
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- 4 - Graham Virginia Quarries, to permit extension of quarry permit issued October 13, 1959, on # 123 near Occoquan Bridge, Lee District. (RE-1).  
Mr. Gibson presented the case. Mr. Gibson recalled the back-ground of this case, which was considered and granted a permit three years ago.  
This quarry has been here many, many years, Mr. Gibson said, operating intermittently. During World War II, it was operated by H. Belvoir, then by the State of Virginia and later - others - until 1956 when Graham Virginia started to operate. The operation by Graham Virginia has been more intensive than the others - because there is increasingly more demand in the County for rock. These people have furnished a wide variety of customers; schools, Shopping Centers, parking areas, the State, Capitol Building in D.C., disposal plants, Prince William County, roads and road improvement and the like. Graham Virginia obtained a permit from this Board in 1959 for a 3 year period. That permit put very strict regulations on the operation of the plant. The roads had to be treated, dust control was required to be installed, blast limitations of 10,000 lbs. were placed on the dynamite. They were allowed to operate from 7 A.M. to 6 P.M., no drilling on Saturday, a 50 foot buffer, no rock could be removed along Route 123. Complete supervision during blasting and operations. All operations had to conform to conditions placed by the County. The Zoning Administrator was required to make inspections at intervals and all other requirements of the Ordinance had to be complied with. They have complied with everything in these requirements, Mr. Gibson continued, of their own volition they limited the blast to 4,000 lbs. They also gave notice when the blasts would take place by 9 A.M. and if the blasting was changed - they gave notice of that also.  
The reason for the reduction of the blast to 4,000 lbs. came about the time of the court case. Mr. Gibson said he went to New York where similar quarries are operating to investigate their regulations. They were operating under the 4,000 lbs. therefore Graham Virginia also placed this limitation on themselves. No other quarry in the State of Virginia operates under such rigid restrictions, Mr. Gibson pointed out.  
Mr. Gibson called attention to the fact that this is not a request for extension of area - it is only an extension of time.  
The question now is - Mr. Gibson continued, whether or not they have complied with the restrictions placed by this Board. Those opposed to this operation must show that they have not complied and therefore should not continue operations.  
A quarry operation is like any other mining operation, Mr. Gibson pointed out. It is hazardous from the standpoint that it is considered to be accident prone and requirements are made for compensation. They recognize that silicosis in these operations is an occupational disease and therefore requires compensation. They have taken care of that. In the five years they have been operating they have had not one case of silicosis. Inspections made regularly show no cases of accident. That is something of a record.  
Mr. Gibson noted when this is considered a hazardous operation. Mr. Gibson went on to say that the Board should consider also in this - that it is the established policy of the State of Virginia to encourage industry where and when possible and practical, but they recognize that this operation is accompanied by a certain degree of nuisance to people in the area.  
To substantiate the need for this rock, Mr. Gibson presented a list of their purchasers. The list (on file with the case records) contained 59 companies or jurisdictions. He showed a map including a 25 mile radius - locating many of the users of this rock. The nearest quarry is 15 miles

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north of this - near Centerville. The cost of hauling the rock equals the cost of the rock itself. It costs between 5 and 8 cents a ton mile to haul. Mr. Gibson pointed out in his list that the State of Virginia, Ft. Belvoir, Prince William County, and Arlington County as well as private builders are among their customers. He noted that because of the location of Graham Virginia, with relation to their customers, the hauling costs make this rock cheaper. To substantiate this he presented a copy of a bid wherein Graham Virginia was less than three other competitors.

In the Planning Commission hearing, Mr. Gibson continued, the question was raised about dust control, blasting, soil erosion and stream pollution. He presented Mr. Philip Beyer, physicist. Mr. Gibson gave a brief resume of Mr. Beyer's education and experience background. He is an expert on seismograph and would present and explain readings from reports on blasting at Graham Virginia. These reports are on blasting, October 23, 26 and 29th at a maximum of 3,800 tons.

Mr. Beyer read from the forms which indicated the amount of vibration produced and what the resulting damage would be. Mr. Beyer said they measured the vibrations from the records and compared them with the highest safety levels and determined how much more would be necessary to produce damage. The vibrations here were about 1/3 of the recorded maximum limits. (These seismograph reports are on file in the case records). At the recorded maximum there would be no danger, Mr. Beyer said. These readings are comparable and all seismograph reports received during the past three years, he continued, none of which have reached maximum. In other words, Mr. Beyer said, the vibrations from these blasts have not been dangerous. However, he also noted that the human body is sensitive to motion - the feel to the individual is more apparant than the proportional danger. There is a range within which the vibration might be felt and in which it might be disconcerting - but not dangerous.

They checked about one blast per month.

Mr. E. Smith asked if the blasts heard by the Planning Commission last Tuesday and Thursday were recorded on the seismograph.

Mr. Gibson said they were recorded but the film had not yet been returned to the Company. They used 3,800 lbs. on Tuesday and 4,000 lbs. on Thursday. By reducing the pound-blast the blasting operation is more costly, Mr. Gibson said.

With regard to dust control and stream pollution, Mr. Gibson said he had called Richmond and asked them to investigate this. He also contacted Mr. Payne Johnson of the Health Department.

Mr. Johnson came before the Board and stated that on October 19, 1962, at the request of Mrs. Mamie Davis of Occoquan, Mr. Ray Burke from the State Health Department was asked to visit Occoquan to inspect dust control conditions at Graham Virginia.

Mr. Johnson read the following letter:

"Dear Mr. Paessler:

Residents of the Town of Occoquan, Prince William County, have registered complaints through Mrs. Mamie L. Davis, Councilman, regarding stream pollution with oily and tar-like material.

Our Industrial Hygienist, Mr. R.S. Burke, while engaged in air pollution work in the town, was advised by the owners of Prince William Marina that the material was soiling his boats. Mr. Burke informed Mrs. Davis and the boat owners that your office would be notified of the condition.

The source of the soiling material is believed to be the American Asphalt Company, located on top of the hill overlooking the Occoquan River. Evidences of this material were seen in the creek which empties into the river on the north bank directly across from the Marina. This creek serves as the carrier of run off water from the hill.

Very truly yours,

Robert F. Pero, Director  
Bureau of Industrial Hygiene"

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Mr. Johnson also read a letter to Mrs. Davis from Robert F. Pero, Director of the Bureau of Industrial Hygiene.

The letter is quoted as follows:

"Dear Mrs. Davis

Our Industrial Hygienist, Mr. R.S. Burke, visited the City of Occoquan on October 16, 1962.

The Graham Virginia Quarry was at that time installing dust control equipment on the new primary crusher. This installation was being done by the dust control engineers of the Johnson-Marsh Company, a reliable and reputable dust control equipment company. This unit is scheduled to start operating in two weeks. Some noticeable decrease in dust should be experienced in your city. Either at the time or shortly thereafter a reevaluation for dust will be made. The dust producing machinery, namely; the crushers and screeners, have been enclosed with sheet metal.

The stream pollution reported to us by you has been referred to the Virginia State Water Control Board for investigation.

Very truly yours,

Robert F. Pero, Director  
Bureau of Industrial Hygiene"

Regarding water pollution, Mr. Johnson said Mr. Cooley found something in the stream, but it was not from the quarry.

At the Planning Commission hearing it was said that large amounts of water were at times rushing into the stream. Mr. Johnson explained that this had come from the Alexandria Water Company, where, when they had a head-loss caused from backed up water - the plant automatically discharged water into the stream. This occurred before 1960 - it was said at the Planning Commission hearing. Since that time the water all discharges into Occoquan Creek.

Regarding dust survey, Mr. Johnson said Mr. Staple and he made this check last week and found that air pollution amounted to 0.185 per cubic foot. The air pollution allows 0.4 grains per cubic foot. Therefore these tests reveal that the amount of air pollution taking place is well below requirements of the air pollution Ordinance. They have dust control on all their equipment and there appears to be no problem in maintaining dust control well within the Ordinance. At the rate of 0.4 grains per cubic foot per minute the dust would be visible at the machine, Mr. Johnson said - people could work in it but it would be bad. Background dust would run about 5-6 thousandths per cubic grain per foot. The level of dust away from the operation could not be too unpleasant for an average person.

Mrs. Henderson asked - could it go into the houses through windows.

That would depend upon how tight the windows were, Mr. Johnson answered.

In gravel pit cases the applicant is required to come in with rehabilitation plan saying when they will be finished, Mr. Gibson noted, but the Ordinance is vague on stone quarries. They have never been considered under the Natural Resource plan. Regardless of that they have had Mr. Carl Helting prepare a rehabilitation plan for this quarry. They hope to be out of here within four years, Mr. Gibson said, - this is not a firm date, but it is their aim.

Mr. Helting showed aerial photographs of the property and the area including the Town of Occoquan. He showed topography as of two months ago, also a model of the existing conditions and a model of the ground as it will be left with banks and drainage into the stream. They are trying to work with the Virginia State Highway regarding Route 123, particularly to reduce the grade and curve coming toward the stream and into Occoquan. They want to get away from the severe curve and get a new bridge across to the town. The land at the stream with the 3% grade could be used for other things, probably industrial purposes.

Mr. E. Smith asked if adjacent lands have rock deposit similar to the Graham Virginia area, comparable in quantity and quality which would be practical to mine.

There is rock, Mr. Helting said, but he did not know how practical it would be to get it out.

The County and the people have faced up to the gravel pit situation, Mr. E. Smith stated, and have agreed that it is reasonable and desirable to get the gravel out under controlled conditions. If there is rock here, it is reasonable to assume that it should also be mined and used. It is badly needed in the County.

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4 - Mr. Gibson said the area to the north is under study at this time to determine the feasibility of mining it. This area is farther removed from the Town of Occoquan.

There is shale to the east, Mr. Helwig said, no rock across from the Town of Occoquan, but there is rock on Alexandria Water Company land, on up the stream. That would not be in the direction of the Town of Occoquan.

Then the Board learned that there will probably be continuing operations in this area, Mr. E. Smith said, but that within four or five years these operations will be removed from the Town of Occoquan. Material is scarce in the County and it is reasonable to expect further operations would continue.

As to the overburden, Mr. Helwig said, this would go back on the land according to their plan. Top soil will be used wherever practical.

Mr. Gibson said because of the nature of a quarry the top soil cannot always be used right on site at the time - like in the case of gravel pits. They have moved some of the top soil to the penal institutions, to be used but they have also used some of it here.

Regarding blasting - Mr. Gibson said, 1½ years ago a complaint was made by someone in Occoquan who had cracks in his casement of windows. They looked into this and found this person had collected damages. They had had complaints of plaster cracks and had taken care of the damage. The blast does not cause the cracks in walls in homes - that is something that happens in many homes in all areas. He pointed out the crack in the wall in Court Room #1 which was not caused by blasting.

These people have more than ½ million dollars invested here, most of which has been put in since 1959, Mr. Gibson told the Board. They have a half million dollar pay roll per year. This is not a nice situation, Mr. Gibson went on, they cannot paint a pretty picture of it, but it is a necessary operation. The records from Mr. Payne Johnson's testimony, show that Graham Virginia has made an honest effort to operate in the best way possible and therefore he urged that they are intitled to an extension of their use permit.

Mr. Mooreland, Zoning Administrator, made the following report of his periodic inspections: He visited the quarry about once every two months - at irregular intervals. He did not notify Graham Virginia when he was coming. He found in all that he saw on those inspections that they were working according to requirements.

As to discharge into the stream - he said he inspected that, checked the ponds and was told that they were getting oil in the stream that came from the asphalt plant. However, he could not find any oil on the ponds. At no time did he have to tell Graham Virginia that they were operating in any manner contrary to the regulations.

Mrs. Henderson asked about the fence which was required where excavation was more than 10 feet.

With the 50 feet setback and the bluffs, Mr. Gibson said they did not think the fence was required. At least it would have served no practical purpose.

Mrs. Henderson noted that that is in the Ordinance (page 566).

Mr. Mooreland said that requirement in the Ordinance was waived in this case because of the steep cliff and it was not considered necessary - as it would serve no practical purpose.

Mr. E. Smith asked about Mr. Curtis Johnson's concern over erosion into the stream.

Mr. Gibson said they had seen no evidence of that.

Mr. William Kontz recalled that the asphalt mixing plant was heard jointly with the quarry. At the time there were extensive hearings and Mr. McCabe (consultant) made extensive studies and everyone accepted the conditions laid down. All these things have been complied with, he said, as testified by Mr. Mooreland. He said there was very little evidence of dust and pollution. If anyone should complain, he said it should be the Alexandria Water Company - but they have no objections. The asphalt plant is here because of the rock. Last week the Board of Supervisors renewed the permit with the same conditions as three years ago.

Opposition:

J.C. Hill, Attorney representing people in Occoquan and neighboring area, questioned if this plant is in the same ownership as at the time this permit was granted. The permit was granted to the applicant only. This is now in the name of "Vulcan Corporation", according to Fairfax County records. This Company (Graham Virginia Quarries) has no assessed property in the County. They pay approximately \$5,660 personal property tax which does not cover the cost of Route 123 during the past year. This ground is zoned RE-1. He suggested that these people apply for industrial zoning.

DEFERRED CASES (Continued)

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Mr. Hill charged that these people are not complying with the restrictions of their use permit. They have not complied with the requirement to treat the roads. There is no evidence that they have installed dust control equipment in the conveyor belts. Witnesses will testify that dust in the Town of Occoquan is as bad as ever.

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Mr. Mooreland said the dust control equipment has been installed. The dust control equipment is supposed to collect 95% of the dust, Mr. Hill continued. He pointed out that Mr. Curtis Johnson, at the Planning Commission meeting, said he saw a cloud of dust rise 50 feet into the air.

Mr. Hill recalled that in July of 1960, the Grand Jury indicted Graham Virginia for operating a nuisance. (He presented the Board with a copy of the indictment), and that indictment is still on the books and has never been prosecuted.

The requirements included supervision of blasting to prevent flying rock. Mr. Hill charged that this had not been done.

The provisions of the Zoning Ordinance have not been complied with. Mr. Hill charged that there was a report made by a firm employed by Graham Virginia which report did not give a true picture of the situation.

Mr. Hill said he would show by testimony that conditions have not been met and the plant is operating as a nuisance.

Mr. Wallace Lynn who operates a Marina as well as a store, said he had lived in Occoquan all his life. He said people had left his Marina because of the siltation deposit and the damage to their boat varnish. Rock has also been thrown into the Marina. One rock, weighing 3 1/2 pounds landed in front of the Methodist Church. He showed other rock which he had picked up on the highway - fallen from hauling trucks. Hundreds of trucks go along Route 123 every day he said.

Upon questioning, Mr. Lynn said the big rock had fallen on the town in November of 1960. Mr. Lynn said he did not know if any large ones had fallen since then - he didn't stay outside to see when the blasting starts.

Mr. Hill asked Mr. Lynn about soil erosion. Mr. Lynn said the Alexandria Water Company had corrected that, he had complained about it.

Mr. Lynn said Mr. Cooley, from the Industrial Pollution, State of Virginia had examined the silt and traced it to the Asphalt plant. They are now building a silting pond. That problem should have been solved long ago, Mr. Lynn said. He showed a bottle of silt which was carried into the stream.

Mr. Lynn said the pipe on his place has been choked with silt.

They find it difficult to live here and stay in business, Mr. Lynn said. All other places in the County are growing except this area, property sales are at a stand-still. He predicted that when another 3 year period is gone, things people will continue. He could see no end to it. He also said he never saw state police control traffic on the highway when the blasting was going on.

Mr. Dan Smith asked if Mr. Lynn had lots that would not sell because of this operation - Mr. Lynn said one piece of property had stayed at \$3800 for 6 years. Land around the Marina is valued at \$11,000 per acre. That sold for about \$7,000 in 1959. But other lots remain about the same. Areas around the \$11,000 lots have \$35,000 houses while the \$38,000 lots are surrounded by development in Occoquan which is not moving.

The Marina business has increased, Mr. Lynn said, in the last 3 years. There are other Marinas in the area, 4 or 5 miles away.

Mr. Hill told of a television show (Huntley, Brinkley) which depicted the unhappy situation in Occoquan. It showed Occoquan as a town first by-passed by the highway and now plagued by the stone quarry blasting. The report on television told how the dust had hurt the town and the people were moving away. The suggestion was made that the town extend its limits and include the Quarry - and close it down.

After the television show, Mr. Hill continued, the little town of Sandstone, Georgia took pictures of Occoquan (copies of which he presented to the Board), showing the affects of the Quarry. These pictures were used in a fight to keep a quarry out of Sandstone. They were successful in stopping the permit. (This was to establish a new quarry)

This quarry was not used for many years, Mr. Hill went on to say - and even then - used very little. The quarry was opened to build the dam for the Alexandria Water Company. Prince William County has gone on record as being opposed to this. Mr. Hill said he thought two adjacent counties had an obligation to each other in matters of this kind, he considered it proper for Fairfax to stop this nuisance.

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4 - Mrs. Davis, member of Occoquan Council spoke of the early days of the quarry. The Council has passed a resolution opposing this, she went on to say, they have received many complaints against the rock quarry. She objected to the town always being on the defensive quarreling with an industry. The Council has agreed that there has been little improvement in the operations during the past 3 years. There is not dust every day - it depends upon the wind. Mrs. Davis said there had been damage to homes - she had one cracked window, which must have been caused by the quarry, but there are many other homes with more damage. She did not know when the cracks in other homes occurred. The dust in Occoquan is not from the town itself, she assured the Board, their streets are paved. The dust seeps through windows and doors. Asked how many people in Occoquan, Mrs. Davis said 301. (Mr. Gibson gave census figures for the past 50 years - ranging from 213 to 301.) Captain Joyce who has lived in Occoquan for 28 years spoke in much the same way as the others - dust, noise, cracks in his house, etc.

Mr. Hall, who has lived in Occoquan for 33 years, and now operates a funeral home and other business showed pictures of damage to his funeral home - pictures taken in 1961. Mr. Hall said he had talked with the Quarry people who would do nothing about his damages. His roof had to be replaced. It had been on the building for 21 years. He discussed the damage to buildings from the blasting - which he said was serious and suggested that the blasts and amount of rock discharge would appear to be far beyond 4,000 lbs. He also said the quarry does some work on Saturday and Sunday.

Mr. Hall said he owned some vacant land which had been difficult to sell - however, he admitted that he had had inquiries for land for a hospital. Mrs. Lynn said they had no experts to make tests nor are they in a financial position to fight a corporation, but their lives are harassed and tortured by this quarry with its noise of drills and blasting and crusher, the dust and the trucks from morning til night, day after day. She painted an emotional picture of life in Occoquan.

She questioned if the Company was using dynamite of a different strength in intensity, she charged that the restrictions on this permit were not adequate, there is the odor of dynamite, water rushes down at night, erosion after a storm in July 1961 and the rising water almost into homes; all these things she described. She ended by saying they were being devoured by this monster.

Under questioning, Mrs. Lynn said they built their home in 1955 knowing the quarry was there, however, it was operating very little at that time.

Mr. Hill stated that pictures reveal stones on the conveyor belt, indicating the belt was not covered as required.

The people who live in Occoquan have the right to live peacefully, their health and welfare is important, Mr. Hill said. This is a detriment to them, the taxes these people pay do not repair the damage they do to streets and the deterioration to buildings. There is an indictment out-standing and nothing is done about it, he did not know why.

As to the ownership of this Company, Mr. Gibson said Graham Virginia was the original applicant. They merged with Vulcan two years ago but they operate under the same Corporation. The only change is in the part of the management, because one of the Graham brothers died recently.

This is in residential zoning because it is a permitted use in that zone. The asphalt plant has an industrial zoning which was required for that operation.

Mr. Gibson noted that much of the objection here was to the asphalt plant to whom the Board of Supervisors recently granted a renewal of a permit.

Mr. Gibson said it appeared to him that the restrictions placed on this operation have been enforced. This is a highly emotional thing he went on and there is the tendency to dramatize and over emphasize. There is no evidence as to where the cracks in houses have come from, the people have blamed the quarry for anything disagreeable that goes on. The complaints appear to peter out from 1960 on, he noted. The state police did control the road during the blasting for a time, then they refused to do it and that is now left up to the Company.

As to the indictment, that is not proven guilty. The procedure for these public nuisances is lawful, Mr. Gibson explained, but they cannot get convictions on many of them.

Many of the statements here today are inconsistent, Mr. Gibson pointed out, Mr. Lynn established a Marina and it is growing and doing well. Mr. Hall said it is difficult to sell land yet he has a prospect for a hospital to locate on his land, land sales in the area since 1961 have been good. Quoting from a court case in 1961, Mr. Gibson stated that testimony was given that there is much activity in this area. In this town nothing much has been doing for 20 years - also from the court case testimony.

4 - As to the Huntly-Brinkley television report, they may sue them, they showed  
 Con't many pictures that were not based on fact, houses that had not been painted  
 for years and others vacant for 15 years.

Mr. Gibson listed population to show a small amount of growth in Occoquan.  
 At the Planning Commission meeting of November 9th, Mr. Gibson recalled  
 a motion was made to deny this permit. The motion lost and the case was  
 deferred for one week and the following motion passed:

"At the meeting of the Planning Commission held on  
 November 12, 1962, consideration was given to the  
 application of Graham Virginia Quarries to permit ex-  
 tension of quarry permit issued October 13, 1959 on  
 #123 near Occoquan Bridge, Lee District.

The Planning Commission members did not feel that they  
 had complete and satisfactory information on the impact  
 of the blasting operations and, therefore, refrained  
 from making a recommendation to grant or deny. If the  
 Board of Zoning Appeals should choose to grant this  
 application, the Commission made the following sug-  
 gestions regarding dust control and handling of the  
 over-burden; That, in view of the excessive amount  
 of dust resulting from drilling operations, the Board  
 of Zoning Appeals request that some satisfactory method  
 of dust control be put in effect. They also suggested  
 that measures be taken to distribute the over-burden in  
 such a manner that it would not empty silt into the  
 creek and create an erosion problem. They suggested  
 that the applicant be required to contact the North-  
 ern Virginia Soil Conservation with a view toward end-  
 ing this problem.

Those members who voted in favor of this motion were  
 Mrs. Bradley, Mrs. Dalton, Messrs. Hartwell, Price,  
 Wright, Johnson, Williams and Quackenbush. Mr. Eugene  
 Smith refrained from voting not having heard the pre-  
 sentation."

Mr. Payne Johnson, from the Health Department, said the dust was not dang-  
 erous and not nearly up to the maximum allowed. The silt is from the asphalt  
 plant. There is no way to stop siltage from a storm.

They have substantially complied with the requirements and in those things  
 where they may not have complied, they will do so. They have checked with  
 Mr. Mooreland regarding anything further they can do. The quarry and Occo-  
 quan do not go together, Mr. Gibson continued, but this is a lawful business  
 and they have a right to ask for a permit to conduct these operations. It  
 is annoying to Occoquan. There would be opposition from any location. The  
 County needs rock and the only thing to do is to continue under regulations  
 that will make the Company comply. If they do not comply now, they do not  
 know where.

Mrs. Carpenter asked about covering the conveyer belt.

Mr. Mooreland said there was a question of the length of the conveyer belt.  
 This Board said the length was satisfactory, this had been checked with  
 conveyer belts in other areas. He noted that the Johnson Marsh Control was  
 on the crusher.

They also made a change suggested by Mr. Johnson.

Much of this is trial and error, Mr. Gibson said, these regulations were  
 entirely new at the time they were adopted.

As to the different strength of dynamite, Mr. Gibson said, there was no  
 difference, the difference in the blast was the way in which it was placed,  
 or how the charge is set.

Mr. Gibson said they did not operate on Sunday, they do some repair and  
 maintenance on their machinery when it is necessary - but no quarry opera-  
 tions - no drilling of stone. No drilling nor blasting on Saturday - there  
 is some crushing.

Mr. Eugene Smith said he had great sympathy with the people of Occoquan be-  
 cause as stated by Mr. Gibson, this is not particularly a desirable thing  
 and surely it is not the most pleasant neighbor across the river. The many  
 problems of Occoquan with regard to growth have little to do with the quarry.  
 he continued, their situation is like Clifton where there has been no growth.  
 They were both by-passed by the highways. However, with the projected growth  
 in the area of Prince William County it will not be too long before Occo-  
 quan too will experience more growth.

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4 - The other side of the coin which we have had presented here today, Mr. Smith continued, shows that we have here a business that has seemingly been operating within regulations and special limitations set by this Board when this was granted three years ago.

These operations have been checked by the Zoning Administrator who has visited the operations regularly, by Mr. Cooley and by Mr. Payne Johnson of the Health Department.

Every precaution should be taken and every regulation should be placed into effect that will control and minimize the unfavorable impact upon people of the area, but the applicant through council has stated that he is willing to comply with any safeguards that this Board suggests. The Board does not know what further it can ask in this case, Mr. Smith continued, therefore, inasmuch as they have been operating for three years and in compliance with the regulations as set forth the Board should grant an extension of this permit. Mr. Smith said he could see no justification for not granting it for an additional three years with the additional requirements that they also take the steps suggested by the Planning Commission viz; contact the Northern Virginia Soil Conservation agency regarding abatement of siltage and follow any steps that they may suggest.

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 affect and it is to be understood that this is a condition of this use permit and the applicant is obligated to put these things into affect. Seconded, Mrs. Carpenter. Carried unanimously.

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POTOMAC OIL COMPANY, Courtland Park RE: Canopy.

While the applicant had sent a letter to the Board, no one was present to discuss the case:

Mr. E. Smith moved to defer the case to November 27, 1962.

Seconded, Mrs. Carpenter. Carried unanimously.

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10- NEW CASE

VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection and operation of a distribution facility, addition to existing Idylwood Substation, property on Shreve Road, Providence District. (R12.5).

Mr. Randolph Church and Mr. Leon Johnson represented the applicant. This is a request to extend an existing substation, Mr. Church told the Board, which has been operating since 1947. The demand for electricity in this area is very great and is constantly increasing and it is necessary to plan for an addition to supplement the present facilities.

Mr. Leon Johnson, District Manager for this area read a statement, briefed as follows:

"Since the original purchase of this land in 1946, VEPCO has bought additional and adjoining land on the west and south of the original tract which they propose to use for substation purposes."

The demand for electricity in Northern Virginia, (especially Fairfax County) has almost doubled since 1957 and there is every indication that future rate of increase will be greater. This increase in facilities is necessary to meet future demands and continue to provide good electric service and to provide alternate sources of power to the important substations in the area including CIA and Dulles Airport.

Mr. Johnson discussed the need for more voltage and the resulting overloading of the lines. This increase in construction will overcome the impending efficiency and enable them to provide reliable electric service.

Mr. Johnson presented maps and charts to show the extent of their lines and the areas to be served.

They believe this addition will have a minimum effect on adjacent property since it is on property adjacent to land that has been dedicated to substation use.

This is the only practical location for these facilities for the reason that they could not function apart from the substation. This use will create no new traffic and all construction will be in accordance with provisions of the National Electrical Safety Code. These additions will create no radio or television interference, nor will there be smoke, noise, or air pollution released from this operation. The area is approximately 3 acres.

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10 - Mr. Johnson said there had been come complaint on the noise from the old  
 Con't substation - VEPCO will try to stop that - they believe it can be stopped  
 or greatly reduced.

They plan to screen the fence line, which is back from the property line  
 with hemlock or cedars. The property will all be fenced except where the  
 shrubs will go. Setbacks will be observed as shown on the plat presented  
 with the case.

The Planning Commission recommended approval.

Opposition:

Mr. George Prokas said he bought property here in 1959, Lot 15, and was told  
 that no one would build on this property immediately to his rear. The pro-  
 perty was industrial then. The power station was built at the time he bought.  
 He would not have built had he known VEPCO would build on this land. This is  
 an industrial plant he said. He objected to the noise and the view from his  
 back yard.

Mr. E. Smith explained to Mr. Prokas that this is not industrial zoning -  
 but rather 12.5 zoning (residential), this is a public utility operating by  
 special permit on residential property - permitted under the Ordinance.

Mrs. Henderson pointed out that it is reasonable to think that VEPCO would  
 expand in this location - their lines are already coming in to the station.

Mr. Prokas suggested that the Company buy land on the other side of their  
 property where land appears to be available. Mr. Dan Smith said they had to  
 operate where their lines were located in order to operate economically.

Mr. Eugene ~~Severson~~ (from Pompano) said his home was near this - it was for  
 sale all last year (that is Lot 3). They have been greatly annoyed by the  
 noise. He suggested the quick growing Lombardy Poplar for screening - which  
 Mr. Johnson said would provide screening only part of the year. However, Mr.  
 Johnson said they would discuss the screening with the County Forester and  
 take their best judgement.

Mr. ~~Severson~~ said he could not sell his home because of the noise. He con-  
 sidered that his property had been greatly damaged.

Mr. John Dixon (Lot 38) said the station was small when they bought here and  
 now it is huge. He described the noise which he said was very distracting -  
 day and night. They found it necessary to keep the draperies and windows  
 closed on the front of their house all the time. This project was more than  
 doubled, he said and now they want to increase it again. He suggested they  
 go in the direction of the cemetery with their addition - away from the sub-  
 division.

Mr. McGuire (Lot 37) objected to the un-screened towers and the noise. He  
 urged that the noise level be curtailed and contained within the VEPCO pro-  
 perty area. He assumed they would cut down the woods which presently give  
 them some protection. He presented an opposing petition with 47 names.

Nine people were presented in opposition.

Mr. Dixon said the small poles which were there when they bought have grown  
 into large towers now.

Mrs. Lyons (Lot 14) presented a letter opposing this.

Mr. Johnson said it appeared that the noise factor is the main problem. This  
 is the first time he had heard of this, Mr. Johnson went on to say, and be  
 assured those present that this would receive full attention from the Com-  
 pany and he felt sure something could be worked out.

Mr. E. Smith asked Mr. Johnson if they could move their operations as the  
 people had suggested. Mr. Johnson said that would be impossible as they can-  
 not get other land and cannot condemn homes to get land.

Mrs. Lyons' letter said they had developed their back yard with extensive  
 garden and flowers - on the area which they thought was their property. She  
 now finds it belongs to VEPCO.

Mr. Johnson said they would try to work out something with Mrs. Lyons.

Mr. E. Smith moved that VEPCO, to permit erection and operation of a dis-  
 tribution facility, addition to existing Idylwood Substation, property on  
 Shreve Road, Providence District. (R-12.5), be permitted to erect and oper-  
 ate a distribution facility, addition to existing Idylwood substation, pro-  
 perty on Shreve Road, provided that proper screening is planted around the  
 periphery of the property as represented to the Board, by Mr. Leon Johnson  
 from VEPCO. This is granted with the understanding that VEPCO will take now  
 and keep into affect in the future, all precautions that are necessary and  
 available, using all the methods known to the Company to abate the noise and  
 keep it at a minimum.

Seconded, Mr. T. Barnes. Carried unanimously.

(Mr. E. Smith said he hoped VEPCO will do everything they can do to assist  
 the lady with her garden. Mr. Johnson said they would most certainly do all  
 they can.) This was not made a part of the motion, but Mr. Smith said he  
 would like for this statement to be a part of the minutes.

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NEW CASE

Mr. Mac Downs' report on Idylwood Sub-Station addition Study was filed with the records of this case.

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Mr. Mooreland said on December 6, 1961, the Board granted a variance to C.E. Briggs. They granted a 9 feet variance. Mr. Briggs has asked to extend this to November 14, 1963.

Mrs. Carpenter moved to extend the permit to November 14, 1963. Seconded, Mr. T. Barnes. Carried unanimously.

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POWHATAN LODGE CONVALESCENT HOME

The permit for the home was granted, Mr. Mooreland said. They now have made application to extend this - an addition of 42 beds. They are not extending the building - but would add another story. They are now having site plan difficulties and cannot complete the requirements within their permit limits and start their building by January 15, 1963. They are asking an extension of their original permit. They will come back to the Board with a new application for the extension of the 42 beds.

Mr. E. Smith said this project had been sold to a group which has good financial backing. He thought the new owners would perform well. He moved that the original permit be extended to July 9, 1963.

Seconded, Mr. Dan Smith. Carried unanimously.

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Mr. Mooreland asked of the Board if a dark room could operate in a home as a home occupation. This individual claims he comes under the category of an artist.

The Board said no - that a dark room was a business.

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The meeting adjourned.

*Mary K. Henderson*

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

*December 4, 1962*

\_\_\_\_\_  
Date

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THE FAIRFAX COUNTY BOARD OF ZONING APPEALS HELD ITS REGULAR MEETING ON TUESDAY, NOVEMBER 27, 1962, AT 10 A.M. IN THE BOARD ROOM OF THE FAIRFAX COUNTY COURTHOUSE, WITH ALL MEMBERS PRESENT EXCEPTING MRS. LOIS CARPENTER. MRS. L. J. HENDERSON, JR., CHAIRMAN, PRESIDING.

THE MEETING WAS OPENED WITH A PRAYER BY MR. DAN SMITH

NEW CASES:

- 1- IAN R. MACFARLANE, TO PERMIT OPERATION OF A DAY CAMP WITH OVER NIGHT FACILITIES, PROPERTY AT THE END OF A PRIVATE ROAD WEST OF MAGARITY ROAD AND SOUTH OF SCOTT RUN COMMUNITY PARK, DRANESVILLE DISTRICT. (RE-1). MR. MACFARLANE ASKED FOR A DEFERRAL UNTIL HE HAD DEFINITE INFORMATION ON A POSSIBLE TRANSFER FROM THIS AREA. MR. E. SMITH MOVED TO DEFER THE CASE 60 DAYS (JANUARY 22, 1963). SECONDED, MR. D. SMITH Cd. UNAN.

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- 2- ELIZABETH PATTERSON, TO PERMIT OPERATION OF DOG KENNEL AND CATTERY IN AN EXISTING BUILDING, ON SOUTH SIDE OF LEE HIGHWAY, APPROX. 1000 FT. EAST OF RT. 645, CENTREVILLE DISTRICT. (RE-1). MRS. PATTERSON AND MRS. HAMLETT DISCUSSED THE CASE WITH THE BOARD. A PERMIT WAS GRANTED ON THIS PROPERTY TO MRS. HAMLETT IN NOVEMBER OF 1961, FOR A KENNEL FOR A PERIOD OF THREE YEARS. THIS PERMIT HAS NOT BEEN USED, MRS. HAMLETT SAID, BUT MRS. PATTERSON IS NOW READY TO OPERATE A KENNEL AND SHE WISHES ALSO TO HAVE CATS. SHE PRESENTLY HAS 9 DOGS AND 10 CATS, ALL PETS. IT WAS NOTED THAT THERE ARE THREE BUILDINGS ON THE PROPERTY AND AN ABANDONED FILLING STATION. ALL OF THE BUILDINGS ARE RENTED AS DWELLINGS. MRS. PATTERSON LIVES IN THE MAIN BUILDING AND KEEPS HER ANIMALS THERE. ASKED IF SHE WAS INTERESTED IN TAKING IN STRAY DOGS FROM THE ANIMAL RESCUE LEAGUE - MRS. PATTERSON SAID SHE WAS NOT. SOME OF HER ANIMALS WERE STRAY MANY YEARS AGO, BUT SHE DOES NOT TAKE THEM IN AS A PRACTICE. SHE IS NOT RAISING DOGS OR CATS, HER ANIMALS ARE EITHER TOO OLD OR THEY ARE SPAYED OR ALTERED. MRS. PATTERSON SAID SHE WISHED TO BOARD ABOUT 30 CATS, WHICH WOULD MAKE A TOTAL OF 40 CATS, AND HAVE A TOTAL OF 14 DOGS (BOARD 5). THEY WOULD CARRY THE REFUSE TO THE DUMP EVERY OTHER DAY. THERE WOULD BE NO BURNING ON THE PROPERTY. MR. D. SMITH QUESTIONED WHAT THE HEALTH REGULATIONS MIGHT SAY ABOUT LIVING IN A HOUSE WITH 40 CATS AND 14 DOGS. HE NOTED THE SMALL RUNS AND CAGES IN THE BACK OF THE DWELLING. THIS IS LOW SWAMPY PROPERTY, MR. D. SMITH SAID, ESPECIALLY WHERE THE HOUSE IS LOCATED, AND THERE ARE PEOPLE LIVING WITHIN 30 FT. OF THE CAT PENS - IN ONE OF THE HOUSES MRS. PATTERSON RENTS. ONE HOUSE IS ABOUT 75 FT. FROM THE RUNS. HE THOUGHT THIS A VERY UNUSUAL SET UP TO HAVE DOGS AND A CATTERY IN A DWELLING. THE DOGS ARE NOW USING THE BASEMENT AND THE BACK PORCH OF THE HOUSE, HE SAID. MRS. HENDERSON SAID - PERHAPS THE BOARD SHOULD SEE THE PROPERTY, AND ALSO CONSULT THE HEALTH DEPARTMENT. MR. MOORELAND SAID THESE PEOPLE WERE GRANTED A PERMIT FOR 50 DOGS LAST YEAR - GRANTED TO MRS. HAMLETT TO CONSTRUCT AND OPERATE A KENNEL. THE KENNEL WAS NOT TO BE CLOSE TO THE HOUSE AND THE CONSTRUCTION OF THE KENNEL WOULD COMPLY WITH RECOMMENDATIONS OF THE BOARD. THE RUNS WERE TO HAVE HAD CONCRETE FLOORS AND THE APPLICANT WAS TO BUILD A CINDERBLOCK BUILDING, BUT NOTHING HAS BEEN DONE. THE ONLY THING THEY HAVE DONE WAS TO ENCLOSE THE AREA 100' X 100' FOR THE RUNS. THE DOGS LIVED IN THE HOUSE.

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CONT'D

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SINCE THEY HAVE NOT COMPLIED WITH THEIR PERMIT, MR. E. SMITH SUGGESTED THAT THE PERMIT BE REVOKED. NO BUILDING WAS PUT UP.

MRS. HENDERSON SAID THIS WAS GRANTED SUBJECT TO APPROVAL OF THE HEALTH DEPARTMENT, AND APPARENTLY NO SUCH APPROVAL HAS BEEN OBTAINED.

MRS. VANDIMERE OF "KRISS KROSS" KENNELS OBJECTED TO THIS USE, SAYING THERE ARE ALREADY TOO MANY KENNELS IN THE AREA. SHE SAID THESE PEOPLE OPERATED LAST SUMMER. SHE SAID THE ANIMALS THERE HAD NUMERITIS, A VERY SERIOUS ANIMAL DISEASE. PEOPLE BROUGHT ANIMALS TO HER FROM THIS PLACE TO PREVENT THEM FROM GETTING THE DISEASE. THE DOGS BARK DAY AND NIGHT, MRS. VANDIMERE SAID. THEY HAVE NO BUILDING WHERE THEY CAN BE LOCKED IN AT NIGHT. SHE DESCRIBED HER OWN CLEAN EFFICIENT MANNER OF HANDLING ANIMALS IN HER KENNEL.

MR. D. SMITH AGREED THAT THERE ARE TOO MANY KENNELS IN THIS AREA. HE RECALLED THAT MRS. HAMLETT HAD SAID IN THE ORIGINAL HEARING THAT SHE WAS INTERESTED IN ANIMAL RESCUE. (MRS. PATTERSON SAID SHE WAS NOT INTERESTED IN THAT.) THAT SHE WOULD TAKE DOGS AND PLACE THEM IN HOMES.

MR. D. SMITH RECALLED THAT THE BOARD WENT ALONG WITH THE ORIGINAL PERMIT RELUCTANTLY BECAUSE OF THE HUMANE PHASE OF THE OPERATION. BUT THE APPLICANT DID NOT BUILD THE KENNELS AS SHE AGREED AND HAS NOT OBTAINED A REPORT FROM THE HEALTH DEPARTMENT, AND NOW THERE ARE 9 DOGS AND 10 CATS LIVING HERE IN A DWELLING THAT IS BEING OCCUPIED BY MRS. PATTERSON, AND SHE PLANS TO BRING IN MORE ANIMALS. HE THOUGHT THIS NOT IN KEEPING WITH GOOD HEALTH CONDITIONS.

THERE IS NOTHING VISIBLE ON THE PROPERTY THAT WOULD PROVIDE AN ADEQUATE KENNEL OPERATION, MR. E. SMITH POINTED OUT, AND THE BOARD HAS BEEN TOLD OF NO PLANS TO ERECT SUCH FACILITIES. MR. E. SMITH SAID HE DID NOT THINK THAT ANY DWELLING THAT IS BEING LIVED IN AS A DWELLING IS ADEQUATE FOR THE TYPE OF OPERATION THESE PEOPLE PROPOSE.

MR. E. SMITH MOVED THAT THE APPLICATION OF ELIZABETH PATTERSON, TO PERMIT OPERATION OF DOG KENNEL AND CATTERY IN AN EXISTING BUILDING, ON SOUTH SIDE OF LEE HIGHWAY, APPROX. 1000 FT. EAST OF RT. 645, CENTERVILLE DISTRICT, BE DENIED. UNDER THE CIRCUMSTANCES, AND IN VIEW OF THE TESTIMONY GIVEN HERE TODAY, IT APPEARS THAT THERE IS NO EXISTING PERMIT ON THIS PROPERTY TO OPERATE ANY TYPE OF COMMERCIAL KENNEL. THE ZONING ADMINISTRATOR'S OFFICE SHOULD TAKE DUE CARE TO SEE THAT THERE IS NO VIOLATION OF THE ZONING ORDINANCE HERE.

SECONDED, MR. D. SMITH CD. UNAN.

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MRS. HENDERSON POINTED OUT THAT THERE IS NO PERMIT, BUT THE APPLICANT CAN HAVE 12 PETS AND THEY SHOULD BE PENNED.

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3-

DAVID L. MEAD, TO PERMIT ERECTION OF CARPORT 10 FT. FROM SIDE PROPERTY LINE, LOT 84, SECTION 2B, SLEEPY HOLLOW ESTATES, (1207 WOODVILLE DRIVE), MT. VERNON DISTRICT. (R-12.5)

MRS. MEAD STATED THAT WHEN THIS HOUSE WAS BUILT THE ORDINANCE ALLOWED A CARPORT WITHIN 15 FT. OF THE SIDE LINE. OTHER HOUSES IN THE AREA HAVE CARPORTS OR GARAGES THAT CLOSE. THEY CANNOT PUT THIS IN THE REAR - THEY HAVE FOUR CHILDREN AND NEED THAT YARD SPACE FOR PLAY. THE CARPORT WOULD BE 15' 8" WIDE.

MR. MOORELAND SAID IF 25% IF THE HOUSES IN THE BLOCK HAVE CARPORT OR GARAGES THIS CLOSE - THIS COULD BE ALLOWED.

MR. D. SMITH THOUGHT THE APPLICANT WAS ASKING TOO MUCH OF A VARIANCE AND THAT HE COULD GET ALONG WITH LESS.

MRS. MEAD SAID THERE WERE ONLY TWO ON HER STREET THAT DID NOT HAVE A CARPORT OR GARAGE EXTENDING INTO THE SIDE YARD. SHE NOTED THE DROP-OFF ON THE SIDE OF THE HOUSE WHICH PREVENTED PUTTING THE CARPORT IN THE REAR. THERE ARE THICK WOODS IN THE REAR ALSO.

MR. D. SMITH MOVED TO DEFER THE CASE TO DECEMBER 4, 1962 TO VIEW THE PROPERTY AND CHECK THE NUMBER OF CARPORTS AND GARAGES WITH REGARD TO THEIR SETBACK.

SECONDED, MR. T. BARNES                      CD. UNAN.

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4- CLARENCE W. GOSNELL, INC., TO ALLOW DWELLING 23.73 FT. FROM REAR PROPERTY LINE, LOT 1, BLOCK 24, SECTION 7, WAYNEWOOD (CORNER OF POTOMAC LANE AND DALEBROOK DRIVE), MT. VERNON DISTRICT. (R-12.5)

MR. CHARLES HARNETT REPRESENTED THE APPLICANT. MR. HARNETT NOTED THAT HE HAD NOT BEEN BEFORE THIS BOARD FOR A VARIANCE FOR MANY YEARS. THIS, HE SAID, IS A HUMAN ERROR. HE POINTED OUT THE ODD SHAPE OF THE LOT. THE YOUNG SURVEYOR NATURALLY ASSUMED THAT THE REAR LINE WAS IMMEDIATELY BACK OF THE HOUSE. HE MEASURED STRAIGHT BACK TO THE LINE WHEN HE SHOULD HAVE CARRIED HIS MEASUREMENT TO THE NEAREST POINT OF THE REAR LINE. THE REAR LINE SLANTS TOWARD THE HOUSE AS IT NEARS THIS END OF THE HOUSE. EVERYTHING ELSE CONFORMS, MR. HARNETT SAID, AND THE HOUSE COULD HAVE BEEN TURNED SO IT WOULD CONFORM. THEY COULD NOT TAKE LAND FROM THE ADJOINING LOT AS IT WOULD MAKE A VERY STRANGE SIDE LINE FOR THAT PROPERTY OWNER. MRS. HENDERSON SAID IT WOULD APPEAR THAT PARAGRAPH 4 UNDER SECTION 30-36 APPLIED HERE.

NO ONE FROM THE AREA OBJECTED.

WHEN THIS AMENDMENT TO THE ORDINANCE WAS FRAMED, THIS WAS THE TYPE OF THING THE COUNTY BOARD HAD IN MIND, MR. E. SMITH SAID. FROM MR. HARNETT'S PRESENTATION IT APPEARS THAT AN HONEST ERROR DID OCCUR IN LAYING THE HOUSE OUT ON THE LOT, WHICH IS UNUSUAL IN SHAPE, AND THE MISTAKE IS AN UNDERSTANDABLE ONE. HOWEVER, MR. E. SMITH SAID, HE HOPED THIS WOULD NOT HAPPEN OFTEN. HE MOVED THAT IN THE CASE OF CLARENCE W. GOSNELL, INC. TO ALLOW DWELLING 23.73 FT. FROM REAR PROPERTY LINE, LOT 1, BLOCK 24, SECTION 7, WAYNEWOOD (CORNER OF POTOMAC LANE AND DALEBROOK DRIVE), MT. VERNON DISTRICT, THAT THE HOUSE ON THE PROPERTY BE ALLOWED TO REMAIN AS ERECTED ON LOT 1, BLOCK 24, SECTION 7, WAYNEWOOD, AS THIS COMPLIES WITH SECTION 30-36, PARAGRAPH 4 OF THE ZONING ORDINANCE.

SECONDED, MR. D. SMITH                      CD. UNAN.

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5- CAMPBELL AND THOMPSON, INC., TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND, PROPERTY ON A PRIVATE ROAD S.W. OF HAMPTON ROAD, ROUTE 647, LEE DISTRICT. (RE-1).

IT WAS RECALLED THAT THIS CASE WAS DENIED LESS THAN ONE YEAR AGO AND GRANTED A NEW HEARING BECAUSE OF ADDITIONAL AREA AND CHANGES IN THE APPLICATION.

THIS WAS FILED UNDER GROUP 8.

MR. REMPE AND MR. CAMPBELL WERE PRESENT TO DISCUSS THE CASE.

THIS IS APPLIED FOR UNDER SECTION 30-139(D) AND SECTIONS 30-76 THROUGH 30-80, MR. REMPE SAID. THEY COMPLY WITH THESE STANDARDS. THIS IS ALSO TIED TO TITLE 62, SECTION 43 OF THE CODE OF VIRGINIA PREVENTION OF PUBLIC WATER SUPPLY. THIS WAS DENIED BECAUSE OF THE SMALL AREA, MR. REMPE SAID, THEY NOW HAVE 20.06 ACRES. THEY HAVE EXPANDED THE TYPE OF RECREATION FACILITIES OVER AND ABOVE WHAT THEY HAD ORIGINALLY PROPOSED. THEY HAVE BEEN DOING A GREAT DEAL OF RESEARCH AND TALKING WITH THE COUNTY AGENT

WHO STATES THAT HE HAS MANY REQUESTS FOR THIS TYPE OF RECREATIONAL FACILITIES IN THE COUNTY. THEY HAVE ALSO BEEN ENCOURAGED BY MANY PEOPLE IN THE GOVERNMENT TO PUT IN THIS RECREATION AREA - THEY CONSIDER IT IS GREATLY NEEDED IN THE METROPOLITAN AREA. THIS PROVIDES A PLACE FOR PEOPLE IN THE MORE DENSELY POPULATED AREAS TO USE FOR RECREATION, AND MAKES A GOOD USE OF FARM LAND THAT IS IDLE.

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MR. REMPE SHOWED THE LOCATION OF THE FACILITIES ON THE PLAT. THERE WILL BE A GATE AT THE ENTRANCE WHERE ALL USERS OF THE PROPERTY WILL BE CHECKED IN - ONLY ONE ENTRANCE. PEOPLE WILL REGISTER AS THEY COME IN. THEY WILL BE GIVEN A LOCATION OR SHELTER AREA WHICH WILL BE ASSIGNED, AND WILL BE TOLD WHAT IS AVAILABLE. THIS LAND IS MOSTLY WOODED WITH SOME OPEN FIELDS WHICH THEY WILL USE FOR PLAY GROUNDS. MR. REMPE SHOWED PICTURES OF THE TYPE OF CHARCOAL GRILL THEY WILL HAVE. THEY WILL HAVE TOILET FACILITIES, 75 PICNIC TABLES, PICNIC SHELTERS AND CAMP FIRE LOCATIONS FOR GROUP MEETINGS. FORT BELVOIR MAY DIG A WELL BECAUSE THEY WOULD LIKE TO HAVE THE BOY SCOUTS USE THIS AREA. MR. REMPE SAID THEY WILL ALSO HAVE A BASS AND SUNFISH POND AND A LITTLE LATER A SWIMMING POOL.

MR. REMPE SAID NOT ALL THESE FACILITIES WOULD BE IN OPERATION WHEN THE PROJECT OPENS. THEY PLAN THE BASIC THINGS, PERHAPS ABOUT HALF OF THAT SHOWN ON THE PLAT.

MR. E. SMITH SAID HE CONSIDERED THIS A GOOD LAYOUT FOR RECREATION, AND IF THEY HAD MOST OF THESE FACILITIES CONSTRUCTED IT WOULD SERVE A REAL PURPOSE, BUT HE QUESTIONED IF THIS WOULD ATTRACT THE VOLUME OF BUSINESS NECESSARY TO PROPERLY RUN THIS, IF THEY DO NOT HAVE THE FULL FACILITIES. THIS SHOULD BE ECONOMICALLY SOUND, AND RUN CAREFULLY WITH SUFFICIENT CONTROL AND MANAGEMENT SUPERVISION. IT MEANS A CERTAIN AMOUNT OF REVENUE, HE CAUTIONED, TO MAKE THIS FEASIBLE. HE THOUGHT CERTAIN DEFINITE FACILITIES SHOULD BE IN OPERATION WHEN THIS OPENS. MR. E. SMITH THOUGHT MANY WOULD EXPECT ACCESS TO THE STREAM AND WITHOUT THAT BUSINESS MAY NOT BE TOO GOOD. HE ASKED THE APPLICANTS TO SHOW ON THE PLAT WHAT THEY WILL HAVE IN OPERATION WHEN THIS IS OPENED.

THE BOARD RECESSED FOR 10 MINUTES.

UPON RE-CONVENING, MR. REMPE AND MR. CAMPBELL HAD RED-CIRCLED THE FACILITIES AS REQUESTED, AND SIGNED THE PLAT. THESE INCLUDED 30 TABLES WITH TRASH CONTAINERS, BADMINTON COURTS, GROUP CIRCLES, CONCESSION STAND, COMFORT STATION, PLAY EQUIPMENT, 3 SHELTERS, HIKING AREA, FISH POND, PLAY GROUND EQUIPMENT, TENT SITES, GATE HOUSE AND GATE, 10 HORSE SHOE AREAS, ETC. THEY DO NOT PLAN AT THIS TIME TO HAVE A BEER LICENSE - CONCESSION STAND WOULD SELL SMALL THINGS, SOFT DRINKS, CANDY, ETC. AS TO THE BEER LICENSE, THE DIFFICULTY OF KEEPING PEOPLE FROM BRINGING THEIR OWN WAS DISCUSSED. MR. REMPE SAID THEY WOULD DECIDE UPON THE LICENSE LATER - AT THIS TIME THEY ARE MAKING NO PLANS ONE WAY OR THE OTHER.

MR. E. SMITH SAID THE IDEA OF KEEPING ALCOHOL OUT WAS UP TO THE MANAGEMENT, WHICH UNDER ANY CIRCUMSTANCES IS A VERY IMPORTANT PART OF THE SUCCESS OF THIS PROJECT.

MR. REMPE SAID THE EASEMENT BETWEEN THIS PROPERTY AND THE STREAM HE FELT WOULD KEEP PEOPLE OUT OF THE WATER. THEY CANNOT CROSS OVER THE EASEMENT. THIS REGULATION WILL BE MADE VERY IMPORTANT IN THEIR PAMPHLET OF REGULATIONS, WHICH THEY WILL GIVE TO PEOPLE WHO COME IN. THE AREA WILL BE WELL POSTED. THEY DO NOT THINK IT NECESSARY AT THIS TIME TO FENCE ALONG THE EASEMENT, BUT IF IT BECOMES NECESSARY THEY WILL DO SO.

THEY HAVE PROVIDED 75 PARKING SPACES AND WILL HAVE 45 AT THE OPENING. THEY WILL PROVIDE MORE IF NECESSARY. THEY WISH TO SAVE AS MANY TREES AS

NEW CASES - CONTINUED

AS POSSIBLE. THEY WOULD LIKE TO HAVE PARKING NEAR THE TENT SITES.

OPPOSITION

ALEXANDRIA WATER COMPANY - REPRESENTED BY MR. FRED ALEXANDER AND MR. DOWDELL.

MR. ALEXANDER SAID THEY HAVE THIS EASEMENT ALONG THE CREEK WHICH IS A LARGE INVESTMENT, AND NECESSARY TO MAINTAIN. (HE NOTED THAT HIS CLIENT WAS NOTIFIED OF THIS HEARING ONLY YESTERDAY, AND BY PHONE).

THEY OBJECT TO THIS, MR. ALEXANDER SAID, BECAUSE IT WOULD ENDANGER THE PUBLIC WATER SUPPLY. IT WOULD PRODUCE VIOLATIONS OF THE COMPANY'S CONTRACTURAL RIGHTS RUNNING WITH THE PROPERTY. THE CONTRACT STATES NO BATHING WILL BE PERMITTED IN THE RESERVOIR AREA, AND NO PAYING GUESTS MAY CROSS THE EASEMENT AND USE THE RESERVOIR. THEY ARE WELL AWARE OF THE INTENT TO CONTROL THESE THINGS, MR. ALEXANDER SAID, BUT IT IS OBVIOUS FROM THE NATURE OF THE PROJECT THAT THE WATER IS THE MAIN ATTRACTION. IF IT WERE NOT FOR THE WATER THIS WOULD NOT BE LOCATED HERE AT A FORK IN STREAMS. THEY SAY ONLY ONE PERSON WILL BE AT THE ENTRANCE GATE. PEOPLE WILL BE HERE AT NIGHT AND WITH NO CONTROL OVER BATHING AND POLLUTION. THEY HAVE ONLY ONE TIOLET FACILITY. HOW MANY WILL USE THE AREA - PROBABLY 1000 PEOPLE IN ONE DAY. THAT WOULD INVOLVE A SANITARY PROBLEM. WITH 30 TENTS THIS WOULD PRESENT A PROBLEM. SOME PEOPLE WILL STAY THERE MANY DAYS AND NIGHTS. WHERE IS THEIR WATER SUPPLY? WOULD THE ONE WELL, WHICH FORT BELVOIR MAY DIG, BE ENOUGH? THE VERY NATURE AND EXTENT OF THE PROJECT PRESENTS A SERIOUS PROBLEM - BOTH FROM THE STANDPOINT OF WATER POLLUTION AND SANITATION. HE ASKED THAT THE CASE BE DENIED.

MR. E. SMITH ASKED IF THE APPLICANT AND THE WATER COMPANY HAD DISCUSSED THIS?

MR. DOWDELL SAID VERY LITTLE, AND NOT RECENTLY.

IF THE BOARD GRANTS THIS, MR. E. SMITH SAID, THE ALEXANDRIA WATER COMPANY HAS CERTAIN CONTRACTURAL AND LEGAL RIGHTS, <sup>AND THESE ARE</sup> WHICH IF VIOLATED THE WATER COMPANY WOULD HAVE RECOURSE TO THE COURTS FOR PROTECTION.

MR. ALEXANDER SAID THEIR BEST PROTECTION WAS TO KEEP THIS AWAY, HE ASSURED THE BOARD THAT IT WOULD BE IMPOSSIBLE TO POLICE THIS PROJECT AT ALL TIMES.

MR. E. SMITH THOUGHT REASONABLE MEN COULD GET TOGETHER AND ARRIVE AT A SOLUTION OF PROBLEMS, THAT COULD BE LIVED WITH. HE URGED DISCUSSION BETWEEN THE APPLICANT AND THE WATER COMPANY.

MR. ALEXANDER SAID HIS CLIENT WAS VERY CONSCIOUS OF THE NEED FOR THIS TYPE OF FACILITY, BUT THERE IS A STATE LAW WHICH DOES NOT PERMIT CERTAIN THINGS. HE DID NOT THINK HIS CLIENT HAD SAT DOWN WITH THESE PEOPLE TO TRY TO WORK OUT SOMETHING - HE HAD NOT BEEN CONTACTED - AND THERE SEEM TO BE TOO MANY PROBLEMS, HE SAID.

MR. MOORELAND POINTED OUT THAT BEFORE THIS CAN BE APPROVED IT MUST HAVE APPROVAL OF THE HEALTH DEPARTMENT, AND ALSO A SITE PLAN IS REQUIRED.

MRS. HENDERSON READ A LETTER FROM DOCTOR KENNEDY - ON FILE IN THE RECORDS OF THIS CASE.

MR. DOWDELL SAID THEY KNEW THERE WERE VIOLATIONS OF THE CREEK - SWIMMING - BUT THEY WERE INTERMITTENT, NOT CONCENTRATED.

MR. MOORELAND SUGGESTED - IF THIS IS GRANTED, THAT THE BOARD OF ZONING APPEALS REQUIRE THE SITE PLAN TO COME BACK TO THIS BOARD FOR APPROVAL.

MR. ALEXANDER SAID THIS WAS REFUSED BEFORE BECAUSE IT WAS TOO CLOSE TO THE STREAM. MR. D. SMITH SAID THAT WAS A CONCERN BUT NOT THE MAJOR REASON. THESE PEOPLE HAVE A CONTRACT WITH THE ALEXANDRIA WATER COMPANY, MR. SMITH WENT ON TO SAY, THAT MUST BE ENFORCED. IF IT IS NOT, THE PERMIT COULD BE REVOKED. HE STRESSED THE NEED FOR THIS PROJECT IN THE COUNTY, IT IS A

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COMING THING AND PEOPLE SHOULD PREPARE THEMSELVES FOR IT. THIS IS A DESIRABLE LOCATION ALONG THE WATER, AND HE HOPED THE APPLICANT COULD FIND SOME WAY TO POLICE THE AREA AND COMPLY WITH THEIR CONTRACT WITH THE ALEXANDRIA WATER COMPANY.

THIS IS A BIG CHANGE OVER THE FORMER APPLICATION, MR. D. SMITH CONTINUED, THE FACILITIES ARE BETTER AND THE AREA LARGER.

(MR. THOMPSON SAID HE TRIED TO TALK WITH MR. DOWDELL ABOUT THIS BUT WAS UNABLE TO REACH HIM.)

THE BOARD DISCUSSED THE WIDTH OF THE EASEMENT - 25 FT. AT ONE POINT. THIS WILL BE POLICED AS LONG AS OUTSIDERS ARE HERE, MR. REMPE SAID. THEY DONT KNOW YET IF THIS WILL BE OPERATED ALL YEAR, BUT PROBABLY IT WILL BE USED SOME IN WINTER. THE WOODS ARE SO THICK, MR. REMPE SAID, IT WOULD NOT BE POSSIBLE TO GET IN ANY WAY EXCEPT THROUGH THE GATE. THEY WILL HAVE SUFFICIENT GUARDS DURING PEAK TIMES, MR. REMPE CONTINUED. HE THOUGHT 500 PEOPLE WOULD BE CAPACITY AT ONE TIME.

DISCUSSION OF COSTS - THERE IS A GROWING NEED FOR THIS TYPE OF FACILITY, MR. D. SMITH SAID, AND IF THIS IS PROPERLY MANAGED THIS SHOULD SERVE A GREAT NEED IN THIS AREA, AND WOULD BE AN ASSET TO THE COUNTY, AND BE WELL USED, BUT IF NOT PROPERLY SUPERVISED AND OPERATED IT COULD BE A SERIOUS DETRIMENT AND NUISANCE.

MR. D. SMITH MOVED THAT THE APPLICATION OF CAMPBELL AND THOMPSON, INC., TO PERMIT OPERATION OF A COMMERCIAL RECREATION GROUND, PROPERTY ON A PRIVATE ROAD S.W. OF HAMPTON ROAD, RT. #647, LEE DISTRICT, BE GRANTED SUBJECT TO APPROVAL OF THE HEALTH DEPARTMENT AND IT IS REQUIRED THAT THE SITE PLAN SHALL BE OBTAINED AND FINAL APPROVAL OF THE SITE PLAN SHALL BE CONTINGENT UPON APPROVAL BY THIS BOARD.

THE APPLICANT IS PUT ON NOTICE THAT SINCE THIS PERMIT AS GRANTED DOES ADJOIN THE EASEMENT BELONGING TO THE ALEXANDRIA WATER COMPANY THAT THEY WILL MAKE EVERY EFFORT TO KEEP THAT EASEMENT AND THE STREAM FREE FROM USE BY ANY USERS OF THE RECREATION AREA. THIS CONSERVATION AREA ALONG THE WATER WILL BE KEPT FREE FROM LITTER OR TRASH OR ANYTHING THAT MIGHT BE THROWN IN THE EASEMENT BY USERS OF THIS RECREATION AREA. ALL OTHER PROVISIONS OF THE ORDINANCE SHALL BE MET. EVIDENCE SHOWING THAT VIOLATIONS TO THE PURITY OF THE WATER OR VIOLATION OF THE CONTRACTURAL RIGHTS OF THE ALEXANDRIA WATER COMPANY WILL BE CONSIDERED BY THIS BOARD TO BE GROUNDS FOR REVOCATION OF THIS PERMIT.

IT IS THE FEELING OF THIS BOARD THAT THE ALEXANDRIA WATER COMPANY HAS GONE TO GREAT PAINS AND EXPENSE TO OBTAIN AND MAINTAIN THESE EASEMENTS AND THE RIGHTS OF SUCH EASEMENT MUST BE RESPECTED.

MR. E. SMITH ASKED THAT THE RESPONSIBILITY REST PURELY UPON THE APPLICANT TO SEE THAT NO VIOLATION TAKES PLACE.

MR. SMITH SAID THIS WOULD BE A DIFFICULT TASK AND HE ADMIRERD THE COURAGE OF THESE PEOPLE TO UNDERTAKE THIS RESPONSIBILITY BUT THE APPLICANT WILL BE UNDER CLOSE SCBUTINY TO SEE THAT THE RIGHTS OF THE WATER COMPANY ARE NOT VIOLATED. THIS BOARD IS GREATLY CONCERNED IN THIS FOR THE REASON THAT TO CONTAMINATE THIS WATER SUPPLY IN ANY WAY WOULD AFFECT MANY MORE PEOPLE THAN THOSE THAT WILL EVER USE THE RECREATION FACILITIES.

IT WAS ALSO ADDED TO THE MOTION THAT THE INITIALED PLAT FILED IN THE RECORDS OF THIS CASE, WHICH HAS CERTAIN CIRCLED FACILITIES IDENTIFIED ON THE PLAT, SHALL INDICATE BY THOSE CIRCLES WHICH FACILITIES WILL BE IN OPERATION BEFORE THE OCCUPANCY PERMIT FOR THIS RECREATION CENTER IS GRANTED. THE ENTRANCE GATE SHOWN ON THE PLAT SHALL BE OF SUBSTANTIAL NATURE AND WILL BE LOCKED AT ALL TIMES WHEN THIS IS NOT IN USE. PEOPLE

SHOULD BE PUT ON NOTICE BY POSTING THAT THIS FACILITY IS CLOSED. THE FINAL SITE PLAN SHOULD SHOW THESE CIRCLED FACILITIES; WHICH ARE REQUIRED TO BE OPERATING PRIOR TO APPROVAL. ALL THE PROPOSED FACILITIES SHALL ALSO BE SHOWN, BUT THE CIRCLED USES WILL INDICATE THOSE READY FOR USE WHEN THE PROJECT OPENS.

SECONDED, MR. T. BARNES

MR. E. SMITH REFRAINED FROM VOTING

MOTION CARRIED

MR. D. SMITH EMPHASIZED THE FACT THAT THERE MUST BE NO POSSIBILITY THAT ANY OF THESE PEOPLE COULD GET TO THE WATER.

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6- MT. VERNON GRAVEL COMPANY, TO PERMIT GRAVEL OPERATION ON 20.5 ACRES OF LAND, PROPERTY AT SOUTH END OF TRIPLETT ROAD, APPROX. 3400 FT. SOUTH OF RT. #644, LEE DISTRICT.

MR. THORPE RICHARDS REPRESENTED THE APPLICANT.

THIS LAND IS MOSTLY STEEP AND UNUSABLE AT PRESENT, MR. RICHARDS SAID, BUT THE APPLICANT WILL PRESENT A RESTORATION PLAN WHICH WILL CONVERT IT TO RESIDENTIAL USE. THE APPLICANT IS LEASING THE LAND AND WILL NOT DEVELOP IT BUT MR. RICHARDS SAID HE UNDERSTOOD IT WAS UNDER CONTRACT TO ONE WHO WILL DEVELOP IT AT A LATER DATE - AFTER RESTORATION IS MADE.

THIS PROPERTY IS WITHIN THE NR ZONE. MR. RICHARDS SHOWED THE LOCATION OF THE ACCESS ROAD TO THE SOUTH TO BEULAH ROAD. THE PLANNING COMMISSION ASKED THAT EFFORT BE MADE TO WORK OUT AN AGREEMENT WITH NORTHERN VIRGINIA TO USE THEIR PRIVATE ROAD ALONG TRIPLETT LANE AND TO CONTACT THE SCHOOL AS TO THEIR ATTITUDE ABOUT ADDITIONAL TRUCKS GOING BY THEIR PROPERTY.

MR. RICHARDS SAID HE DID NOT KNOW IF ANY PROGRESS HAD BEEN MADE ALONG THIS LINE BUT AT PRESENT THEIR ONLY ACCESS IS TO THE SOUTH. HE THOUGHT NORTHERN VIRGINIA WAS APPREHENSIVE OF JEOPARDIZING THEIR POSITION IF MORE TRUCKS ARE PUT ON THEIR PRIVATE ROAD.

MR. E. SMITH SAID THE ACCESS WAS DISCUSSED BEFORE THE PLANNING COMMISSION AND THEY RECOGNIZED THE PROBLEM, BUT THAT THE PLANNING COMMISSION FELT THAT IT WAS IN THE PUBLIC INTEREST TO HAVE THESE TRUCKS USE A ROAD THAT WAS ALREADY USED FOR TRUCKS RATHER THAN CARRY THE TRUCKS ALL THE WAY TO BEULAH ROAD AND PAST ANOTHER SCHOOL. HE HOPED SOMETHING COULD BE WORKED OUT TO USE THE PRIVATE ROAD.

MR. RICHARDS SAID THE PEOPLE ALONG TRIPLETT LANE ARE NOW USING THE PRIVATE ROAD IN PREFERENCE TO THEIR OWN ROAD WHICH IS BADLY MAINTAINED.

MR. RICHARDS SAID THEY WOULD MAKE A SERIOUS EFFORT TO WORK OUT SOMETHING ON THE USE OF THE PRIVATE ROAD - BUT IN THE MEANTIME THEIR ACCESS IS TO THE SOUTH.

SINCE THERE ARE GETTING TO BE SO MANY TRUCKS ON THE PRIVATE ROAD, MR. D. SMITH THOUGHT IT MIGHT BE BETTER TO CARRY THESE TRUCKS ON TO THE SOUTH.

MRS. HENDERSON READ THE PLANNING COMMISSION RECOMMENDATION APPROVING THE USE BUT SUGGESTING THE PRIVATE ROAD ACCESS.

MR. DIGUILLIAN FROM NORTHERN VIRGINIA WAS PRESENT. HE STATED THAT THEY ARE CONCERNED ABOUT THE TRAFFIC ON THIS PRIVATE ROAD NOW. PEOPLE IN THE AREA DONT LIKE IT AND THIS OPERATION WOULD PUT MORE THAN TWICE AS MANY TRUCKS ON THE ROAD AS THEY NOW HAVE. THAT IS THEIR FEELING ABOUT IT, MR. DIGUILLIAN SAID. THEY HAVE NO OBJECTION TO THE APPLICATION AND THEY HAVE ALLOWED THE OTHER ACCESS THROUGH THEIR PROPERTY, WHICH WOULD USE RT. 635 TO GO TO FRANCONIA ROAD.

NO ONE FROM THE AREA OBJECTED.

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MR. RICHARDS ASKED FOR A THREE YEAR PERMIT  
MR. E. SMITH MOVED THAT THE MT. VERNON GRAVEL COMPANY BE PERMITTED TO OPERATE A GRAVEL PIT OPERATION ON 20.5 ACRES OF LAND, PROPERTY AT SOUTH END OF TRIPLETT ROAD, APPROX. 3400 FEET SOUTH OF RT. 644, LEE DISTRICT. ALL OTHER CONDITIONS OF THE ORDINANCE MUST BE MET. THIS IS GRANTED FOR A PERIOD OF THREE YEARS, AND THIS IS GRANTED FOR GRAVEL EXTRACTION ONLY.  
SECONDED, MR. D. SMITH

THE BOARD WAS AGREED THAT THE APPLICANT SHOULD FOLLOW THE SUGGESTION OF THE PLANNING COMMISSION AND MAKE AN EARNEST EFFORT TO GET THE USE OF THE PRIVATE ROAD, BUT IF THAT IS NOT POSSIBLE THE ACCESS ROAD TO THE SOUTH AS DESCRIBED IN THIS HEARING WILL BE USED.

MOTION CARRIED UNANIMOUSLY.

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DEFERRED CASES:

1- FAIRFAX FUNERAL HOME, INC., TO PERMIT ERECTION AND OPERATION OF A FUNERAL HOME ON S.W. SIDE OF RT. 7 AND PEACE VALLEY LANE, OPPOSITE OLIN DRIVE, MASON DISTRICT. (R-12.5)

THE APPLICANT PRESENTED REVISED PLATS SHOWING CORRECTED PARKING. MRS. HENDERSON URGED THE APPLICANT TO NOT START CLEARING THE PROPERTY OF TREES UNTIL THEY WERE SURE THEY WERE GOING AHEAD WITH THE PROJECT. SHE CITED THE TREE CLEARING BY THE DENTAL HOSPITAL - WHERE AFTER DEMUDING THE GROUND OF TREES, <sup>THEY</sup> ABANDONED THE PROJECT.

INASMUCH AS THE REVISED SITE PLAN MEETS THE REQUIREMENTS OF THE ORDINANCE MR. E. SMITH MOVED THAT FAIRFAX FUNERAL HOME, INC., TO PERMIT ERECTION AND OPERATION OF A FUNERAL HOME, ON S.W. SIDE OF RT. #7 AND PEACE VALLEY LANE, OPPOSITE OLIN DRIVE, MASON DISTRICT, BE GRANTED A PERMIT AS APPLIED FOR. ALL OTHER REQUIREMENTS OF THE ORDINANCE SHALL BE MET.

SECONDED, MR. D. SMITH Cd. UNAN.

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2- DOUGLAS AND DAISY GOODNOUGH, TO PERMIT DIVISION OF LOTS WITH LESS AREA THAN REQUIRED BY THE ORDINANCE, LOTS 1 AND 2, WOODY ACRES, (ON WEST SIDE OF #645, CLIFTON ROAD, APPROX. 1600 FT. NORTH OF BRADDOCK RD.), CENTREVILLE DISTRICT. (RE-1).

MR. D. SMITH SAID THE STAFF WAS STILL WORKING WITH THE APPLICANT FOR A SOLUTION ON THIS. HE ASKED FURTHER DEFERRAL, AND MOVED TO DEFER THE CASE UNTIL JANUARY 8, 1963.

SECONDED, MR. T. BARNES Cd. UNAN.

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MR. E. SMITH LEFT THE MEETING

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3- POTOMAC OIL COMPANY, SHOW CAUSE.  
MR. HAZEL REPRESENTED THE APPLICANT. MR. WILLIAM WRENCH WAS PRESENT ALSO

"NOVEMBER 13, 1962

MR. WILLIAM T. MOORELAND  
ZONING ADMINISTRATOR  
COUNTY OF FAIRFAX  
FAIRFAX, VIRGINIA

DEAR MR. MOORELAND:

REFERENCE IS MADE TO YOUR LETTER OF OCTOBER 24, 1962 ADVISING MR. WILLIAM WRENCH ON BEHALF OF POTOMAC OIL COMPANY TO APPEAR BEFORE THE BOARD OF ZONING APPEALS TO SHOW CAUSE WHY THE SPECIAL USE PERMIT GRANTED BY THE SAID BOARD ON JUNE 27, 1961 SHOULD NOT BE REVOKED. THE GROUND STATED IN YOUR LETTER, TO-WIT, THAT

THE BUILDING IS ERECTED CONTRARY TO A SITE PLAN APPROVED BY THE PLANNING COMMISSION, IS SET FORTH AS THE BASIS FOR THE SHOW CAUSE REQUEST.

BY WAY OF REVIEW; THE FACTS ARE AS FOLLOWS - POTOMAC OIL, AT THAT TIME A CONTRACT PURCHASER OF PORTIONS OF LOTS 1 AND 2, BLOCK B, COURTLAND PARK, APPLIED FOR:

1. A PERMIT TO OPERATE A SERVICE STATION ON THE SAID PROPERTY;
2. A VARIANCE PERMITTING PUMP ISLANDS 25 FEET FROM LEESBURG PIKE; AND
3. A VARIANCE PERMITTING THE EXTENSION OF A CANOPY TO BE ATTACHED TO THE BUILDING TO A POINT 49 FEET FROM THE PROPERTY LINE.

THIS MATTER WAS SET AND INITIAL HEARING BEFORE THE BOARD OF ZONING APPEALS WAS HELD ON MAY 16, 1961. THE RESULTS OF THIS INITIAL HEARING WERE INCONCLUSIVE SINCE THERE WERE SEVERAL PROBLEMS OTHER THAN THE QUESTION OF WHETHER OR NOT THE USE WAS TO BE PERMITTED. ACCORDINGLY, A DEFERMENT WAS GRANTED AND THE HEARING SUBSEQUENTLY CONCLUDED ON JUNE 27, 1961. AT THE SECOND AND FINAL HEARING, REQUESTS 2 AND 3 STATED ABOVE FOR VARIANCE WERE WITHDRAWN, AND THE SOLE ISSUE DETERMINED WAS THE USE ITSELF.

REFERENCE IS MADE TO THE RESOLUTION GRANTING PERMISSION FOR USE OF THE SUBJECT PROPERTY AS A SERVICE STATION AND I QUOTE THEREFROM:

'THIS LETTER WILL CONFIRM THE DECISION OF THE FAIRFAX COUNTY BOARD OF ZONING APPEALS ON TUESDAY, JUNE 27, 1961, GRANTING YOUR APPLICATION TO PERMIT ERECTION AND OPERATION OF A SERVICE STATION SUBJECT TO PUMP ISLANDS BEING MOVED BACK TO A DISTANCE NOT LESS THAN 25 FEET FROM THE PROPOSED SERVICE ROAD (51 FEET FROM THE PROPERTY LINE) GRANTED FOR A SERVICE STATION ONLY--THERE WILL BE NO U-HAULS AND NO PEPSI CANOPIES, TIRE SHEDS AND STANDS ARE ELIMINATED. LOTS 1 AND 2, BLOCK B, COURTLAND PARK.'

AFTER THE GRANTING OF THE PERMIT, A SITE PLAN WAS PREPARED AND PRESENTED TO AND APPROVED BY THE PLANNING COMMISSION. LATER, IN FACT NOT UNTIL THE SPRING OF 1962, TOWARD THE LATTER PART OF THE YEAR PROVIDED BY THE TERMS OF THE USE PERMIT FOR CONSTRUCTION OF THE USE, THE APPLICANT WAS GRANTED A BUILDING PERMIT, COMMENCED CONSTRUCTION OF THE SERVICE STATION AND AT THAT TIME DECIDED TO GO AHEAD WITH A PORCH OR COVER OVER THE PUMP AREA TO THE EXTENT PERMITTED BY SETBACKS. IT IS MY UNDERSTANDING THAT YOUR SHOW CAUSE REQUEST CONCERNS THE ERECTION OF THIS COVERING OR PORCH AND EVIDENTLY IS BASED ON THE ARGUMENT THAT SINCE NOT SHOWN ON THE SITE PLAN APPROVED, THE INCLUSION OF THIS ITEM IN THE STRUCTURE IS ILLEGAL.

I HAVE REVIEWED THE APPLICABLE RESOLUTION, TESTIMONY AND ORDINANCES IN THE LIGHT OF STATE ENABLING LEGISLATION AND HAVE CONCLUDED AND SO ADVISED MY CLIENT THAT THERE IS NO VALID BASIS FOR YOUR PROCEEDING AT THIS TIME. IN BRIEF, THE ULTIMATE REQUEST TO THE BOARD OF ZONING APPEALS WAS SOLELY FOR A USE PERMIT, FOR OPERATION OF A SERVICE STATION. THERE WAS NO REQUEST FOR A VARIANCE CONTAINED IN THE APPLICATION AS FINALLY CONSIDERED. EVIDENTLY THE SITE PLAN SUBMITTED DID NOT SHOW THE PROJECTION FOR THE COVERING OR PORCH; HOWEVER, SO FAR AS I CAN DETERMINE, THERE IS NO VIOLATION OF ANY APPLICABLE SETBACK AND, SO FAR AS THE POWERS OF THE COUNTY REGARDING ZONING, SITE PLANS, ETC., ARE CONCERNED, I CAN FIND NO VALID BASIS FOR CONTESTING THE RIGHT OF AN INDIVIDUAL TO CONSTRUCT SUCH A STRUCTURE.

TURNING FOR A MOMENT TO INCIDENTAL ISSUES WHICH MAY BE INVOLVED, APPARENTLY THE INCLUSION OF THE WORD CANOPY IN THE RESOLUTION OF THE BOARD OF ZONING APPEALS PASSED JUNE 27, 1961 IS BELIEVED TO EXTEND TO THAT PORTION OF THE STRUCTURE FINALLY ERECTED WHICH IS IN QUESTION. THERE IS SOME FURTHER INFERENCE THAT A DELIBERATE EFFORT WAS MADE TO AVOID THE WISHES OF THE BOARD OF ZONING APPEALS. THIS INFERENCE IS CERTAINLY NOT GROUNDED IN FACT. ATTACHED HERETO IS COPY OF THE TRANSCRIPT OF THE MAY 16 PROCEEDING, TOGETHER WITH COPY OF AN EXCERPT FROM THE JUNE 27 PROCEEDING. THE ENTIRE TRANSCRIPT OF THE FIRST HEARING HAD ALREADY BEEN OBTAINED; HOWEVER, SINCE THE SECOND HEARING CONCLUDED SUCCESSFULLY, I DID NOT OBTAIN AN ENTIRE TRANSCRIPT AT THE TIME AND, IN AN EFFORT TO MINIMIZE EXPENSES AT THIS TIME, I ASKED THE COURT REPORTER TO READ THE ENTIRE TRANSCRIPT AND FURNISH ONLY THAT PORTION WHICH MENTIONED OR IN ANY WAY APPEARED TO DEAL WITH A CANOPY OF ANY SORT WHATSOEVER. ACCORDINGLY, HE FURNISHED ME WITH THE THREE PAGE EXCERPT

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OF THE HEARING OF JUNE 27, STATING UNEQUIVOCALLY THAT THIS TESTIMONY IS THE ONLY PORTION OF THE HEARING WHICH APPEARS TO DEAL WITH THESE PROBLEMS.

SO FAR AS THE FIRST HEARING IS CONCERNED, ONLY INCIDENTAL MENTION OF THE CANOPY WAS MADE (TRANSCRIPT MAY 16, 1962, PP. 26-27). SUCH MENTION AS WAS MADE OF THE CANOPY RELATED TO THE NEED FOR A VARIANCE SINCE AT THAT TIME IT PROJECTED BEYOND THE SETBACK TO A POINT AND OBVIOUSLY A SETBACK WAS NEEDED FOR ITS INCLUSION. AT THE COMMENCEMENT OF THE SECOND HEARING, AS INDICATED ON PAGE 1 OF THE PROCEEDING OF JUNE 27, 1961, I STATED THAT THE CANOPY HAD BEEN REMOVED. LATER THE DISCUSSION CONCERNING PEPSI-COLA CANOPIES OCCURRED AND IT IS PERFECTLY APPARENT FROM TESTIMONY ON PAGES 2 AND 3 OF THAT TRANSCRIPT THAT MR. LAMOND WAS REFERRING TO PEPSI-COLA CANOPIES IN HIS DISCUSSION AND IN HIS SUBSEQUENT MOTION. IN VIEW OF THE TESTIMONY AND THE WORDING OF THE RESOLUTION, IT IS ABUNDANTLY CLEAR THAT ANY USE OF THE WORD CANOPY WAS IN CONNECTION WITH THE PEPSI-COLA MACHINES AND IT SEEMS EQUALLY CLEAR THAT LIMITATIONS AFFECTING THE USE OF THE PROPERTY MUST BE INCLUDED IN THE RESOLUTION IF THEY ARE TO BE LEGALLY BINDING.

TO BE QUITE FRANK ABOUT IT, I DID NOT GIVE THE MATTER OF THE CANOPY A SECOND THOUGHT AT ANY POINT DURING THE PROCEEDING ONCE THE NEED FOR A VARIANCE WAS REMOVED. TO MY KNOWLEDGE, THE LAW DOES NOT BIND AN APPLICANT TO MAINTAIN ARCHITECTURAL DETAILS SPECIFICALLY AS SET FORTH IN RENDERINGS BEFORE AN ADMINISTRATIVE BOARD SO LONG AS THE PROPERTY IS USED IN CONFORMITY WITH ZONING AND SETBACKS. IN CERTIFYING TO THE OWNER OF THIS PROPERTY AND THE LENDING INSTITUTIONS INVOLVED, I WAS CAREFUL TO NOTE THE PROVISION OF THE USE PERMIT AS SET FORTH IN THE ADOPTING RESOLUTION. IT NEVER OCCURRED TO ME TO GO BEYOND THE RESOLUTION IN DESCRIBING LIMITATIONS ON THE USE OF THE PROPERTY. IN MY OPINION THE SAME LEGAL CONCLUSION MUST BE REACHED ON THE BASIS OF THE SITE PLAN ORDINANCE.

IN VIEW OF THE FOREGOING I HAVE ADVISED POTOMAC OIL COMPANY THAT NO APPEARANCE SHOULD BE MADE IN RESPONSE TO YOUR LETTER OF OCTOBER 24, PARTICULARLY IN VIEW OF THE FACT THAT MR. WRENCH DISCUSSED THIS ENTIRE PROBLEM AT A PRIOR MEETING.

I TRUST THAT THE ATTACHED TRANSCRIPTS WILL ASSIST IN CONCLUDING THE MATTER AS I AM GENUINELY DISTRESSED THAT THIS MISUNDERSTANDING HAS OCCURRED. I FEEL VERY STRONGLY THAT IF A PROBLEM HAS ARISEN, IT IS SIMPLY A MISUNDERSTANDING AND THUS HAVE ATTEMPTED TO SET FORTH THE FACTS WITH SUPPORTING EVIDENCE IN THE HOPE THAT CLARIFICATION WILL RESOLVE THE PROBLEM.

VERY CORDIALLY,

JOHN T. HAZEL, JR."

MR. HAZEL MADE AN OPENING STATEMENT, REVIEWING THE STATEMENTS BROUGHT OUT IN HIS LETTER OF NOVEMBER 13, 1962 (WHICH LETTER WAS FORWARDED TO EACH MEMBER OF THE BOARD OF ZONING APPEALS), IN WHICH HE SAID HE HAD TRIED TO COVER THE ISSUES. MR. HAZEL SAID HE HAD REVIEWED THE STATUTES AND DID NOT CONSIDER THAT THIS BOARD HAS JURISDICTION IN THIS. HE REFERRED TO SECTION 30-37-B OF THE CODE INDICATING THE ONLY CONDITIONS UPON WHICH THIS BOARD CAN ACT IN THE MATTER OF A SHOW CAUSE, FAILURE OF SOME OF THE CONDITIONS IN CONNECTION WITH THE PERMIT DESIGNATED BY THE BOARD, ETC. HE CONSIDERED THAT THERE HAD BEEN NO FAILURE TO COMPLY WITH CONDITIONS OF THE PERMIT BECAUSE THE USE HAS NOT BEEN ESTABLISHED - SINCE THE STATION IS NOT OPERATING. HOWEVER, MR. HAZEL SAID HE DID NOT WISH TO WAIVE ANY OF HIS RIGHTS BEFORE THIS BOARD.

MR. HAZEL DISCUSSED THE USE OF THE WORD "CANOPY". HE POINTED OUT THAT THE CANOPY AS SUCH WAS WITHDRAWN FROM THE APPLICATION AND WAS NEVER A PART OF THE SERIOUS DISCUSSION. THE "CANOPY" AS REFERRED TO IN THE RESOLUTION WAS A "PEPSI-COLA CANOPY" ONLY.

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MR. HAZEL SAID HE HAD ADVISED HIS CLIENT TO GO AHEAD WITH CONSTRUCTION AFTER THE SITE PLAN WAS APPROVED, AND BUILDING PERMIT WAS OBTAINED, FOR THE FOLLOWING REASONS: HE RECALLED THE SITUATION WITH REGARD TO THE SITE PLAN ORDINANCE AT THE TIME THIS CASE WAS HEARD. IT WAS NOT CONSIDERED ENTIRELY ADEQUATE BY THE COMMONWEALTH'S ATTORNEY AND COUNTY OFFICIALS WERE NOT SATISFIED WITH IT. HOWEVER, HE SUBMITTED THE SITE PLAN WHICH WAS ENTIRELY IN COMPLIANCE WITH THE RESOLUTION GRANTING THIS CASE. IT WAS APPROVED. IT DID NOT SHOW THE CANOPY WHEN IT WAS SUBMITTED TO PHILLIPS OIL COMPANY. THEY SAID THEY WISHED TO INCLUDE THEIR TRADE MARK WHICH WAS USED ON MANY OF THEIR STATIONS - THE CANOPY. MR. HAZEL AGREED THAT THE CANOPY WOULD BE PERMISSIBLE IF IT WAS KEPT WITHIN THE SETBACKS. THEY PROCEEDED ON THAT BASIS. ALL SETBACKS WERE OBSERVED. THE STATION WAS THEN STARTED. WHEN THE CANOPY BECAME A PART OF THE BUILDING - THE DISCUSSION OF "CANOPY" IN THE BOARD OF ZONING APPEALS HEARING BECAME THE BASIS FOR MISUNDERSTANDING.

MR. HAZEL AGAIN STATED THAT HE DID NOT THINK THIS BOARD HAD THE AUTHORITY TO BRING THIS PROCEEDING UNDER THE ORDINANCE. THEREFORE, HE STATED, HE COULD NOT GO AHEAD AND PARTICIPATE IN THE HEARING. HIS LETTER, MR. HAZEL SAID, HAS SAID EVERYTHING RELEVANT TO THE CASE. THAT LETTER, WITH A TRANSCRIPT OF THE FIRST HEARING WERE SUBMITTED TO THE BOARD, MR. HAZEL SAID. HE DID NOT WISH TO WAIVE ANY RIGHT HERE, HE CONTINUED, BUT HE MUST ADVISE HIS CLIENTS THAT THIS MATTER IS CLEAR ENOUGH AND THAT THEY SHOULD LEAVE THE CANOPY WHERE IT IS.

MR. MOORELAND CONTENDED THAT HIS POSITION WAS CORRECT IN THAT THE BOARD OF ZONING APPEALS APPROVAL AND THE SITE PLAN APPROVAL WERE BASED ON A "NO-CANOPY" RESTRICTION. THE PERMIT DATED JULY 6, 1962 HAD WRITTEN ON IT "ALL CONSTRUCTION MUST CONFORM TO SITE PLAN #162". THE LAW SAYS THAT ANY CHANGE IN THE SITE PLAN MUST GO TO THE PLANNING COMMISSION, MR. MOORELAND POINTED OUT. THERE WAS A CHANGE FROM THE SITE PLAN AND HE THEREFORE COULD NOT ISSUE AN OCCUPANCY PERMIT.

THE CANOPY IS CONSIDERED ONLY AN ARCHITECTURAL DETAIL, MR. HAZEL SAID, AND THIS BOARD CANNOT ENFORCE ARCHITECTURAL DESIGN. THE PROBLEM IS, MR. HAZEL CONTINUED, HOW FAR THE SITE PLAN CAN GO. HE ANSWERED THIS BY SAYING - ONLY TO THE EXTENT OF LOCATION. IT IS NOT REQUIRED THAT THE ARCHITECTURAL DETAILS OF A BUILDING BE SHOWN ON THE SITE PLAN, AND NO SITE PLANS ARE A FINISHED PRODUCT. THIS DOES NOT VIOLATE THE SETBACK, IT IS ONLY AN ADDITION TO THE STRUCTURE WITHIN SETBACK AREAS. THE SITE PLAN IS ONLY A ROUGH OUTLINE OF THE BUILDING, MR. HAZEL CONTENDED, THAT IS ALL THAT WAS EVER INTENDED AND REQUIRED. THERE IS NOTHING IN THE ORDINANCE TO SAY THAT EVERY PART OF THE BUILDING SHOULD BE SHOWN. THE ORDINANCE REFERS TO "SITE LAY-OUT". THERE ARE MANY QUESTIONS AS TO WHAT THIS MEANS. HOW SPECIFIC IS THAT, HE ASKED. NOT MANY BUILDINGS ARE CONSTRUCTED EXACTLY LIKE THE ORIGINAL PLAN, MR. HAZEL POINTED OUT.

MR. MOORELAND SAID HE COULD NOT ISSUE AN OCCUPANCY PERMIT AS LONG AS IT DOES NOT CONFORM TO THE SITE PLAN LAY-OUT AND THE SITE PLAN. HE CONTENDED THAT PRACTICALLY ALL CONSTRUCTION WAS BUILT JUST AS ORIGINALLY PRESENTED IN THE SITE PLAN.

MRS. HENDERSON NOTED THAT WITH THE CANOPY SUPPORTED BY IRON GIRDERS THAT BECOMES THE FRONT SETBACK OF THE BUILDING, WHICH WAS NOT AS REPRESENTED IN THE GRANTED APPLICATION. THIS IS A VERY LARGE CHANGE FROM WHAT THE BOARD WAS GRANTING.

THE CANOPY WAS NOT EVEN A CASE IN POINT, MR. HAZEL SAID, BECAUSE THE VARIANCE ON THAT WAS WITHDRAWN, BUT THE BUILDING AS BUILT MEETS ALL SETBACKS IN THE ORDINANCE. HE CONSIDERED THAT HIS CLIENT COULD BRING HIS BUILDING OUT TO THE REQUIRED LEGAL SETBACK LINE.

MRS. HENDERSON SAID IT WAS STILL A QUESTION IN HER MIND WHETHER OR NOT THE CANOPY WAS INCLUDED IN THE CONDITIONS OF THE GRANTING.

SINCE THERE WAS NO SUGGESTION OF A CANOPY IN THE SITE PLAN, MR. D. SMITH ASKED MR. HAZEL HOW HE JUSTIFIED ERECTION OF THIS EXTENSION WITHOUT SHOWING IT ON THE SITE PLAN.

THIS IS A MATTER OF WHAT THE SITE PLAN CAN LEGALLY REQUIRE, MR. HAZEL ANSWERED. IT CANNOT REQUIRE COMPLETE APPENDAGES AND DETAIL. AT THE TIME THIS CASE WAS HANDLED THE SITE PLAN WAS A WEAK INSTRUMENT IN THE COUNTY - THE COUNTY RECOGNIZED THIS WHEN IT WAS AMENDED, MR. HAZEL WENT ON. THIS SITE PLAN WAS APPROVED UNDER A PRIOR ORDINANCE, AND THERE WERE MANY QUESTIONS ABOUT THE REGULATIONS AT THAT TIME.

ALL THROUGH THE COUNTY ORDINANCES, MR. MOORELAND STATED, IT HAS ALWAYS BEEN REQUIRED THAT A PLOT PLAN WITH THE PROPOSED LAY-OUT BE PRESENTED AND MADE A PART OF THE APPLICATION TO THIS BOARD. THE BOARD HAS RULED THAT THESE PLOT PLANS BE SUBMITTED.

ADMINISTRATIVE OFFICES DO MANY THINGS THAT ARE NOT CORRECT, MR. HAZEL POINTED OUT, THINGS THAT ARE NOT ALWAYS LEGAL.

THE BOARD HAS USED THESE PLOT PLANS ON EVERY USE PERMIT AND VARIANCE THEY HAVE EVER GRANTED, MR. MOORELAND CONTINUED. IT IS REQUIRED BY LAW IN ORDER TO ACCEPT AN APPLICATION. THE BOARD ALSO REQUIRES A CERTIFIED SURVEYOR'S PLAT IN ORDER TO ASSURE A CORRECT PICTURE OF WHAT IS REQUESTED IN THE APPLICATION. THESE APPLICATIONS ARE GRANTED OR DENIED ON THE BASIS OF THE CERTIFIED PLATS AND PLOT PLANS. IT IS THE ONLY MEANS THE BOARD HAS OF KNOWING WHAT THEY GRANT.

MR. D. SMITH POINTED OUT THAT THESE PLANS ARE SCRUTINIZED CLOSELY, EVEN THE DESIGN OF THE STRUCTURE. IT IS FOUND SOMETIMES THAT AN OVERHAND OR CANOPY MAY NOT BE IN HARMONY WITH AN ADJOINING RESIDENTIAL AREA, AND THE BOARD MIGHT DENY THE APPLICATION. ON THAT BASIS, IN THIS CASE, MR. D. SMITH POINTED OUT, HAD THE CANOPY BEEN CONSIDERED AND SHOWN AS IT WAS FINALLY CONSTRUCTED THE CASE MIGHT HAVE HAD A DIFFERENT VOTE BECAUSE OF THE AFFECT OF THIS OVERHANG ON RESIDENTIAL PROPERTY -- OR IT MIGHT HAVE BEEN GRANTED.

MRS. HENDERSON SUGGESTED THAT THE BOARD FORMALLY UPHOLD MR. MOORELAND'S POSITION IN REFUSING THE OCCUPANCY PERMIT BECAUSE WHAT HAS BEEN CONSTRUCTED IS CONTRARY TO THE PLOT PLAN THAT WAS PRESENTED TO THIS BOARD AT THE TIME THE APPLICATION FOR A USE PERMIT WAS GRANTED. THE GRANTING OF THE PERMIT WAS BASED ON THE TESTIMONY AND THE PLOT PLAN.

AFTER HAVING STUDIED THE PROPOSED BUILDING LOCATION, AND THE BUILDING WITH ITS APPURTENANCES, AS SHOWN ON PLOT PLANS, MR. D. SMITH SAID, THE BOARD MAKES ITS DECISIONS ON THE BASIS OF WHAT IS SHOWN ON THAT PLOT PLAN. EVERYTHING IS DISCUSSED - THE SIZE OF THE BUILDING - THE SETBACKS, OVERHANGS, PORCHES, OR EVERYTHING CONCERNING THE CASE - AND ON THAT BASIS OF WHAT IT SEES ON THE PLAT - THE CASE IS DENIED OR GRANTED. BECAUSE OF THE SIZE OF THE OPERATION IT MIGHT NOT BE IN HARMONY WITH ADJOINING RESIDENTIAL AREA. THE CASE MIGHT BE DENIED ON THAT BASIS. MR. SMITH SAID HE WAS AWARE OF THE FACT THAT THIS BOARD HAS NO JURISDICTION OVER THE SITE PLAN - BUT THAT IT DOES HAVE JURISDICTION OVER THE GRANTING OF A PERMIT - AS SET UP UNDER THE ORDINANCE, AND BECAUSE OF THE FAILURE OF THE APPLICANT TO FOLLOW THE PLOT PLAN SUBMITTED AT THE TIME THE PERMIT WAS GRANTED - THE BOARD SHOULD AGREE TO UPHOLD MR. MOORELAND IN HIS DECISION NOT TO GRANT THE OCCUPANCY PERMIT.

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MRS. HENDERSON SUGGESTED THAT THIS BOARD MAKE A FORMAL REPRESENTATION TO UPHOLD MR. MOORELAND'S POSITION - BECAUSE WHAT HAS BEEN CONSTRUCTED IS CONTRARY TO THE PLOT PLAN THAT WAS PRESENTED TO THIS BOARD, AT THE TIME THE APPLICATION FOR A USE PERMIT WAS GRANTED. IT WAS BASED ON THE TESTIMONY AND THE PLOT PLAN.

MR. SMITH AGREED THAT THE BOARD UPHOLD MR. MOORELAND'S DECISION NOT TO ISSUE AN OCCUPANCY PERMIT. PERMISSION WAS GRANTED BY THIS BOARD BASED ON THE PLOT PLAN PRESENTED FOR A THREE BAY FILLING STATION WITH NO CANOPY OVERHANG. SINCE THE USE HAS NOT BEEN ESTABLISHED - THE BOARD CANNOT REVOKE THE PERMIT - BUT THE BOARD CAN UPHOLD THE DECISION NOT TO ISSUE AN OCCUPANCY PERMIT BECAUSE THE TERMS OF THE PERMIT - ISSUED BY THIS BOARD HAVE NOT BEEN FOLLOWED. THIS COULD END HERE, MR. SMITH SAID.

WITH THE DEBATABLE QUESTION OF THE JURISDICTION OF THIS BOARD IN THE MATTER OF THE SHOW CAUSE - MR. MOORELAND SAID THE BOARD COULD DO NOTHING FURTHER AT THIS TIME, BUT SHOULD DEFER THE CASE INDEFINITELY FOR WHATEVER DECISION IS MADE AT A LATER DATE. IT WILL PROBABLY BE A CASE FOR THE COURTS TO DECIDE.

THE OTHERS AGREED.

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MR. MOORELAND READ A LETTER AND DISCUSSED A VARIANCE ON LOT AREA GRANTED TO JOHN REEDER IN 1961. MR. REEDER DIED SHORTLY AFTER THIS. PERCOLATION ON THE LOTS DID NOT PASS THE TESTS WHICH DELAYED MRS. REEDER IN GETTING APPROVAL OF THE SUBDIVISION PLAT. LATER PERCOLATION TESTS DID PASS. THEY HAVE NOW CLEARED THE PRELIMINARY PLAT AND ALL CONDITIONS ARE MET. THE TIME ON THE VARIANCE HAS EXPIRED - COULD THE BOARD EXTEND IT?

MR. D. SMITH MOVED, IN VIEW OF THE LETTER SUBMITTED TO MR. MOORELAND - THAT AN EXTENSION BE GRANTED FOR MRS. REEDER TO COMPLETE RECORDATION OF THIS VARIANCE FOR 90 DAYS FROM THIS DATE.

SECONDED, MR. T. BARNES CD. UNAN.

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MEETING ADJOURNED

Mary L. Henderson  
MRS. L. J. HENDERSON, JR., CHAIRMAN

January 16, 1962  
DATE

December 4, 1962

The Fairfax Board of Zoning Appeals met for its regular meeting on Tuesday, December 4, 1962 at 10 A.M. in the Board Room of the Fairfax County Courthouse. Mr. Daniel Smith and Mrs. L. J. Henderson, Jr., Chairman, were present. For want of a quorum present the meeting was adjourned until 10 A.M. on Thursday, December 6, 1962.

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

February 5, 1963  
Date

The Fairfax County Board of Zoning Appeals held its adjourned meeting on Thursday, December 6, 1962, at 10 A.M. in the Board Room of the Fairfax County Court-house, with all members present excepting Mr. T. Barnes, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

New cases:

- 1- TEXACO, INC., to permit pump islands 25 feet from road right of way line, on west side of Telegraph Road, approximately 165 feet south of Burgundy Road, Lee District. (C.G.)

Mr. Freeman represented the applicant. The plat showed the pump islands to be 29 feet from the taken right of way and 45 feet from the roadway at present. The applicant asked for a standard three bay station to be used for a filling station only.

There were no objections from the area.

Mrs. Carpenter moved that the application of Texaco, Inc., to permit pump islands 25 feet from road right of way line, on west side of Telegraph Road, approximately 165 feet south of Burgundy Road, Lee District, (C.G.), be approved as it does not appear that this would in any way be detrimental to the surrounding neighborhood. This station shall be constructed in accordance with the plat submitted with the use permit for the pump islands. Seconded, Mr. D. Smith. Carried unanimously.

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- 2- ATLANTIC REFINING COMPANY, to permit erection and operation of a service station and permit pump islands 25 feet from road right of way line, on north side of #1 Highway just west of Anderson Road, Lee District. (CDM).

Mr. Hansbarger represented the applicant. Mr. Hansbarger said the owner of this filling station property also owns the surrounding land.

A feasibility study of this area has been made by Capital Research, Associates, Mr. Hansbarger told the Board and that study recommended a service station for this area because of the nearness to Fort Belvoir and the fact that there is no other filling station within two miles.

Mr. Jack Chilton discussed the travel lane between the road right of way and the pump islands which was shown to be 22 feet. (The Board was not acquainted with travel lanes as such). Mr. Chilton said this is not a dedicated area - the lanes vary in width from 22 to 26 feet. They are bordered with a curb on both sides and with cut through to the highway. They are used for interior circulation between businesses. While they, in effect, serve the purpose of a service drive they probably would not be dedicated for that purpose unless they are built to standards.

The new amendment (site plan) sets up travel lanes, Mr. Chilton said, and provides for lesser setback for pump islands. If the travel lane is not dedicated there would be no requirement for additional setback of the pump islands as this lane is entirely within the owner's property.

Mr. Chilton said they have been requiring circulation lanes through commercial property for some time but they did not require the curb. He noted particularly the circulation lane on commercial property at the Kamp Washington Safeway and adjoining property, also the Phillips station at Baileys Cross Roads.

There is no requirement for the travel lane, Mr. Chilton continued, and it does not change the right of way line, and it is not dedicated unless the owner wishes to do so. In lieu of providing a travel lane the owner may dedicate and construct a service drive. The setback would ~~not~~ be greater if it is dedicated than if it is not.

Mr. Hansbarger pointed out that this is in conflict with the Ordinance, in

New cases - continued

that it automatically grants a variance. Mr. Chilton agreed that it did but said the travel lane was a new thing and all the details on it had not yet been worked out.

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The feasibility of serving a car from a pump island setting three or four feet from the travel lane was discussed. It was agreed that the pump island should at least be the width of a car from the curb of the travel lane.

Mrs. Henderson said she would like to see the site plan on this after the travel lane is worked out and shown on the plat.

Mr. Smith said usually the pump islands were not 10 feet from the travel lane. He thought travel lanes very satisfactory in some places - especially where there is little development.

Mr. Hansbarger agreed that this should come back to this Board showing a complete plan with travel lane.

Mrs. Henderson pointed out that the building would have to be back to provide for the pump islands and that cars should not be served from the travel lane.

In the application of Atlantic Refining Company, to permit erection and operation of a service station and permit pump islands 25 feet from road right of way line, on north side of #1 Highway just west of Anderson Road, Lee District, (CDM), Mr. Dan Smith moved that the application be approved pending final approval of the site plan by this Board - showing pump island location, building, sign, travel lane, etc. Seconded, Mrs. Carpenter. Carried unanimously.

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3- BOBBY PURDUM, to permit operation of billiard and ping pong tables in an existing building, on west side of Backlick Road, approximately 200 feet south of Route 644, Mason District, (C.N.),

Mr. Bernard Fagelson represented the applicant. This is a small shopping center, Mr. Fagelson pointed out, with six small store buildings. They have applied for the billiard table use under the new Ordinance allowing this use in a C-N District. There is a great need for recreation in this area. He discussed the modern trend in billiard playing as opposed to the old pool hall which was often considered a questionable place for the young. The new trend is an entirely new concept - the interior is tastefully decorated with stress on features that would appeal to women. He noted that the tables would be highly colorful - tangerine or other similarly gay colors. (Mr. Fagelson filed with his case ~~the~~ issues of the comic strip - "peanuts" dealing with a modern tangerine pool table.)

The existing building shown on the plat, Mr. Fagelson said would house the pool tables and ping pong tables. In one of the future buildings they probably would have archery. They would return to this Board for a permit for that.

Mr. E. Smith said he lamented the passing of the old pool rooms - which he considered both recreational and educational.

Mr. Fagelson said they would not sell beer - and would have only vending machines.

No one in the area objected.

In the application of Bobby Purdum, to permit operation of billiard and ping pong tables in an existing building, on west side of Backlick Road, approximately 200 feet south of Route 644, Mason District, (C.N.), Mr. Dan Smith moved that the application be approved as applied for. This operation shall be constructed and operated in conformity with provisions



New cases - continued

of the Ordinance. This permit is granted under the amendment to the Ordinance permitting this use in C-N zoning. Seconded, Mrs. Carpenter.

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Voting for the motion were Mrs. Henderson, Mrs. Carpenter, and Mr. D. Smith.

Mr. E. Smith refrained from voting. Carried.

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4- WASHINGTON GAS LIGHT COMPANY, to permit underground storage of liquid propane and propane gas (extension granted by Board of Zoning Appeals 6/27/61), N. E. corner of Southern Railroad and Rolling Road near Burke, Falls Church District. (R-17).

Mr. Robert McCandlish represented the applicant. Mr. McCandlish pointed out that there was no Planning Commission recommendation on this because Mr. Fitzgerald had given the opinion that such action was not necessary in view of the already approved initial location and this is merely an extension of the cavern in a different direction from that originally planned but that the cavern is still in the same general location and the entrance and above ground improvements are not to be changed.

(Opinion on file in the records of this case.)

Mr. McCandlish pointed out on his plat what the Board granted a little over a year ago. He said they do not know exactly how far this cavern goes. They may have gone over the line now - there is no way to measure since the operation is all underground.

This is before the Board under an emergency amendment, Mr. McCandlish said, extended for 60 days to take care of the mechanics of this extension.

In effect, this becomes a non-conforming use after the emergency amendment expires, Mrs. Henderson said. That is correct, Mr. McCandlish agreed.

This will all be underground, Mr. McCandlish continued, the fence may have to be moved, otherwise the above ground facilities will remain the same.

They may not even have had to come to the Board for this, Mr. McCandlish went on, but they have to store in hard rock and they cannot say just where the storage goes.

No one from the area objected.

In view of the past inquiry into this operation and in view of the fact that this would remain the same as approved by this Board and reviewed by other bodies in the County, Mr. E. Smith moved that the application of Washington Gas Light Company, to permit underground storage of liquid propane and propane gas (extension granted by Board of Zoning Appeals 6/27/61), N.E. corner of Southern Railroad and Rolling Road near Burke, Falls Church District, (R-17), be approved.

This is an extension of the original application, the area is increased by approximately 20 acres, for underground storage of gas and any conditions applied to the original application shall also apply to this extension. Seconded, Mrs. Carpenter. Carried unanimously.

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5- VIRGINIA ELECTRIC AND POWER COMPANY, to permit transmission line from Idylwood to present Dulles-C.I.A. Line, right of way of Washington and Old Dominion Railroad, Providence District. (R-12.5 and RE-1.)

Mr. Randolph Church, Attorney, and Leon Johnson, District Manager for VEPCO represented the applicant.

New cases - continued

Mr. Church traced the transmission line from Idylwood to the Town line of Herndon and the short distance outside the tower line of Herndon, using the Washington - Old Dominion Railroad right of way. There is no transmission line at present from Idylwood to Vienna. This is a total distance of practically two miles. The railroad has a right of way of approximately 100 feet and they will put the transmission line on that.

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Mr. Johnson read a statement briefed as follows:

This will be a 250 KV transmission line, which will be located on the W & O Railroad right of way except for the short distance between the railroad and the Idylwood substation. Mr. Johnson pointed out - the line where a use permit has already been obtained in connection with the C.I.A. line and towers were constructed to accommodate two lines. He presented exhibits of the type tower to be used for the greater part of the line and the type to be used at turning points. At points where the lines hang over the railroad tracks it will be necessary to have higher towers.

They will construct this line during 1963 as a supply line to a new substation in Loudoun County. In 1964 this line will be extended to their 500 KV station in Loudoun County near Arcola to bring power from the Mt. Storm power station in West Virginia into Fairfax County through Idylwood substation. This will guarantee adequate electrical supply. Therefore the line is essential and it is also necessary to avoid deterioration and to continue expansion of V.E.P.C.O.'s facilities. Mr. Johnson went on, to meet requirements in the fast developing Fairfax County area.

A very thorough study was made to determine the best route for this line - and use of the W. D. and O. easement was the result of the study. They also consider it will cause the least inconvenience to people in the area.

This line will create no new traffic nor hazard. It will be constructed in accordance with National Electrical Safety Code. It will produce no sound, vibration, squeak nor air pollution.

Mr. Mc K. Downs appraiser and consultant gave a through analysis of the line with respect to its impact upon adjoining property. He traced the course of the line, pointing out subdivisions, open fields, woods, or any other developments along the route. He noted subdivisions that had been developed after the original power line had been constructed along the W & O D easement. Mr. Downs showed photographs of houses bordering this line indicating that in almost every instance the houses were well away from the right of way and were well screened with heavy growth of trees. The newer homes along the way all in the \$25,000 to \$30,000 class - some of the older places are in bad repair - but a large percentage of the land bordering the W. & O D is in woods. He noted where the railroad lays in a cut and pointed out that the tower would be located in the cut. (The distribution line is already on the railroad right of way and will remain there.)

Mr. Downs said he knew of no sales that had not been consummated because of the existing power line.

Mr. Schumann asked if this installation would require cutting trees - Mr. Johnson said very little - if they have to acquire more right of way there may be some - but very little.

#### Opposition:

Mrs. Black stated that she owns property adjoining the railroad at Dunn Loring Road. She objected to the fact that they may add three more wires to this line and to the 104 foot tower. She contended that the railroad right of way at Dunn Loring is only 60 feet. She pointed out that the railroad and this line go immediately through the old community

New cases - continued

of Dunn Loring and cuts through their community park which is used for recreational purposes. She objected to the high tension line, contending that it would deteriorate property values. 104 foot towers can not be screened, she pointed out.

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Mrs. Black said her family had owned this property for several generations. They gave the easement for V.E.P.C.O. when they were practically forced to do so. The Dunn Loring park was dedicated around 1900 when this old community was planned. They feel that the old residents who have held on to their land for so many years are being penalized for this. While they have had the line on the easement they have not used the high towers such as the company plans now.

Mr. Dan Smith said he thought this was the very best location to be found for this line. It appears to affect the least people. The railroad is already here and the easement is not up-rooting homes. He could not conceive of a better solution to the location of this line.

Mr. E. Smith noted that Dunn Loring was built around the railroad - a very usual thing at the time this community was planned.

Mr. Thomas Martin, stated that he had lived in this community since 1935 on the Benizer property. His house is on a hill on the north side of the railroad.

Mr. Martin objected to the high towers and high tension wires - or to any addition to what is already here. He thought the route of the line should be considered by the Northern Virginia Regional Commission since the federal government is becoming very interested in the development of the whole metropolitan area.

He considered the towers hazardous because of breaking wires and deterioration. He suggested that old communities like this (planned in 1887) should be protected and the wires should be put under ground. He discussed this means of installing wires both in Europe and other places in this country and said this area was far behind on this method of handling their lines.

He suggested that while underground wiring was expensive it would be cheaper than paying damage suits on depreciated property.

Mr. E. Smith said he had objected strenuously to overhead wires and had been greatly impressed with the underground wiring he had seen but he realized that especially in the western part of the County such an expenditure is probably not practical at this time. Mr. Smith said he was very conscious of the impact of these installations on communities and ~~individuals~~ but unfortunately it is very necessary to our way of life to have adequate electricity and the good of all must be weighed against individual inconvenience.

Mr. Robert Black asked how many lines would be put here. This is an addition to what they have there now, Mr. Dan Smith recalled from earlier testimony. The other line is for local distribution.

Mr. Black objected to two lines running parallel - he suggested that all lines be put on the same pole. Mr. Black also said he could not land his airplane on his property because of so many wires (a statement that horrified the Board). Mr. Black asked about wire clearance from the ground. Mr. Johnson answered the least clearance would be at the sag over the railroad - 37 feet.

Mr. E. F. Mitchell from Vienna, representing the Town Council, stated the Council's objection. The lines go through the Town of Vienna. He said they had not yet had time to study the plan but the Council is ~~opposed~~ <sup>aware</sup> of the use of the railroad easement through the town. It was noted that a greater part of the land in Vienna through which that right of way runs is commercial - although most of it undeveloped. He objected to the way the line was placed on the easement.

Mr. Mitchell discussed the backwardness of the Company in not using underground wiring. He objected to the safety hazard.

He asked deferrment until the Town of Vienna has the opportunity of hearing this before their Planning Commission. If this is denied by the Town they would like the opportunity of making some other suggestion for consideration of the line through the County. There are alternate routes around Vienna which, he said, should be explored - immediately to the S E and S W paralleling Rt. 66.

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Mr. L. B. Cresswell, Town Mayor of Vienna said their Town Attorney had told him that he did not think Vienna had it in their ordinance to require a use permit for this line. Just after making this verbal statement the Attorney took sick and is still incapacitated. Their former Town Attorney (Mr. Beckner) had given this opinion that the Town could not require V.E.P.C.O. to come before the Council for a permit. Mr. Cresswell said he thought that opinion was correct but would like a final ruling in writing from the present Attorney.

Since Vienna is a part of the County, Mr. E. Smith thought the County should give their full consideration - realizing that the County is concerned about orderly development both in the Town and County. However, he noted that this Board has no jurisdiction over the Town even though their Ordinance may not control this use.

The only application before this Board Mr. Dan Smith pointed out, is that part of the line in the County and this Board has no jurisdiction to prohibit this within the Town. The plan shown here is the most direct, it is on the railroad right of way and affects very few people. If this is located around the Town, as suggested by Vienna, it may affect many more people.

Mrs. Henderson thought the Board should defer this out of courtesy for the Town of Vienna.

Mr. D. Smith said he had no objection to that but this Board has no authority to grant or prohibit a use permit through the Town. He could not see where the action of Vienna would affect the County. Mr. Smith said he had no objection to the deferral for consultation but he thought this was a problem of Vienna as far as their use permit is concerned.

Mr. Mitchell said the Town was asking deferral only for time to make a study.

Mr. Church said he was surprised at the statements from the Town of Vienna - they had been notified of this plan in October of 1960. The Town requested a legal opinion at that time from their Town Attorney. They have known this for over two years and now they ask time to study the problem when the only application before this Board is the line in the County. They have been in touch with the Town, Mr. Church said, and have tried to cooperate with them - so the position of the Council comes as a surprise.

Mr. Johnson said they wrote to the Town in October 1960 giving them full information of their plans. On October 15, 1960 the Town replied and said no use permit was required, that their Ordinance does not include this type of installation in use permit requirements. They have written to them since that time but have had no reply. They wrote again to be sure of the opinion of the Town's new Attorney and to bring him up to date on what they planned. Mr. Beckner had left. No reply. They assumed that Mr. Beckner, who gave the original opinion, was right. They went over this with Mayor Cresswell two years ago.

Between 1960 and now they have not moved on this, Mr. Johnson continued, because the W & O D right of way was under negotiation for highway use and the railroad did not wish to enter into any new easement agreements.

Mr. Johnson explained that this is part of the Mt. Storm project in West Virginia which will serve 800,000 customers. It is part of a \$150 million project designed to serve this area.

New cases - continued

Mr. Johnson discussed the use of underground lines saying it is not feasible except in short distances in congested areas. A great volume of electricity is used in this country ( far greater than Europe) because we have cheap electricity. V.E.P.C.O. has very superior technical advise and superior technical know-how and he challenged anyone to find a better way to do what they are seeking to do. They are within or above the code in many requirements. All safety requirements are met. He has found this company to be the equal or above other companies in the Country. Some underground cables have been installed in highly developed area - but cables are not possible in this kind of installation. They may be in the future.

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As to combining these lines on one pole, Mr. Johnson explained that - like traffic lanes - one line is for heavy use and the other for lighter use. If they joined these lines on the towers they would have to make changes in the towers - taller and closer together. It would be a more unpleasant situation.

They will have to expand the distribution line. There are two currents on the poles now. They will have to have three. The towers could not accommodate all the lines. They are not tall enough nor big enough.

In answer to a question, Mr. Johnson said the towers are from 400 to 750 feet apart, depending upon the curve in the railroad track.

Mrs. Carpenter suggested use of the access road. That, Mr. Johnson said would require expansion of the lane and condemnation of more property which they do not have the right to do.

Mr. Church said this is a situation where the Town of Vienna is asking the County to protect it from itself. They admit they cannot do anything about this - so they want the County to act and protect them.

Mrs. Henderson disagreed with this - she thought it the courteous thing to defer and let the Town go over their problem.

Recommendation from the Planning Commission:

"The Planning Commission recommended approval of the application under 15-964.10. Although it was understood that the matter was presently under study, the Commission recommends to the Board of Zoning Appeals that the study be made regarding the possibility of eliminating the dual poles and putting the lines on one set of poles.

The motions carried unanimously with Mrs. Bradley, Mrs. Dalton, Messrs. Price, Quackenbush, Tepper, Giangreco, Wright, Smith and Williams voting in favor of the motions."

Mr. E. Smith stated that the route mapped out by V.E.P.C.O. probably is the best route from planning and other standpoints - by using the railroad right of way. But he was concerned with the request of the Town of Vienna. While the jurisdiction of this Board ends at the Town line our responsibility does not end he said. They are citizens of the County also. While their Zoning Ordinance does not give them the right to review the affects of this line through the Town, this Board probably should take into account the affect this will have on the citizens of Vienna.

He moved to defer the case for decision until December 18, 1962 to enable the Council to determine the extent of the Town of Vienna's jurisdiction over the installation of this facility and if the Town of Vienna has no control over the installation of this facility this shall be reported to the County.

Mr. Smith said he would not be prepared to vote for approval of this until the Board has additional opportunity to study the affect in the Town of Vienna.

(Mr. Smith noted that the Town did not disapprove of this at the Planning Commission hearing.) Seconded, Mrs. Carpenter. Carried unanimously.

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New cases - continued

Mrs. Henderson asked for a written statement on the situation with regard to the Vienna Zoning Ordinance. Such a statement should be presented to this Board on December 18, 1962. Does the Vienna Zoning Ordinance require a use permit or does it not?

If they have no jurisdiction to require a use permit, Mr. E. Smith said, the Board would need some information about the affect of this line through the Town.

Mrs. Henderson suggested that full evidence on the affect of this line in Vienna should be presented. If the Town has no jurisdiction over installation of this line in the Town information, should be available to help the Board in arriving at a decision.

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6-

VILLA AQUATIC CLUB, INC., to permit erection and operation of a swimming pool, bath house and other recreational facilities, property at the end of Andes Drive, westerly adjacent to Sections 3 and 4, Fairfax Villa, Providence District. (R-12.5).

Mr. Robert Brown, Vice President of the Club, represented the applicant. Mr. Brown said they had been licensed by the State since early in 1962 and they have been working since that time to arrive at a good plan of development. He withdrew the plats presented with the case and substituted a revised plan. The layout is slightly changed - for the better - Mr. Brown said, it gives a better use of the land. It conforms in all respects to requirements of the Board.

They will dedicate a road as stated in letter dated November 14, 1962 to the Board of Zoning Appeals from Leslie R. Dears, Jr. President of the Aquatic - quoted as follows:

"The application is to include dedication for public use the 60 foot road bed of Andes Drive shown on plat."

Mr. Brown pointed out the abutting property owners who are members of the club and who approve of the site plan.

The club has a planned capacity of 325 families, Mr. Brown said, the plat showed 137 parking spaces. He pointed out the facilities to be provided. They plan only vending machines at this time. If they expand any facilities they will come back to this Board.

Fairfax Villa Citizens Association sent a letter approving this use.

~~Mrs. Dan Smith~~ <sup>GREENBERG</sup> moved that the application of Villa Aquatic Club, to permit erection and operation of a swimming pool, bath house and other recreational facilities, property at the end of Andes Drive, westerly adjacent to Sections 3 and 4, Fairfax Villa, Providence District. (R-12.5), be approved with a membership limited to 400 families. This granting is tied to the plat site plan dated December 5, 1962 with 137 parking spaces. Adequate screening shall be provided and Andes Drive shall be dedicated for public use to a width of 60 feet for the use of this property. Concessions shall be limited to vending machine operation only. All other provisions of the Ordinance shall be met.

Seconded, Mr. Dan Smith. Carried unanimously.

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## DEFERRED CASES

1-

David L. Mead, to permit erection of carport 10 feet from side property line, Lot 84, Section 2B, Sleepy Hollow Estates, (1207 Woodville Drive) Mason District. (RE-0.5).

Upon investigation of the records, it was revealed, Mrs. Henderson said, that the 25% rule does apply here. There are eight houses in subdivision

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Deferred cases - continued

without carports. On five of these it would be impossible to put carports. Three would be eligible to apply. However, Mrs. Henderson pointed out to Mrs. Mead that they do have an alternate location on this property. The driveway could be carried to 12 feet behind the house and a carport placed there which would conform to requirements.

Mrs. Mead said the neighbors would object to this - she had discussed this with them and she would not do that to them.

Mrs. Henderson noted that no other carports have been allowed closer than 15 feet. They could have a 10 foot 9 inch carport with a 3 foot overhang. She questioned what justification the Board could have for more variance than that.

Mrs. Mead said she wished to have a structure that was architecturally in keeping with her home and those in the neighborhood. All the other carports in the neighborhood were either attached to the houses or under the porch.

This is a reasonable request, Mr. Dan Smith said, and because the great majority of the homes in the area have attached carports rather than detached he did not think a detached carport would be in harmony with the neighborhood. It is also noted that the neighbors would object to a detached carport. But the variance asked Mr. Smith continued, is greater than these people need. He thought a variance of no more than 2 feet would allow the applicant to erect a carport that would be consistent with the surrounding neighborhood and would not be out of order.

Mr. Dan Smith moved that David L. Mead be permitted to erect, a carport at a distance of no more than 13 feet from the side property line on lot 84, Section 28, Sleppy Hollow Estates.

After considerable discussion, Mr. Smith continued, it was pointed out that locating this on any other part of the lot would not be in harmony with the surrounding residences and not in character with the kind of development that has been taking place in this subdivision. Seconded, Mr. E. Smith. Carried unanimously.

Mrs. Henderson noted that there are three other lots in this immediate area which might request the same thing but that each of these cases would be considered in its own merits.

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Mr. Woodson said Mr. Hazel is filing a revised site plan that the Planning Engineer will have to approve.

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Meeting Adjourned

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

February 5, 1963  
Date

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The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, December 18, 1962, at 10 A.M. in the Board Room of the Fairfax County Courthouse, with all members present. Mrs. L. J. Henderson, Jr., Chairman, Presiding.

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

NEW CASES:

1- RICHARD B. GILLILAND, to permit erection of carport closer to rear property line than allowed by the Ordinance, Lot 13, Block 9, Section 3, Ravensworth, (5329 Landgrave Lane), Falls Church District. (R-12.5).

Mr. Gilliland said the front of his house faces on Landgrave Lane, the widest frontage of his lot. It is now determined that the rear lot line is opposite the shortest side of the lot. They bought the lot thinking the carport could go in here. To put the carport in the rear behind the house - detached would defeat the purpose of the carport as they want a breezeway with a walk way to a patio in the rear.

Mrs. Henderson questioned any justification for a 22 foot carport. Mr. Gilliland said the lot is practically level - sloping a little toward the front. It is level where the carport would be.

The Board agreed to look at the property and the area.

Mrs. Carpenter moved to defer the case to January 8, 1963 to view the property and the surrounding area with relation to this carport. Seconded, Mr. T. Barnes. Carried unanimously.

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2- B. H. RUNYON, to allow an addition to be used as a repair garage closer to side line than allowed by the Ordinance, on southerly side of Columbia Pike near Bailey's Cross Roads, (6904 Columbia Pike), Mason District. (C.G.).

Mr. Mooreland recalled that this Board granted a variance on the first two buildings on this property - as shown on the plat. These two buildings established the setback. The third building has the same setback. Mr. Runyon came in for an occupancy permit but they could not grant it until the area was black topped. That has now been done.

Mr. Runyon also recalled that the sewer line came through his property and the State took 50 feet along the frontage for highway purposes. This has in effect reduced the usable area of his property.

Mr. Runyon discussed the topography of his property immediately back of his buildings - saying the land runs level for a very short distance then rises sharply to the rear of adjoining lots. Whatever planting or fencing he would do along his property line or near his property line would do no good because of the height of the lots back of him. He also said this bank is well covered with trees which do more to screen his property than any screening he could do. He has no entrance from the rear of the buildings. This building is now being used for a repair garage with the understanding that he would black top the area.

Mr. Chilton said Mr. Runyon could not put his fence 10 feet or 12 feet back from the property line but he could put a fence on the property line or he could plant shrubs there. The fence in that location would hide the building - except the roof.

Mr. Runyon said they have room for utilities in back of the building and that is all.

It was noted that the three buildings shown on the plat ~~are~~ being used for repair garages are three separate operations.

There were no objections from the area.

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New cases - continued

Mr. Chilton said before they can approve the occupancy permit this Board would have to vary the specific requirement for a fence at the rear of the building.

This is an unusual situation, Mr. E. Smith pointed out, because of the unusual topography - the fact that the adjoining property will be above this property. There would be no detrimental affect to the adjoining property owner to allow this building to remain as it is.

In view of the unusual topographic situation and the fact that it would not have a detrimental affect on adjacent property owners Mr. Smith moved that the Board allow this building to be used as a repair garage as requested even with the setback as it is. This is an extension of a variance already granted and the Board established that setback at the time of granting the last variance. Seconded, Mrs. Carpenter. Carried unanimously.

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With regard to the screening (30-8 (6-6) page 476)

At the level of the seven foot fence as proposed, Mr. Dan Smith said, nothing would be accomplished more than the building of a fence. It would not screen the top of the fourteen foot building.

It was noted on the plat that a fence was required along the east end of the property which was intended to screen the activities from the east. It would not screen from the back. In fact, nothing at the immediate back of the building would serve screening purposes.

Mrs. Henderson suggested that the requirements of the present site plan could be waived - but if the property line is up on the bank (there was a question as to just where the property line is with respect to the bank) it might do to put a fence or planting along the property line. Then it would not be necessary to waive site plan requirements entirely - but only the specific requirements.

The feasibility of putting a fence on a steep bank was discussed without arriving at a conclusion.

Mrs. Henderson suggested granting this and leaving the fence or planting up to the staff or site plan people.

After further discussion, Mr. Dan Smith moved that the specific requirements regarding screening and planting as shown on the site plan be waived but it is also required that screening will be worked out by the Staff and the soil scientist so that an alternate plan of screening, which is advantageous both to the owner of this property and to the County shall be required. Seconded, Mr. E. Smith. Carried unanimously.

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3- JOHN J. RUSSELL, Bishop of Richmond, to permit erection and operation of a parochial school, at the end of Camp Alger Avenue adjoining Section 9, Broyhill Park, Falls Church District, (R-10).

Mr. Philip Brophy represented the applicant, also Father Spate and Mr. Martinelli were present. This is planned to be a big operation, Mr. Brophy told the Board. They do not expect to accomplish it all at one time - it will be completed by steps.

The first step would be to extend and widen Camp Alger Avenue up to a point left of the circle - where they would have a turn around. Camp Alger Avenue comes only to the property at present. They will provide for 210 cars in the beginning - with area for an additional 115 cars when future development takes place. They will start with six class rooms and the church. Under stage two they will add eight class rooms. Stage three another eight class rooms. This would complete the school. Other additions will be the main church, convent and rectory.

Mr. Brophy pointed to the 60 foot tree buffer which he said would remain.

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New cases - continued

He also noted that the school would not require separate parking - the parking provided would serve a dual purpose. He noted the playfield and area for future parking.

The first church building may be converted to an auditorium, Mr. Brophie continued, to be used by the school. It would take a minimum of five years to complete this project.

Mr. Brophie noted that if Camp Alger Avenue is extended along this property line only half of the road would be on this property. To the west and south, the ground is still undeveloped. This property was purchased from Chiles.

#### Opposition:

Mr. Albert D. Forest said he was not opposing the project, in fact he considered it very worthy - he was questioning how they would landscape the area just beyond the 60 feet buffer in which there is a wide easement which creates a bare spot just at the rear of his property. If this is left - his rear yard would look into the parking lot. Mr. Forest said he was on lot 51 facing Holly Hill Drive. This bare spot was cleared for the sewer line, Mr. Forest said.

Mr. Dan Smith pointed out that they could not fence nor plant the sewer easement.

Mr. Forest asked that the applicant revise his parking lot - perhaps push the parking farther to the west and landscape around the sewer easement. He would not like a fence.

Mr. Dan Smith noted that the only time this parking area would be used would be during Church hours - the school would not need this area. Mrs. Henderson thought this could be worked out in the site plan. Mr. Chilton suggested that these people come in to his office and see the site plan and discuss it with the Staff.

Mr. Swink, who lives next door to Mr. Forest, discussed the drainage and asked for a 100 foot setback from the side.

Mrs. Henderson pointed out that they already have a 60 foot buffer plus the road.

Mr. Swink said he had heard that they plan to open another access through a lot fronting on Holly Hill Drive. He objected to that.

Mr. Brophie said they had considered their access especially good - the school on one side of the property and the access on the other. In time Camp Alger Avenue probably will be opened, he continued and it would be feasible at that time to have other access.

Mr. Swink objected to the heat from the large black topped parking area. He asked that the parking back of his lot (and Mr. Forest) be moved and the area planted with trees.

Since the Board does not know how wide the easement is, Mrs. Henderson thought that would have to be worked out with the site plan.

Mr. Brophie said the church would have a capacity of 900.

Mr. Martinelli said they had tried to lay this out to fit the ground as well as the neighborhood. The play ground is purposely located away from homes. The ground is not flat - it will require some grading. He went on to explain why it would be impractical to change the parking spaces because of the fill. The play area will have a ball diamond and they cannot encroach on that.

They will not furnish transportation but will use local bus transportation.

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New cases - continued

Mrs. Henderson said it would not be possible to eliminate any of the parking spaces.

Mr. Brophy said they would have only the one main church - the first building will either be used as an auxiliary or converted to class rooms or auditorium. They hope to start construction in March and to be operating by October or November 1963.

Mr. E. Smith considered this an excellent site - it is near one of the County's intermediate schools. He thought the applicant had done a very good job from the planning standpoint.

Mr. Dan Smith agreed. He especially approved of the lay out and the location of the play field, buildings located away from the access and the wide buffer. He thought it not wise to cut down any of the parking as it will be needed for all of the planned facilities.

Mr. Dan Smith moved that the application of John J. Russell, Bishop of Richmond, to permit erection and operation of a parochial school, at the end of Camp Alger Avenue adjoining Section 9, Broyhill Park, Falls Church District, (R-10), be approved in accordance with the plot plan presented with the application (signed by James C. Martinelli and M. K. Henderson - December 18, 1962) with the provision that the 210 car parking spaces be completed simultaneously with the first class rooms and the church - so parking will be provided for on the property. The screening adjoining the homes facing on Holly Hill Drive will be left with a 60 foot buffer strip and planting will be left wherever possible. The final site plan shall be presented to this Board for final approval. All other provisions of the Ordinance shall be met.

At no time will the 60 foot buffer strip along Holly Hill Drive be disturbed to make way for another ingress and egress to this property - this buffer strip shall be left intact. There shall be no entrance at any time through a lot into Broyhill Park nor by way of Jacobs Street. If at any time additional entrance is considered, the applicant will return to this Board with an application to revise the entrances and any change shall be approved by this Board.

Since it is realized that it will be necessary to do some grading within the 60 foot buffer in order to put in the parking lot as proposed, it is required that, if any trees are destroyed or removed the applicant will be required to replace the trees after construction is completed. All planting shall be done in accordance with advice of the Soil Scientist. All additional planting will be made wherever possible or permitted.

Seconded, Mr. T. Barnes. Carried unanimously.

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Recess for five minutes.

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4- BLUE AND GRAY POST NO. 8469, Veterans of Foreign Wars, to permit erection and operation of a Post Home and allow building closer to side lines and front line than allowed by the Ordinance, on north side of Lee Highway adjacent to Old Virginia City on the west, Centreville District, (RE-1).

Mr. Vernon Long represented the applicant. It was noted that the applicant could not meet the required 100 foot setback on three sides of his property.

Mr. Long said the rear of the house on the property would be torn down - it is in very bad repair and would not stand moving nor remodeling. They will use the front of the house.

Mr. Dan Smith suggested that the front of the house could be moved - which would allow for the 100 feet front setback, but he questioned the Board

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New cases - continued

granting such a large variance on both sides of the building.

Mr. E. Smith suggested the applicant buying more land - sufficient to meet the 100 foot setbacks - withdraw this application with<sup>out</sup> prejudice and re-file. Mr. Smith moved to allow the applicant to withdraw this application without prejudice, inasmuch as this Board is restricted from considering a variance - such as that requested. Seconded, Mrs. Carpenter. Carried unanimously.

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5- ARNOLD V. THOMPSON, to permit erection and operation of a used auto sales lot, on south side of Lee Highway just west of the City of Fairfax, Providence District. (C.G.).

Mr. Thompson said there would be no wrecked cars on the property. This will serve the area. They will have well controlled lighting which would not be annoying to adjoining property nor throw a glare on the highway. This property is within a commercial area.

There were no objections from the area.

Mr. Dan Smith moved that the application of A. V. Thompson, to permit erection and operation of a used auto sales lot, on south side of Lee Highway just west of the City of Fairfax, Providence District. (C.G.), be approved in accordance with plat plan submitted to this Board at this hearing and subject to site plan approval. All other provisions of the Ordinance shall be met. Seconded, Mr. E. Smith. Carried unanimously.

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6- COLCHESTER BROADCASTING CORP., to permit erection and operation of a radio station and three (3) radio transmitting towers, east of Route 666 at the end of Dwight Street. Centreville District. (RE-1).

Mr. Simmons represented the applicant. Mr. Simmons said there are three applicants for this location - each to have a hearing before the Federal Communications Commission. One will be given the permit.

These towers will be 146 feet high - they will be located sufficiently far from the property lines - that in case they fall they will fall on the property. The transmitter and studios will be located at one corner or the property near Dwight Street. Dwight Street is their only access at present - they will help to maintain that. It is not in the State System.

Mr. Simmons said it is necessary to get the best coverage with the least interference for broadcasting in this area. This applicant believes this application meets these requirements. The towers would have little or no affect on radios in the vicinity.

This facility is badly needed in this area, Mr. Simmons went on to say, and it must be operated by qualified people. There must be no overlap with existing facilities. They meet all these requirements.

Opposition:

Mr. Jack Schowalter, owner of bordering property in Rocky Knoll Sub-division pointed out that Dwight Street, the only access to this project, is dedicated but not yet taken over by the State. It has been maintained by people on the street and he thought there would be a question about others using the street. Mr. Schowalter said he could see no benefit to the community in this project, and he considered it to be hazardous.

Mr. E. Smith said the benefit and need would be determined by the F.C.C. - not by this Board. As to the hazard - that is the reason, Mr. Smith continued, that the Ordinance provides for certain setbacks from property lines - a setback as great as the height of the towers.

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New cases - continued

This assures the fact that the towers will fall on the property of the applicant. In this case the applicant meets that requirement.

It was noted that the towers would be 450 feet from Dwight Street.

Mr. John Fallon, who lives near this project spoke in favor of it. He owns 45 acres.

Mr. Simmons said they have shown only 4 parking spaces - but could provide many more if it becomes necessary. They have no plan for any other community facility. In time they may have live broadcasts - in that case they will have more parking. Mr. Simmons said they would help in the maintenance of Dwight Street - he saw no problem there.

Mr. E. Smith suggested that the people in this area attend the County road hearings in the Spring and ask the Road Viewers to take Dwight Street into the State system. Mrs. Henderson thought this facility going in might help to induce the road viewers to take the road into the system.

Sewer and water are not available - this will be served by well and septic. Mr. Simmons said.

Mrs. Carpenter moved that Colchester Broadcasting Corp., to permit erection and operation of a radio station and three (3) radio transmitting towers, east of Route 666 at the end of Dwight Street. Centreville District. (RE-1), be permitted to erect and operate a radio station and three radio transmitting towers, east of Rt. 666 at the end of Dwight Street. This granting is tied to plat presented to this Board at this hearing - plat dated November, 1962. It is the opinion of this Board that the granting of this use will not be detrimental to the neighborhood and the area. Seconded, Mr. E. Smith. Carried unanimously.

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#### DEFERRED CASES

- 1- VIRGINIA ELECTRIC AND POWER COMPANY, to permit transmission line from Idylwood to present Dulles - C.I.A. Line, right of way of Washington and Old Dominion Railroad, Providence District. (RE-1 and R-12.5).

Mrs. Henderson recalled that this case was deferred for the Town of Vienna to determine if they have a clause in their ordinance requiring a use permit for this facility. It has been determined that they do have control. Mrs. Henderson read the following letter from the Town of Vienna:

"This will confirm our telephone conversation earlier today.

Last night, 17 December 1962, the Town Council at its regular meeting unanimously passed a motion requesting the Fairfax County Board of Zoning Appeals to again defer the application by the Virginia Electric Power Company for a Use Permit to run a power line through the County generally following the W & O D Railroad, pending action by the Town Council of Vienna on a Use Permit required for the section of the line which will go through the Town of Vienna. A public hearing by the Town Council will be required in accordance with the opinion of Mr. Paul H. Heubusch, Town Attorney, furnished you with my previous letter of December 11, 1962.

The Town of Vienna will greatly appreciate consideration of the above request by the Board of Zoning of Fairfax County.

Very respectfully, L. B. Cresswell, Town Manager."

Mr. E. Smith said when he moved to defer this case - he was concerned that the Town of Vienna had no jurisdiction in this matter and since this Board was considering granting a use that would go through the Town without their having the opportunity of considering it - it would appear proper for this Board to consider the affects of this line in the Town of Vienna. But it is now determined that the Town has an adequate Ordinance and will have the opportunity to review this matter themselves - which is desirable.

Deferred cases - continued

From the testimony and the presentation before this Board, Mr. Smith said he was convinced that the use of the W & O D Railroad is the best possible route for this power line. This is the route that would have the least detrimental affect on adjoining property owners. Mr. Smith said he thought the applicant should be commended for selecting this route - as from the planning standpoint it appears excellent. He recalled that the Planning Commission had agreed with this. Therefore he moved that Virginia Electric and Power Company, to permit transmission line from Idylwood to present Dulles - C.I.A. Line, right of way of Washington and Old Dominion Railroad, Providence District. (RE-1 and R-12.5), be permitted to erect a transmission line from Idylwood to the present Dulles C.I.A. line, right of way of W & O D Railroad as requested. Seconded, Mr. D. Smith.

Mr. Dan Smith made the following statement - that this is an excellent choice of location on the part of the Company. They have worked for a long time to secure the right of way along the railroad rather than run their line through residential areas where it would disturb homes, and in this location it will be the least disrupting to homes. Mr. Smith said he considered that Mr. Johnson has answered all the reasons why this is the best route and he hoped that the Town of Vienna would work out some way that this line can continue along the W & O D Railroad. This will be the least objectionable and the area will benefit from better electrical service.

Voting for the motion to grant were: Mr. D. Smith. Mr. E. Smith. Mrs. Carpenter, Mr. T. Barnes.

Mrs. Henderson refrained from voting. Motion carried.

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2- Re: William Wrench - Phillips Oil - Potomac Oil Company, Inc., the Chairman read the following letter:

"This is to advise that an amended site plan has been submitted to this office for approval on subject property, showing thereon a canopy which was not shown on the site plan previously approved.

This office has reviewed the Board of Zoning Appeals minutes of June 27, 1961 - which is the date of the granting of the use permit - and nothing in the minutes seems to indicate that this use permit was approved on condition that a canopy could not be erected.

I would appreciate it very much if the Board of Zoning Appeals would advise me whether this office has properly interpreted the minutes of June 27, 1961 relative to this matter.

The amended site plan meets all zoning and site plan requirements, therefore, this office is obliged to approve the amended site plan.

This matter has been discussed with Mr. Robert C. Fitzgerald, the Commonwealth's Attorney.

Very truly yours, John Yaremchuk, County Planning Engineer."

Mrs. Henderson said in her opinion the intend of the Board in granting this permit has not been carried out. However it is probably impossible to hold the applicant to what was intended - because the canopy was not specifically excluded in the motion. Mr. Lamond who made the motion - was hazy as to his meaning and seemed more concerned about the "pepsie canopy" rather than the canopy on the front of the building.

Mr. Dan Smith said he thought the plan as approved in Mr. Yaremchuk's letter has safety and functional values. He did not see how the addition of the canopy could have a detrimental affect on the surrounding area, he had seen these canopies in operation on other stations and he thought they had a certain value both to the customers and to the operation of the business.

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Deferred cases - continued

Mr. Smith went on to say that the plot plan presented to this Board should be followed exactly and final construction of the facility should not deviate from that plan. If there is a need to change the plot plan for any reason the plot plan should be re-submitted to this Board. Mr. Smith said he thought this Board has the right to require that. It might be well, Mr. Smith stated further, that site plans on use permits be required to come back to the Board of Zoning Appeals for approval.

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Mr. Mooreland suggested that in the resolution (on use permits) the granting should be tied to the site plan or the plot plan that is presented to the Board with the case - with the understanding that any change from this plan would require approval by this Board, and the Board should not approve any plot plan that does not show what the Board thinks is necessary.

In this case, Mrs. Henderson said she could see no sense in going to Court - the Board could request that the applicant submit a revised location plot plan that will show the canopy. Then the originally granted plot plan will agree with the site plan as approved.

The Board will require - in this case - Mrs. Henderson said - that the applicant submit a certified location plot plan - and particularly to show the certified location of the posts which now make the setback of the building. This certified plat should also show how much overhang there is beyond the posts.

Mr. Mooreland said he would see that the Board gets this.

Mr. Dan Smith moved that Mr. Mooreland be instructed not to interrupt the operation of this business between the present time and the time at which the Board gets this certified plat - which will probably be at the next Board of Zoning Appeals meeting. Seconded, Mr. E. Smith. Carried unanimously.

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Meeting adjourned.

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

February 5, 1963  
Date

January 8, 1963  
The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, January 8, 1963, at 10 A.M. in the Board Room of the Fairfax County Court-house, with all members present. Mrs. L. J. Henderson, Jr., Chairman, Presiding.

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

New Cases:

1-

PEGGY JANSONS, to permit operation of a nursery school, lot 28, Block 3, Section 6, Holmes Run Acres, (2409 Poplar Lane), Falls Church District. R-12.5.

Mrs. Jansons gave the Board the following information:

All her pupils will come from this development. They will be four year olds, classes to be held in the morning only - with a maximum of 10 children. There will be no need for parking space, she went on to say, some of the children will car pool, most of them will walk. This school will be carried on five days a week during the regular school year. She will live in the house. The addition planned and shown on the plat will provide the space for the school, she will not use the balance of the house for the school. Mrs. Jansons said she would be the only teacher except when a substitute is needed to take her place.

There were no objections from the area.

Mrs. Carpenter moved that Mrs. Peggy Jansons, to permit operation of a nursery school, lot 28, Block 3, Section 6, Holmes Run Acres, (2409 Poplar Lane), Falls District, R-12.5 be permitted to operate a nursery school. The school shall be limited to 12 children, hours of school 9:15 to 11:45. There shall be no parking within the required setbacks. This is granted subject to approval of the Fire Marshall and subject to all other provisions of the Ordinance applicable. Mrs. Carpenter said she considered that this would not be detrimental to any surrounding area. This is granted to the applicant only. Seconded, Mr. T. Barnes. Carried unanimously.

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Since the full Board was now present and this was the first meeting of the year Mrs. Henderson called for election of officers. Mr. Smith nominated Mrs. Henderson for Chairman. Seconded, Mrs. Carpenter. Nominations closed. Elected unanimously.

Vice Chairman: Mr. Barnes nominated Mr. Dan Smith. Seconded, Mr. E. Smith. Nominations closed. Carried unanimously.

Mrs. Henderson and Mr. Dan Smith unanimously elected Chairman and Vice Chairman.

Mrs. Henderson appointed Mrs. Katherine Lawson, Secretary to the Board.

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2-

MRS. BERTIE E. BOWLBY, to permit erection of carport 17 feet from side property line, Lot 511, Braddock Hills, (5109 Columbia Road), Mason District. RE-0.5.

Mrs. Henderson said she had seen the property and noted that there are five new houses in this immediate neighborhood without carports - all with the same general location as this house.

Mrs. Bowlby said they purchased the house with the understanding that they could have a carport or garage, which they considered necessary to a home. She checked with the Zoning Office and was told that she must have a 15 foot clearance on the side. After their plans were drawn up and they made application for the building permit they found it is necessary to have a 20 foot side clearance. They need the carport badly - they are asking for only a 12 foot width. The house is centered on the

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New cases - continued

lot - with no provision for a carport within restrictions on either side. All neighbors signified they have no objection to this.

Mr. Dan Smith said he was sympathetic with anyone wanting a carport but since the lot is level - no topographic situation involved he could see no justification for the Board granting this. The fact that there are five other houses similarly located would mean that those people would probably come in with the same request and the Board would have no reason to reject them. If these were granted, the Board would than in effect be amending the Ordinance.

Mr. E. Smith pointed out that the variance section of the Ordinance is very specific about the authority of the Board in granting variances. The Board has only a certain latitude, Mr. Smith went on to say and without the case meeting those circumstances spelled out in the Ordinance the Board would have no authority to act favorably. We have an Ordinance to administer, Mr. Smith said, and must administer it fairly and not go beyond the jurisdiction given to the Board.

Mr. Schnurr whose home is in this immediate area and whose similar case was on the agenda stated that when people purchase property with the understanding that they can make certain improvements he thought they should be given consideration. He also noted the distance between these houses - approximately 80 feet. He thought the Board should have the right to use its own discession. He asked also why one is allowed to file for a variance if it is so stated in the Ordinance that the Board has no jurisdiction to grant it.

Mrs. Henderson said the Zoning Office does not know the physical conditions surrounding each case - if there is a topographic situation or unusual circumstances the Board would have the right to consider those conditions. She noted that this Board is not set up to correct misinformation.

Mr. Schnurr said Mrs. Boyd, the Real Estate Broker, was told by the Zoning Office that the 15 foot setback was required here.

Mrs. Boyd was present and made the statement that she got this information from Mrs. Fox.

Mr. Mooreland said this information was incorrect. *IT DEVELOPED FROM MRS. BOYD'S TESTIMONY THAT SHE HAD NOT ASKED THE RIGHT KIND OF QUESTION AT THE ZONING OFFICE.*

In view of the evidence presented to this Board and noting that there are five other houses constructed all the same as this house and set in the same location on their lots and would have the same problem, Mr. Dan Smith noted that any disposition of this case other than denial would be contrary to the interest and purpose of the Ordinance. It might be that a change in the Ordinance would be practical or feasible which would permit this, but as it stands there has been no evidence of a topographic problem - which is the basic reason allowing variances. There is nothing in this case upon which this Board can make any decision other than denial. Therefore, Mr. Smith moved to deny the application of Mrs. Verdie E. Bowlby, to permit erection of carport 17 feet from side property line, Lot 511, Braddock Hills, (5109 Columbia Road), Mason District. RE-0.5, Seconded, Mr. T. Barnes, carried unanimously.

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Mrs. Bowlby said she could not use a detached garage. It was noted that an R-17 zoning would allow this setback.

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3- MT. VERNON GARDENS, to allow balconies closer to side line than allowed by the Ordinance, property on Fordson Road, 3020 - 3022 and 3024 Fordson Road, Lee District. C. G.

Mr. Pagelson asked a continuance of this hearing since he had not sent out the notices. Mrs. Carpenter moved to defer the case for notices to January 22, 1963. Seconded, Mr. T. Barnes. Carried unanimously.

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New cases - continued

4-

D. V. SCHNURR, to permit garage with porch over to come closer to side line than allowed by the Ordinance, Lot 509, Braddock Hill, (5113 Columbia Road) Mason District, RE-0.5.

Mr. Schnurr presented notification papers sent to six neighbors all of whom said they had no objection to this. Mr. Schnurr noted that his house is placed on the lot at an angle. Mr. Schnurr said these homes were very pleasant but incomplete without a garage or carport for storage of yard tools and car. He noted that there are 86 feet between his house and the neighbor on this side where the addition would be put. He thought this in itself met the true intent of the Ordinance - space between houses.

Mrs. Henderson noted the large area in the rear where the garage could be located. The lot is very level.

Mr. E. Smith pointed out that Section 30-36 subsection (3) of the Ordinance applies in this case - he read the entire section pertaining to variances in order to clarify the Board's position and restrictions. The Board can consider only certain things, Mr. Smith said, and cannot consider any personal situation or circumstances. There must be some unusual situation - particularly a topographic condition. There are hundreds of houses in the County, Mr. Smith stated further, set on lots similar to this lot. These houses were not planned for carports or garages, the builder could have set the house off to one side and there would have been plenty of room for the addition. This Board has no authority to correct a mistake of a builder, Mr. Smith said.

After considerable further discussion with Mr. Schnurr, Mr. Dan Smith pointed out that the Board must conform to the restrictions in the Ordinance. He noted that this Board cannot permit a business to be established in this area and in the same way it cannot permit a variance on the evidence presented because it would be changing the intent of the Ordinance and the zoning and this does not prevent a reasonable use of the property.

He suggested that several property owners might get together and change <sup>REQUEST A</sup> the zoning here in order to get a lesser setback.

Mr. E. Smith volunteered that - knowing the Planning Commission, he thought a change of zoning practically impossible.

There were no objections from the area.

The requirements under Section 30-36 of the Ordinance do not appear to have been met in this case, Mr. E. Smith said. He moved to deny the application of Mr. D. V. Schnurr, to permit garage with porch over to come closer to side line than allowed by the Ordinance, Lot 509, Braddock Hills, (5113 Columbia Road), Mason District, RE-0.5. Seconded, Mrs. Carpenter. Carried unanimously.

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RUBY A. BROYHILL, to permit operation of a rooming and board<sup>ing</sup> house (retired guest), Lot 110 and 111, Lee Manor, (unrecorded), 106 Maple Lane, Providence District. RE-1.

Mr. Barry Murphy represented the applicant who was present also.

Mr. Murphy presented the Board with a petition favoring this request signed by approximately 75 people, many of whom were very near neighbors and property owners. He also filed a number of testimonials from people intimately associated with Mrs. Broyhill and her operation of a rooming and board<sup>ing</sup> house - all commending her highly.

Mr. Mooreland noted that this case had been filed under Group 9 (30-140-e).

Mr. Murphy said Mrs. Broyhill had been operating since 1957 but now she

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wishes to increase the number of guests and add to her house. This is an old building built in 1939. Mr. Murphy said they could change the parking location shown on the plat to meet the setback requirement.

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Mrs. Broyhill is alone, Mr. Murphy told the Board, and this is her only support. She has two children who are completing their education. The three borders she has now do not give her enough income. This property was bought before the new Ordinance, Mr. Murphy said. He pointed out that the words "structural alteration" are subject to legal interpretation. He discussed the definition of "structural alteration" and questioned if it applied to this case. Mr. Murphy agreed also that the strict application of the Ordinance in certain cases could allow the Board to use its own discretion - which he said is provided for in the Code of Virginia. This addition cannot be said to be a structural alteration, Mr. Murphy went on to say, as it does not basically change the character of the old building.

The Board did not agree that this was not a structural alteration when the actual supports of the building were being changed. The addition would be three large bedrooms and a sun parlor.

Mrs. Henderson recalled that the Board had been through all this before and had had an opinion on it from the Commonwealth's Attorney saying that the Board is bound by this section of the Code. The definition of "structural alteration" is in the Ordinance very clearly spelled out. Mrs. Henderson noted "any change in or addition to the supporting members of the structure."

Mr. Dan Smith suggested remodeling the present building using the existing supports.

Mrs. Broyhill said that would not give her sufficient room to take in more guests. It would be too cramped.

After a lengthy discussion with Mrs. Broyhill, during which she explained the type of operation she conducts, Mr. Mooreland suggested that this might be revised to come under Group 6 as a "care home". Mrs. Broyhill said she does not keep ill or convalescent people, she offers room and board and a limited care - but not a "care for the sick" type of home. This is simply a home for retired people who have no other place to go, they do not want to go to a convalescent home but they do want a comfortable home - like atmosphere with the personal touch of a private home.

The Board agreed that this conforms most nearly to a "care home", They suggested that the applicant amend her application to request this use under Group 6.

If people are ill, Mrs. Broyhill said, they call their own Doctor and if they need care they go to a hospital or convalescent home.

Mr. E. Smith said there is a great need in the County for this type of facility. This has the support of the neighbors, it has operated well for some time. The plans for the addition would up-grade the neighborhood and the building. He suggested that the Board should grant this under Group 6 for five guests.

The Board recessed to give the applicant opportunity to amend the application to apply under Group 6 instead of Group 9.

Upon re-convening Mr. Murphy asked the Board to so amend the application, to come under Section 31-37, Group 6.

Mr. Dan Smith moved that the change in the application be made in accordance with the request of the applicant. Seconded, Mr. T. Barnes. Carried unanimously.

Mrs. Henderson noted that all parking must be at least 25 feet from the property lines.

New cases - continued

Mr. Dan Smith moved that the application of Mrs. Ruby A. Broyhill, which application at the request of the applicant was amended to read "care home", located on lots 110 and 111, Lee Manor, 106 Maple Lane ~~and is~~ now the amended application before the Board filed under Group 6 for a "care home" <sup>AND THAT</sup> be granted for a maximum of five guests with a minimum parking provided for six cars. All other provisions of the Ordinance shall be met including Health Department <sup>APPROVAL</sup> and water supply. Seconded, Mr. T. Barnes. Carried unanimously.

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6- COMMUNITY BUILDERS, INC., to permit erection of two (2) bus stop buildings closer to Street property lines than allowed by the Ordinance, at the entrance of the Subdivision Proposed Sleepy Hollow Run Subdivision (at the corners of Columbia Pike and Whispering Lane), Mason District. R-17.

Mr. Fagelson and Mr. Sid Dewberry represented the applicant. Mr. Fagelson pointed out in the beginning that these people are very reputable builders - they have done first class development in the metropolitan area and Fairfax County. They wish to put in a bus stop and entrance gate to their proposed subdivision. He showed a model of the bus stops and entrance gate and also presented photographs of homes and the entrance to Tilden Woods which is one of the best subdivisions in the area. This would be of the same type.

While they have planned the double entrance and two bus stops they are asking for only the one bus stop since the second bus stop and entrance gate would be on church property which they have not yet cleared with the owners and are not yet assured of the use of this ground. Therefore this application is amended to request one bus stop building closer to street property line than allowed by the Ordinance.

Mr. Greenberg, from Community Builders, said the only question with the church is a matter of architecture. They will discuss this later with the church representatives.

Mr. Fagelson asked for a 20 foot setback and they wish to have an 11 foot wall. He recalled that Sleepy Hollow Woods which was developed by this applicant has been praised by the Board of Supervisors for saving trees and has received many awards. Also Tilden Woods in Maryland has been an outstanding development. They cannot go back to the 45 foot setback, it would not be reasonable, Mr. Fagelson said, and it would not be effective as a bus stop. The little building is 9 x 12 and the wall is 11 feet high. The bus stop to be practical should be very near the traffic-way.

Mr. Dan Smith questioned the gate being so high and so near the road - would it affect sight visibility?

Mr. Dewberry scaled the plat marking off 30 feet from each side of the intersection and drawing the line across the intersection found that the 20 foot setback would clear for site distance.

The Board discussed the sign - however it was pointed out that the sign was not up for consideration - only the fence height and the setback.

Mr. E. Smith noted that this is a prestige type of entrance, they wish to make it attractive in keeping with the class of home within - he thought serious consideration should be given to this variance.

Mr. Greenberg said they wish to save all the trees they can and create a beautiful entrance. If they cannot have the wall-just the little building for the bus stop - it would not be in keeping with their development. Either they should have something very attractive and a little unusual - or nothing at all. At least anything less than they have planned would fall short of any degree of effectiveness. As they have it planned it would be an entrance to gracious living.

New cases - continued

In Tilden Woods, Mr. Greenberg said, the people are very proud of their entrance. It sets them apart from the average subdivision. Mr. Greenberg said people have actually bought there because of the entrance - in many cases it has been a bigger selling point than the homes themselves.

Mr. Dan Smith said he realized this - but the Board has an Ordinance to guide it and must comply - however he thought there should be a provision for this "prestige type" entrance. He was concerned about the tall structure so close to the road. He thought the bus stop all right but questioned the wall.

The Board and the applicant discussed reducing the height of the wall - would a reduction in height take away the effectiveness of the entrance?

It was noted that the bus stop building and the column - the end post of the wall would be the same height and the wall would drop to six feet high between the building and the termination post.

There were no objections from the area.

After considerable further discussion Mr. E. Smith made the following motion: That Community Builders, Inc. be permitted to erect one bus stop 20 feet from the service drive on Columbia Pike at the corners of Columbia Pike and Whispering Lane - entrance to proposed subdivision, provided that the maximum height of the structure does not exceed eight feet. All other requirements of the Ordinance shall be met. This is granted as shown on plat presented with the case - including only the one bus stop.

Seconded, Mrs. Carpenter. Carried unanimously.

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- 7- MANTUA SWIMMING ASSOCIATION, to permit a community swimming pool, bath house and other recreational facilities, property at the west end of Petland Place, Section 3, Mantua Hills, Providence District. R-12.5

Mr. Ralph Louk and Col. Sweeney represented the applicant.

Mr. Louk pointed out that Mr. Goldblatt, owner and developer of adjacent Mantua Hills had signified by letter that he has no objection to this development.

This is a 3.7 acre tract half in the City of Fairfax and half in the County, Mr. Louk said, the City Council is considering this same application this evening ~~and where this same application is pending~~. He noted that as it appears now most of the facilities will be in the City and mostly parking in the County. This, Mr. Louk said, would have to be determined at a later date as the survey of the City line through this property is not yet final. For that reason he asked the Board to consider this application as a whole and not just the parking area - as some of the facilities may in the final plans be on County land.

Mr. Louk said these people got together one year ago with the idea of getting community support for a swimming club. They bought the land and now have 102 memberships. This project will be owned and operated by the members under their Board of Directors.

Mr. Louk showed on a map where their members live and the people adjoining and near the pool property who have no objection to this.

Mr. Louk pointed out that there are 51 lots in Mantua, Section 3 - most of which are owned in blocks by builders who have not yet put up homes and who have no objections. There are only two homes in Section 3 completed and lived in, Mr. Harvey and Mr. Compton. The latter is a member.

When they started this, Mr. Louk said, they thought there was no objection at all. They learned later that Mr. Harvey who has recently moved in, does object. He noted the lots owned by Mr. Goldblatt 39, 43, 42, 41, 40 which

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New cases - continued

are adjoining and stated that Mr. Goldblatt is highly in favor of this project.

Mr. Louk said he thought this an especially good location, it is at the end of the street, the ground is low - at the bottom of a steep hill.

They would have a maximum membership of 350 families. The pool 80' x 40'. They have provided 76 parking spaces but could have more if the Board wishes.

Mr. Louk presented a petition favoring this signed by about 75 people. As far as he knew, Mr. Louk said, Mr. Harvey was the only person in opposition to this.

The adjoining subdivision is a project of 3, 4, and 5 bedroom houses - which means there will be many children. It would be a real asset to these people to have a swimming pool in the immediate area. Being so near - the children could come by themselves when they are a little older. They will have a program of swimming tests - it will be an immediate area for good recreation.

#### Opposition:

Mr. Bender appeared representing Mr. Harvey. Mr. Bender questioned this being a community project. He pointed out that these people have "leap-frogged" from their own area into this section to build their pool. It does not have an adverse affect upon the membership of this pool project because none of the people live near it. They have gone out of their own territory to find land that meets their needs. The pool would be on the slope and the people in the immediate area could look up to the project on the hillside. He questioned the amount of parking spaces and suggested that these people would be parking all over the streets. Mr. Harvey has a \$32,000. home and now finds himself next to this pool which he considers annoying.

Mrs. Henderson said the Board has often suggested the location of a swimming pool before houses are built. This is the case here except for the two homes which was unfortunate.

Mr. Bender said Mr. Jagoda was also in opposition.

Mr. Bender said Mr. Goldblatt had, up to about two weeks ago, promised another tract, six acres up near Pickett Road to be used for this project. They had no objection to that. This makes it difficult for people getting loans in this area, Mr. Bender went on to say, as the loan company do not like to lend money on homes too close to a swimming pool project.

Mr. Bender objected to the big parking lot. It will be necessary for Mr. Harvey to put up a fence - which he does not care to do - it might also affect his financing.

Mr. Harvey said there was only one lot (<sup>UNDEVELOPED</sup> ~~undeveloped~~) between him and the pool. He also thought there would be a "water pocketing" problem of water from this project - also an unpleasant traffic problem.

Mr. Louk again said this project would be on a hill, they will have to grade and fill some when putting in the street to this property, but when it is finished they will have a good gravel road to the parking lot. The street will be blacktopped.

Mr. Harvey said he was highly in favor of swimming pools - but in some other location. He did not think the topography suitable for this project, and all traffic to this project will go by his home. He also objected to the noise, bottles, debris, etc. This is a quiet cul-de-sac which he had looked forward to especially because of his wife's health.

Mr. Louk said he regretted seriously the fact that Mr. Harvey was unhappy about this project but he did not think it would be so unpleasant. He mentioned the swimming club in his own area which had not been in the least obnoxious - from the standpoint of noise, debris, and traffic. They had been able to take care of these things very easily and there was no objection to the operation. He thought the same thing would happen here. There has been no evidence of pools devaluating property in other places. He realized that this is a matter of a certain amount of headache for Mr. Harvey but he also pointed out

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that this is a matter of community interest.

Mr. Louk said they "leap-frogged" from their immediate area because there was no available ground and because this was substantially an undeveloped area. Since part of the land is in the City no one knows what might go on this ground. It might very well be, Mr. Louk continued, that this pool project will be a very welcome buffer between these homes and whatever the City might put on their ground. He also pointed out that this would be in operation only three months.

Mr. Louk said he was very sorry about Mr. Harvey, he had talked with him and found him to be a very fine person and he felt confident that Mr. Harvey would not suffer the inconvenience he anticipates. These people will try to be good neighbors.

Mr. Sweeney said they had tried to locate this up near the disposal plant but it was not practical.

Mr. Louk said the pool would be enclosed within a fence, they will have guards to maintain the grounds, containers for debris, etc.

Mr. E. Smith said he considered that these swimming pools have been a real success story in Fairfax County in solving the recreational problem. He had also been greatly impressed at the small amount of impact they have had on surrounding property. When these things come up the Board is always sympathetic with the people directly affected but on the other hand the Board must weigh the good and the bad. The Board has often suggested to other groups that they move their project into an undeveloped area so people will know when they buy land that a swimming pool project is there and they can evaluate for themselves if the project will hurt them. In this case the only person who might be harmed economically is Mr. Goldblatt and he is in favor of this and is promoting it for the community. The parking shown on this plat may be inadequate, Mr. Smith stated, otherwise this seems to be a good thing.

Mr. Dan Smith agreed, he emphasized the great need for this type of recreation in the County. He thought the location good. He also expressed sympathy with Col. Harvey and hoped he would not find this an unpleasant neighbor. It has been found that most children and families who use these facilities are very considerate. He thought the parking insufficient. It should be assured that no parking would take place off the premises and especially since this pool is away from the membership. He suggested 110 or 112 parking spaces.

<sup>DAN</sup> Mr. Smith moved that Mantua Swimming Association be granted ~~to~~ permit for a community swimming pool, bath house and other recreational facilities, property at the west end of Petland Place, Section 3, Mantua Hill, Providence District. R-12.5, with the stipulation that the Board is acting only on that part of the land that lies in Fairfax County. The parking should be expanded to not less than 110 parking spaces for use of the pool and all parking shall be provided on the premises for users of the pool. All other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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The Board adjourned for lunch and upon re-convening continued the agenda.

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8- VIRGINIA CONCRETE COMPANY, INC., to permit a gravel operation on 72.57 acres of land, S.E. side of Shirley Highway, approximately 1600 feet south of Edsall Road, Lee District.

Mr. DiGullian and Richard Long represented the applicant. Mr. Long explained to the Board that they are asking for a permit on 72 acres of land which area is part of a larger tract (123 acres) which, they wish in time to work also. They are submitting a complete grading plan for the

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New cases - continued

entire 123 acres which will show their complete final plans on the whole tract. However they are considering only the 72 acre portion at this time. The overall grading plans assure the fact that the total tract will be properly rehabilitated. By presenting the grading plans and getting approval at this time it will preclude the necessity of bringing that back on a future permit for the balance of the 123 acres.

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The material will not be transported over any public highways - they will use their own tunnel under the Shirley Highway which has been constructed just south of their building. This will carry the material - on their own property to their processing plant.

They have agreed with the citizens association of Bren Mar to leave a screening of trees opposite the residential property.

Their operations will be about 400 feet from any dwellings. Most of that 400 feet is wooded, (except for a road right of way). No overburden will be put on this buffer. Their operations will come about 100 feet of the Shirley Highway. The entire operations on the 123 acres will take about six years - about three years on this 72 acres.

<sup>WHEN</sup> Any problems <sup>ARISE</sup> - if there are problems regarding the work - they will operate in another location. (dust and unfavorable winds could cause temporary difficulties) and they have agreed with the citizens association that they could work in another area during this disturbing period. They are now excavating on the Brookfield property and would work there if their operations bother the people in Bren Mar Park.

There were no objections from the area.

Mr. DiGullian said that while they are submitting their entire grading plan at this time they will come back to the Planning Commission and Board of Zoning Appeals for a permit to excavate on the balance of the 123 acre tract. He said also that while this property is not located within the Natural Resource Zone - they have agreed with the citizens association to operate under the Natural Resource Ordinance.

Mr. DiGullian showed on the map just when they would work on the 72 acres - a heavy line was drawn to indicate the excavation area which is approximately 45 acres. They will not operate on the balance of the 72 acres because there is no gravel there. Their plans include only the 45 acres as outlined on the map presented with the case.

Mr. DiGullian said most of the objection of the citizens association would be covered by the fact that they will work under the Natural Resource Zone Ordinance - working hours, dust control, etc. The wide strip of trees covers the screening requirements. These things are all shown on the plat, Mr. DiGullian pointed out.

In the application of Virginia Concrete Company, Inc. to permit a gravel operation on 72.57 acres of land, S.E. side of Shirley Highway, approximately 1600 feet south of Edsall Road, Lee District, Mr. Dan Smith made the following motion:

It is noted that this property is located outside of the Natural Resource zone but it is agreed by the applicant that he will comply with all conditions and requirements of the Natural Resource Zone. The excavation area in question shall be that which is shown on the plat submitted to this Board, that the overall grading and restoration plan of the 123 acres shall be accepted but only the 72.5 acres shown on the plat shall be included in this permit for excavation. While the permit pertains to the 72.5 acres the excavation shall take place on only 45 acres as shown on the plat submitted with the case. This is granted for a period of two years, with an automatic extension of two years - two extensions of one year each.

It is also agreed that transportation will be only through the owners' tunnel under the Shirley Highway to the processing plant.

New cases - continued

All other provisions of the Ordinance shall be met including the recommendations of the Planning Commission which recommendations are incorporated in the plans submitted at this hearing. A bond of \$2,000. per acre is required.

Seconded, Mr. T. Barnes. Carried unanimously.

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DEFERRED CASES

1- DOUGLAS AND DAISY GOODNOUGH, to permit division of lots with less area than required by the Ordinance, Lot 1 and 2 Woody Acres, on West side #645, Clifton Road, approximately 1600 feet north of Braddock Road, Centreville District, RE-1.

Mr. Dan Smith said work on this had not yet been completed but he thought it could be handled by subdivision control.

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2- RICHARD B. GILLILAND, to permit erection of carport closer to rear property line than allowed by the Ordinance Lot 13 Block 9 Section 3 Ravensworth, (5329 Landgrave Lane), Falls Church District. (R-12.5).

Mr. Mooreland read a letter from Mr. Gilliland's attorney asking for deferral to January 22, 1963.

Mr. D. Smith moved to defer the case to January 22, 1963 as requested but asked that the Secretary inform the attorney that there will be no further hearing on this case. The full hearing was completed and the original deferral was only for decision of the Board. Seconded, Mr. E. Smith. Carried unanimously.

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Mr. Mooreland asked if it was the Board's intention <sup>THAT</sup> ~~of~~ the man wanting to keep horses on less than two acres could bring the horse on his property for pasture as long as he does not build a barn nor keep him on the property.

The Board agreed that he could bring the horse on his property to ride and pasture for not more than a few hours - but that he could not keep the horse on this property over night.

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Mr. Mooreland asked the Board to discuss the Wrench case - the canopy and its violation. Mr. Mooreland said that Mr. Wrench had complied with the new site plan he has filed. His setbacks conform to the Ordinance. He pointed out that there is nothing in the Ordinance to say that the granting is based on the plat.

The Board and Mr. Mooreland discussed the Wrench case at length. It was agreed that the issuance of occupancy permits presents many problems - particularly because of the numerous inspections.

Mr. Dan Smith said he was not satisfied with the way the applicant had handled this but he saw no alternative but for the Board to give its approval.

Mr. Smith moved to approve the present plat plan submitted at this meeting and instructed the Zoning Administrator to issue a permit to the applicant. All provisions of the Ordinance shall be met for the operation of this facility.

Seconded, Mr. T. Barnes. All voted for the motion except Mrs. Henderson who refrained from voting. Carried.

Deferred cases - continued

Mrs. Henderson recalled that the adjoining corner lot is zoned C-0 and should be used only for access and not for any business operation - no tire display or similar advertising.

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Meeting adjourned.

W. L. Henderson

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

February 5, 1963

Date

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, January 22, 1963, at 10 A.M. in the Board Room of the Fairfax County Courthouse, with all members present, but Mr. E. Smith. Mrs. L. J. Henderson, Jr., Chairman, Presiding.

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New cases:

- 1- HUNEYCUTT CONSTRUCTION CORPORATION, to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 9 and 13, Mountain View, Centreville District. (RE-1).

Mr. R. F. Grefe represented the applicant.

Mr. Grefe said the house on lot 13 is completed, the one on lot 9 is under construction. These houses were set back farther than required (52 and 53 feet) to assure the fact that they would comply with requirements but they did not count the front porch in the setback. It is six feet wide and therefore creates a four feet encroachment. The porch runs 25 feet across the front of the house - it is supported by pillars. Mr. Grefe said they actually did not know that a completely open porch would be considered part of the setback. When they made the final survey on lot 13 they became aware of the mistake. These are Mt. Vernon type houses with the long porch across the front.

Mr. Grefe pointed out that completed houses across the street are set back from 98 to 125 feet which gives a wide distance between houses. Those homes have the septic in the front yard - these are in the rear. They therefore needed to bring them closer to the street. They thought they were a few feet above the minimum. There are other houses on this side of the street but they will conform as they have no porches. They did not know these houses had porches when they laid them out although the porch was in the original plans. It was simply a mistaken location. The porch is attractive, Mr. Grefe said it adds greatly to the house and they would hope not to have to remove it. The house runs from \$25,000 to \$26,000.

Mr. Dan Smith said he knew the houses - they are pre-cut. They are designed for a porch and would be spoiled if the porch were taken off. He was amazed that Huneycutt ran into this problem since he has been in the building business for some time. The ground is level.

There were no objections from the area.

Mr. Grefe said the porch has not yet been put on lot 9 but on lot 13 people are living there.

Mr. Smith suggested deferring to see the property. He moved to defer to February 12, 1963 to view the property. Seconded, Mr. T. Barnes. Carried unanimously.

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- 2- GREFE CONSTRUCTION COMPANY, to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 107 and 111, Section 3, Little Vienna Estates, Providence District. (RE-1).

Mr. R. F. Grefe represented the applicant.

Mr. Grefe said there is a gully in the back yard making it necessary for them to place the houses as far forward as possible. One house is completed and occupied. The other is completed but not occupied. The possibility of the existence of a topographic condition was discussed.

There were no objections.

Mr. Barnes moved to defer the case to February 12, 1963 to view the property. Seconded, Mrs. Carpenter. Carried unanimously.

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New cases - continued

- 3- COL. MICHAEL CASEY, to permit operation of a rooming house, lots 30 and 31, Fairfax Park, (southeasterly corner of Rolling Road and Tuttle Road), Falls Church District. (RE-1).

Mr. Barney Jennings represented the applicant. This structure is 35 or 36 years old, Mr. Jennings told the Board. Col. Casey is retired. He started this rooming house a year ago and did not know it was necessary to have a permit. It came to light when his septic field went bad and the Health Department told him a permit for this operation is required. All roomers have now left the house. Col. Casey will comply with all County requirements, Mr. Jennings said. He will spend from \$2,000. to \$3,000. on his septic field and have a new well. He did not have time to do these things before making this request for permit - but will do them before asking for the occupancy permit. The electrical system has been corrected. The Fire Marshall made some recommendations which will be complied with. This house is located near the gas storage plant, Mr. Jennings said - and they anticipate many workers will need rooms in this area during the construction of the storage facilities. Col. Casey wants to operate only about two more years Mr. Jennings added. He would have five roomers only. The rooms will not be used as apartments - they would have no facilities for cooking. Percolation test is good.

Mrs. Henderson questioned the economics - spending \$3,000. and for only five roomers for two years.

Mr. Jennings said many of these things need to be done in any circumstances. But if the estimates run more than Col. Casey now thinks he will abandon the rooming house.

There were no objections from the area.

Mrs. Carpenter moved that Col. Casey be permitted to operate a rooming house on lots 30 and 31, Fairfax Park, Rolling Road and Tuttle Road, Fairfax County. This is granted to the applicant only for a period of two years with a limitation of five roomers. All other provisions of the Ordinance shall be met. It is to be understood by the applicant that this project is not to be turned into an apartment use but that it is to be used as a rooming house only. Seconded, Mr. T. Barnes. Carried.

All voted yes except Mrs. Henderson who voted against the motion.

Mrs. Henderson said she did not think this a proper location and the difficulties in making this a suitable habitation might lead to their going ahead without complying with the Ordinance.

Mr. Smith requested that Mr. Jennings follow up on this and see that the applicant does comply. The Board feels this is rather an odd operation Mr. Smith added, due to the fact that Col. Casey is willing to spend so much for so little in return and for the short period. However, there is a need for this type of facility Mr. Smith concluded, and he hoped the applicant would comply and stay within the limitation of five and not have cooking facilities.

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- 4- LEONARD M. DURSO, to permit carport to be erected 16 feet from side property line, Lot 6B, Section 1, Overlook Knolls (on Sleepy Hollow Road), Falls Church District. (RE-0.5).

This is to be a 60 foot rambler, Mr. Durso told the Board. It was in the original plan to put the garage within the structure, but in working over their plans they find they need this garage space for a room - to provide for their large family. (six children). They want to keep the structure low - to conform to the neighborhood and there is no other place on the lot they can conveniently put a carport. The lot slopes rather steeply toward the rear. There is a sewer easement back on the lot also the septic field. In front they must allow for the widening of the road - so the house is set back 100 feet as they do not know how much right of way will be taken. The driveway is already in on this side. It would not be usable for a carport less than 14 feet in width.

New cases - continued

There is a carport on the house on the adjoining lot. The houses are placed so the carports would face each other. Therefore this addition would not be intruding on the neighbors privacy. Many houses in this area were built under the old Ordinance, Mr. Durso pointed out, and do not conform to the present day requirements. He did not know if he came within the 25% regulation or not. Mr. Mooreland left the room to check this.

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Mrs. Carpenter suggested a 12 foot carport.

Mr. Mooreland returned and said no check has been made on the 25%.

Mrs. Carpenter moved to defer the case until a check can be made on the 25% setbacks on other houses in the immediate area. Defer to February 12, 1963. Seconded, Mr. T. Barnes. Carried.

If the applicant comes under the 25%, Mr. Smith pointed out that he could be notified and there was no need to return for the February 12 hearing. He would not need the variance.

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- 5- GREAT FALLS WATER COMPANY, to permit erection and operation of a water pumping, purification and storage facilities, proposed outlet in proposed Woodhaven Subdivision adjacent to Woodside Estates, Section 4, and near Brook Road, Dranesville District. (RE-1).

Mr. Orlo Paciulli represented the applicant. Mr. Paciulli recalled that he had appeared before two Boards last year and been granted a permit to put these facilities on an outlet. They changed their plans for topographic reasons and have located the well and storage facilities in the same immediate area. <sup>but on two outlets</sup> This appears a better way to service their entire system, ~~to have all the facilities on the same site.~~

They have constructed the well which requires no permit from the Board. They will build a small well house, under this permit, which would require a limited purification treatment. This will be a 5 x 8 brick structure. (He showed plans of the building.) The water comes up at the back lot line to the tower and is pumped from there. This building contains a small box through which the water flows and a chemical is put into the water by drops. It is a very small operation. This is required by the Health Department.

There were no objections.

The Planning Commission recommended approval.

In view of the situation that has arisen in this case, Mr. D. Smith moved that the application of Great Falls Water Company, to permit erection and operation of a water pumping, purification and storage facilities, proposed outlet in proposed Woodhaven Subdivision adjacent to Woodside Estates, Section 4, and near Brook Road, Dranesville District. (RE-1), (this being an amendment to the original permit granted July 17, 1962, the permit includes the application now before this Board) be granted for pumping facilities with a 5 x 8 brick storage house. This request would provide storage for the purification process as necessary and as required by the Health Department. Seconded, Mr. T. Barnes. Carried unanimously.

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- 6- ANIMALS FOR RESEARCH, INC., to permit breeding, conditioning, testing and preparing animals for research, approximately 1500 feet north of Route 600 opposite Lorton Reformatory, Lee District. (RE-1).

Mr. Barnes Lawson represented the applicant. This is a 48 acre tract Mr. Lawson told the Board. They do not have a final report from the Health Department regarding sewage as yet - but Mr. Payne Johnson will file that very soon. Mr. Lawson said he would ask the Board to grant this subject to approval of the Health Department.

New cases - continued

This Health Department report is very important, he stated further, because cleanliness is an important factor in the success of this operation.

Mr. Lawson noted that the Planning Commission had given this project its unanimous approval.

Dr. Joseph Stuart, veterinarian and Dr. Joseph Princiotta, chemist, are now operating in Arlington and Loudoun County. They are now needing a Fairfax location. They have proposed to locate in this RE-1 area where their operations are compatible with the surrounding development.

They have applied under Section 30-136 - Group 5.

These operations have a great deal in common with farm uses, Mr. Lawson told the Board - they breed animals the same as any farm but in this case the animals are used for research. He had discussed this at length with Mr. Mooreland - whether or not this could be considered a purely farm operation and while it may be so considered it would in some respects be questionable. Therefore the application was made as previously noted.

This operation consists in breeding and raising animals and preparing them for laboratory research. The animals they produce must be of the very highest quality of breeding and in near perfect condition in order to be acceptable in the laboratories. There will be no research operations in the property - they only breed and raise the animals and deliver them. Therefore they must have adequate sewer and water supply and living conditions for the animals must be thoroughly clean and closely inspected daily.

Most of the operations will be under roof since a large part of their work will be on small animals. Only the large animals may be outside during the day. (sheep, horses, cows).

Mr. Lawson read letters from Woodard Research, Hazelton Laboratories and Flow Laboratories stating their need for purebred animals properly prepared for research and commending these people for their work in this field. The Federal regulations for animals used in testing drugs are very rigid and these standards must be met before laboratories can take them.

The impact upon an area could not be less than on this site, Mr. Lawson continued to point out. The site is self-contained, the pastures would be well surrounded by trees. All buildings will be more than 200 feet from property lines. Only one farm house is on the property now. They can meet the rigid standards under this section in every way. Buildings will all be one story.

Mr. Lawson pointed out that there are \$30,000. and \$35,000. homes around the Hazelton Laboratories - a large research operation. These people will maintain these operations in the best manner possible. Any abuse of the regulations and this permit could result in the permit being revoked.

They will mostly raise dogs (beagles), hamsters, rabbits, etc. The maximum would be 500 dogs, 100 monkeys, 600 hamsters, 500 rabbits, and 1000 guinea pigs. The buildings housing these animals would be 210 feet from all property lines. He showed elevations of the administration building.

Mrs. Henderson pointed out that the Board should see the location of the other buildings. Mr. Lawson said they would submit a site plan showing all buildings with their setbacks. They will employ a maximum of ten people. They will start with three.

The work here will be confined to constant care of the animals and breeding. They will take blood tests and send them to the laboratory to see if the animal is satisfactory. If the animals test properly they will be sent to the laboratory for experimentation.

They will have exercise pens for the small animals leading directly off their pens. They would exercise only a few dogs at a time. The puppies are raised in wire runs.

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New cases - continued

It is probable that after three or four years they will bring their Loudoun County operations to Fairfax - in fact all their operations may be here in time. They ship from Rosslyn. That location will have to be moved because of Rt. 66. They use only Beagles as they are the most important in bio-medical research - they are small, gentle and easily handled.

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Mrs. Henderson asked about the noise.

Dr. Joseph Stuart said they de-bark the breeding dogs - reducing the bark to a very low-key. He assured the Board that noise would be no problem. They would have a maximum of 200 breeders and 300 puppies.

They will have no burning now - they may have later. Now they will have trash pick-up. For the animals that die they will use someone elses incinerator.

Mr. Ed. Lynch discussed the drainage most of which he said goes through Lorton to Pohick. He did not want drainage thrown on their property, adjoining to the northwest. They own about 500 acres. They also were concerned about the noise and odor. They are holding this land for the future. Mr. Lynch said, it appears to be good for residential development. But, they are concerned about what goes in this area - because the use on this property today will determine other uses of land tomorrow. Mr. Lynch said this property in question probably is not good for future residential uses because of the drainage but if it is properly used - and the dogs are de-barked - it may not be too bad at this time.

There were no objections from the area.

Mrs. Henderson read a letter from Dr. Kennedy saying his office needed additional information regarding the soil before making a recommendation on this. Studies, he said, will be completed by February 11.

Planning Commission recommended approval.

Mr. Dan Smith asked that the letters read by Mr. Lawson be made a part of the record. The location appears to be desirable, Mr. Smith went on to say, but he was concerned about the number of the dogs and the noise potential. He would like to be sure and if this is granted it should be said that the use would be subject to satisfactory noise conditions - the noise should not carry more than a few hundred feet.

Mrs. Henderson suggested deferring the case for disposition of some of these questionable things and to show landscaping, elevations of the buildings, setbacks, report and recommendation from Dr. Kennedy, and in view of the natural drainage the Board should see where they will put the disposal.

Mr. Smith moved to defer the case to February 12. Seconded, Mrs. Carpenter. (Exterior of buildings, landscaping, answer from Dr. Kennedy, septic location, what will be required and where drainage field will be located. Preliminary site plan.) Carried unanimously.

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Mr. Dan Smith left the meeting because of illness.

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DEFERRED CASES:

- 1- MT. VERNON GARDENS, to allow balconies closer to side line than allowed by the Ordinance, property on Fordson Road, 3020 - 3022 and 3024 Fordson Road, Lee District. (C.G.).

Mr. Barney Fagelson represented the applicant. Mr. Mooreland gave a brief resume of the back ground of this case. He recalled that the Board has in the beginning granted a variance on this building. After granting that, he told the Board they did not have the right to grant a further variance to extend the variance - which is being asked here.



Deferred cases - continued

Mr. Fagelson contended that the Ordinance gives the Board the right to grant this if the mistake results from no fault of the applicant and if it is in the interests of safety and if it creates a hardship on the applicant.

Mr. Fagelson said that in 1958 Mr. Gordin drew plans for his apartment building. In 1959, the zoning of the land was changed from C-G to C-D in which apartments would not be allowed. Mr. Gordin then applied for C-G and it was granted. This was in 1960. He then found that the lot was too narrow for his purposes and he was granted the variance. The original plan of the apartments showed the balconies, however, the variance did not include the balconies. When he went for the permit he was told he could not get the permit including the violating balconies. This threw all his plans off - he lost two loan commitments and a considerable sum of money. Rather than run into any further difficulty he told his architect to go ahead with new plans. The architect in the meantime had been to the County and came back with the word that the earlier information relayed by the lawyer was wrong and they "could have the balconies". This was a mistake. Mr. Fagelson said, the architect had been over zealous in the pursuit of his job and in some way got the information - or misunderstood the information and assured Mr. Gordin that he had straightened this out and they could go ahead; that the balconies complied with the building inspector's decision. Apparently, he said, it was a matter of the architect wanting to show his ability to "really work things out". In January of 1962 the architect came up with plans with the balconies. Mr. Gordin was pleased and they completed the building with the balconies. The balconies were over the variance line (as granted) by three feet. The building indents two feet - the balconies are five feet wide which creates the three feet violation. The balconies are ten feet long separated by a divider. They are 22.2 feet from the line.

The architect was doing his job as best he could, Mr. Fagelson said, and while any violation is the responsibility of the owner, as a practical matter a builder does take the word of his architect. There was no deliberate intent here to violate the Ordinance. No doubt the architect was frustrated in the beginning when he thought he was losing his fee and Mr. Gordin was upset - so when it appeared it was conforming they went ahead.

Mr. Mooreland has tried to find a solution to this, Mr. Fagelson went on to say, but he could not - it was necessary to bring this to the Board who has the authority to give relief.

Mr. Fagelson pointed out also that there is a heavy plate glass window opening on to the balcony - it would be hazardous to have this opening with no balcony beneath the window.

In answer to Mrs. Henderson's question, Mr. Fagelson said the balconies were not on the original building permit, but the balconies were permitted by the Building Inspector.

Mr. Gordin said Mr. Mooreland had told him he could not have the balconies but Mr. Gordin thought he could have the three feet overhang.

Had the building permit shown the balconies at a 25 foot setback and had there been an error in location that could be taken care of under section 30-136, Mrs. Henderson said, but in this case there was no mention of the balconies in the original building permit.

There was a three foot error in the survey location, Mr. Fagelson said. This was misunderstood information, Mrs. Henderson answered, not a mistake. Mr. Fagelson called it a mistake in judgment. The error was that the Building Inspector permitted this in good faith. That office was passing on actual construction only. Mrs. Henderson pointed out that they did not check the location or setbacks.

Mr. Mooreland showed the site plan without the balconies. At the intermediate approval, he said, there were no balconies.

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Deferred cases - continued

Mr. Gordin said the balconies were built on the very last thing. The building permit that included the balconies, Mr. Gordin said, did not go through Mr. Mooreland's office.

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Mr. Gordin said they first showed the balconies then erased them out leaving the opening for them. They thought at that time if they cut the balconies down by one foot and revised them it would be all right. He went ahead with the building intending to put the balconies on later.

Mr. Fagelson said he would like to see the building inspector's approval. As a practical matter, Mr. Fagelson continued, they have the balconies because of a mistake - an honest mistake. The Ordinance says this Board can give relief in such a case. It is evident, he added that the Building Inspector did give a permit for the balconies.

The Board has no alternative but to deny this case, Mrs. Henderson told the applicant, unless there is some factual evidence or information about who said what and when. Everything the Board has heard and seen shows - no balconies.

Mrs. Carpenter moved to defer the case to February 26, 1963 for the applicant to supply evidence of a building permit or a permit by someone to construct the balconies.

Seconded, Mr. T. Barnes. Carried unanimously.

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- 2- RICHARD B. GILLILAND, to permit erection of carport closer to rear property line than allowed by the Ordinance, Lot 13, Block 9, Section 3, Ravensworth (5329 Landgrave Lane), Falls Church District. (R-12.5).

Mr. Gilliland was present - saying his attorney could not be present. He asked deferral.

Mrs. Henderson said, some of the Board members had seen the property. She saw no justification for this request. She suggested an alternate location.

Mr. Gilliland said the location in the rear would not serve his purposes and would give no protection on the side of his house. It would require a very long driveway and he had been told when he bought here that he could have the carport.

After further discussion Mr. T. Barnes moved that in the application of Richard B. Gilliland, to permit erection of a carport closer to rear property line than allowed by the Ordinance, Lot 13, Block 9, Section 3, Ravensworth (5329 Landgrave Lane), Falls Church District, (R-12.5), be denied as there is an alternate location for the carport and the 22 feet is too close to the rear property line for this variance. This does not comply with requirements of Section 30-36 and the hardship does not apply only to this lot. Seconded, Mrs. Carpenter. Carried unanimously.

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- 3- IAN R. MAC FARLANE, to permit operation of a day camp with overnight facilities, on west side of Magarity Road, south of Scott Run Community Park, Dranesville District. (RE-1),.

No one was present for this application. Mrs. Carpenter moved to defer the case to February 26, 1963 and for the zoning office to notify the applicant that decision on this case will be made at that time. Seconded, Mr. T. Barnes. Carried unanimously.

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Powhatan Lodge: Mr. Mooreland said the applicant requested by letter that his request for the second story on his building be withdrawn. They asked extension of the original application and thought they would add the second story, but are withdrawing that part of their request.

Mrs. Carpenter moved that the Powhatan Lodge be allowed to withdraw the second story request as requested by letter. Seconded, Mr. T. Barnes. Carried unanimously.

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Ravenswood<sup>est</sup> Swim and Racket Club: asked to move fence from location as shown on the original plan provided they have the same number of parking spaces and that there is no encroachment on any setback area as required in the Ordinance. Mr. T. Barnes so moved. Seconded, Mrs. Carpenter. Carried unanimously.

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Meeting adjourned.

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

February 12, 1963  
Date

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, February 12, 1963, at 10 A.M. in the Board Room of the Fairfax County Court-house, with all members present, Mrs. L. J. Henderson, Jr., Chairman, Presiding.

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The meeting was opened with a prayer by Mr. George P. Barnes.

New Cases:

- 1- BILLY C. TUTT, to permit erection of a carport 12.10 feet of side lot line, Lot 32, Boulevard Acres, Mt. Vernon District. (RE-0.5).

The applicant asked for a sixty (60) day deferral, and a possible withdrawal. Mrs. Carpenter moved to defer the case for sixty days (April 23, 1963). Seconded, Mr. Barnes. Carried unanimously.

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- 2- JOSEPH F. SYNOSKI, to permit an addition to building 4 feet from side property line, Lot 6, Westmoreland Park, (910 Fisher Avenue), Dranesville District. (R-10).

Mr. Synoski said he needed a family room because the house is small and they have no basement. Their family has increased and this appears to be the only way they can have additional room. To put an addition on the rear would ruin their kitchen and dining area. There is only one window in the dining room which they do not wish to cover.

Noting that the lot width is less than now required in an R-10 zone, Mrs. Henderson suggested that the addition be moved over across the back by three feet where it would not cover the window and observe the seven foot setback from the side line, which could be allowed. The extension could be widened across the rear, Mr. Barnes pointed out, and they could have just as much room as extending into the side yard.

Opposition:

Mr. Frank Sandan objected because these lots are so small this would bring Mr. Synoski's living quarters very close to his home. If he (Mr. Sandan) were to put an addition to within four feet of his side line this would be practically nothing more than row houses he said. This would depreciate the neighborhood and his own property in particular. Mr. Sandan pointed out that one house in the neighborhood has an addition but it is all in the rear. He would not object to that.

Dr. Thomas Higgins objected saying this would set a precedent encouraging many to ask the same thing which he thought would be objectionable. Dr. Higgins lives across the street.

Ann Kidwell said they had wanted a carport two years ago but were told such an addition would jeopardize insurance liability. (However, Mr. Barnes said that would not be ~~so~~ if a variance were granted allowing the addition.)

Mrs. Kidwell objected to the depreciating affect and the precedent.

Mrs. Synoski said she thought the addition would improve the neighborhood rather than depreciate. They have no windows on the side toward Mr. Sandan and therefore the addition would have no affect on his privacy. The other house in the area with the addition in the rear has blocked their window, she noted. It is not desirable and really depreciates the house.

Mr. E. Smith said he saw nothing in the Ordinance that would allow the Board to grant this. There appeared to be no topographic condition and failure to grant this would not deny a reasonable use of the property.

When the lot is smaller than required by the Ordinance Mrs. Henderson pointed out and these people bought when this lot size was permitted - then they outgrew their house - it is difficult to categorically say they

New cases - continued

cannot have more room. It is probably more reasonable, she continued to find what would be the best solution to their problem. There have been many situations like this, Mrs. Henderson recalled, several cases in Tyler Park where people have had their homes for many years and their families increased and some were granted variances to add to their homes and build closer to the side lines than the Ordinance allowed.

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Mr. Barnes thought - rather than depreciate the neighborhood - this would be an improvement and enhance property values.

Mrs. Henderson pointed to page 472 of the Ordinance (30-7) and suggested that this provision of the Ordinance should be considered.

In view of this section of the Ordinance (30-7) Mr. E. Smith moved that a variance be granted on lot 6, Westmoreland Park, (910 Fisher Avenue), permitting the addition to come within seven (7) feet of the left side line. Seconded, Mr. Dan Smith who said he thought the statements regarding devaluation of the neighborhood had no justification in this case. When proper improvements are made they enhance the value rather than depreciate. These are small houses, the families have been here many years, families have increased and the Board has granted relief in other cases and he thought justifiably so. He expressed the hope that the objectors will find that this does not depreciate property in the area.

The motion carried with Mr. E. Smith, Mr. Dan Smith, Mr. Barnes and Mrs. Henderson voting yes.

Mrs. Carpenter voted against the motion.

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3- W. B. DAVIS, to allow dwelling to remain 23.8 feet from rear property line, Lot 4, L. L. Darne Subdivision, Dranesville District. (RE-1).

Mr. Kohler, supervisor of the job, represented the applicant. Mr. Kohler pointed out that only one corner of the building is in violation, the main part of the house more than meets the requirements, the small porch on the rear comes too close to the line. Mr. Mooreland said the porch was on the permit but it was smaller on the plan than it turned out to be when completed. (The house is completed and occupied).

It was noted that the house is located at an angle on the lot, Mr. Kohler said he worked as a supervisor for Mr. Meltzer and was doing this supervisory work for Mr. Davis - a friend - on the side and was not always present when the work was going on. The workmen did not read his plans correctly. The porch was to have been 10 x 24' but it turned out to be 12.5 x 16 feet.

Mr. Kohler said it would be expensive to take off those extra two feet the way the house is designed. The house is set high from the street and there is nothing in the rear but an old farm house which is quite a distance from this property line - about 300 feet.

There were no objections from the area.

Mr. E. Smith moved that the application of W. B. Davis, to allow dwelling to remain 23.8 feet from rear property line, Lot 4, L. L. Darne Subdivision, Dranesville District, (RE-1), be granted as applied for because the evidence presented shows that this case meets section 30-36, paragraph four of the Ordinance. An error was made that was not the fault of the applicant and the granting of this request would not be detrimental to the use of adjacent property. This section of the Ordinance was designed to give this Board the right to grant relief in situations of this nature and the porch did show on the building permit. Seconded, Mrs. Carpenter. Carried unanimously.

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New cases - continued

4- THOMPSON AND CASE, to allow dwelling 49 feet from Jermantown Road, Lot 1, Dudley Heights, Providence District. (RE-0.5).

Mr. Thompson represented the applicant.

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The house was located 50 feet from the future right of way. Mr. Thompson said, but it has an overhang on the second floor. That was not taken into consideration. The violation is only one foot. This type house is used a great deal in the County, Mr. Thompson observed, and he realized that the setback should be measured from the overhand - but it was not done here. He noted, however, that the house on the adjoining lot is setback only 50 feet from the present right of way. They did not consider the future widening - it is several feet in front of the house in question.

Mr. E. Smith moved that the application of Thompson and Case, to allow dwelling 49 feet from Jermantown Road, Lot 1, Dudley Heights, Providence District. (RE-0.5), be granted because this meets the requirements in section 30-36, #4 and from the statements made before this Board the house will really be set back farther than the adjacent house and the Board does not consider that this would be a detriment to surrounding property. Seconded, Mrs. Carpenter. Carried unanimously.

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5- EDWARD J. HEWETT, to permit erection of dwelling 35 feet from front property line and allow garage to remain 6.9 feet from side property line, Lots 49, 50, 51 and 52, Block E, Weyanoke, Mason District. (RE-0.5).

Mr. Maisell appeared with the applicant and presented the case.

Mr. E. Smith said he knew the neighborhood and questioned if 4th street would ever be a street. Mr. Maisell said only if they filled in a 20 foot gully and put in a culvert and that, he said, is not likely.

This house has vacant land on two sides, Mr. Maisell continued. The little building now on the property was originally built as a garage and the house never got built. Mr. Hewett added a little kitchen and now he wishes to build a house beside the garage. No one will live in the garage, it will be used entirely as a garage. The home will be entirely detached from the existing building.

Mr. E. Smith said this is one of the few places in the County where it might be wise to grant a variance. There are unusual circumstances here, he said, the land is rough. Fourth Street is not really in existence and may never be, so the front setback does not become as vital as it would if the property were in another location.

Mr. Hewett said no one was living in the garage now. He is building the house for himself.

Mr. Dan Smith said he wished to be assured that this little building will be used for a garage only.

Mr. Maisell said if the dwelling is 50 feet back from Fourth Street it would line up with the garage which they did not want. He wanted to pull the new building forward to a 35 foot setback. This would leave space between the dwelling and the garage. (It was noted that the plat showed the new building and the existing both located 50' from the right of way).

The present structure is in violation Mr. D. Smith pointed out - he thought granting a 15 foot variance on the house was too much.

Mr. Hewett said the end of the new house would have four windows and he did not want that immediately against the garage. If they moved it toward the front the windows would clear the side of the garage.

New cases - continued

Mrs. Henderson suggested taking the little kitchen off the garage which would leave a good space between the garage and the house. Mr. Hewett said it would disturb the roof line of the garage. Mr. Maisell said that would also be too expensive and it would hardly be worth going ahead with any of it if they had to do that. The home will cost about \$25,000. The bank will not lend money on this if the garage is attached. Mrs. Henderson said there was no question of the garage being attached, Mr. Maisell had already said it would be detached.

Mrs. Henderson then asked why the plats were not drawn showing the building 35 feet from the street. Mr. Maisell said Mr. Ridgeway drew the plats and he drew them in the way he knew they would be acceptable to the County. But when they found a variance was necessary - the plats became inaccurate. After considerable further discussion Mr. E. Smith moved to defer the case to February 26, to enable the applicant to bring to the Board corrected plats showing the property developed in accordance with the requested variance and to enable members of the Board to view the property. Seconded, Mrs. Carpenter. Carried unanimously.

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- 6- GERMAN SCHOOL SOCIETY, to permit operation of a private school, kindergarten thru 6th grade (Chesterbrook Methodist Church Property), on east side of Kirby Road, approximately 130 feet north of Old Dominion Drive, Dranesville District. (R-17).

Mr. Offerman represented the applicant. He made the following statements: They are conducting this school now, under permit, at 4925 McArthur Boulevard and have been in operation for two years. They wish to have kindergarten through the 6th grade, they now have 85 children and expect another 40 within the next four years (total of 125). They are presently using the class room facilities of the church. Their school hours run from 8:30 to one P.M. - with a few afternoon classes until 4: P.M. This is a 10 month school. Parking will be along the side of the church and around the circle - shown on the plat. They do not anticipate many cars as they will run two school buses. This is a German school - teaching in the German language and also they will give English lessons.

There were no objections from the area. Statements from several property owners were filed with the application saying they had no objection to this use.

Mrs. Carpenter moved that the German School Society be permitted to operate a private school (Chesterbrook Methodist Church property) on the east side of Kirby Road approx. 130 feet north of Old Dominion Drive - for kindergarten through the 6th grade, that there shall be a maximum of 125 children, school to operate for ten months in the year, hours 8:30 A.M. to 4:00 P.M. This permit is granted to the applicant only and all provisions of the Ordinance pertaining shall be met. It is the opinion of this Board that this use will not be detrimental to the surrounding area. Seconded, Mr. E. Smith. Carried unanimously.

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- 7- HOLIDAY INN MOTEL, to permit erection and operation of a motel (114 units) on south side of Arlington Boulevard, approximately 240 feet east of Patrick Henry Drive, Mason District. (CDM).

No one was present to discuss the case - however, Mr. Gingery had phoned earlier saying he was on his way from Rockville, Maryland.

Mr. E. Smith moved to put the case at the bottom of the list and not to be heard before that time. Seconded, Mr. Dan Smith. Carried unanimously.

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Deferred Cases:

- 1- HUNEYCUTT CONSTRUCTION CORP., to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 9 and 13, Mountain View, Centreville District. (RE-1).

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Mr. Richard Grefe was present for the applicant. Deferred to view the property.

Mrs. Henderson said in her opinion there was no justification to grant the building that is not yet finished. The ground is very flat - there were apparently no problems.

Mr. Grefe said he had no excuse to offer other than an honest mistake - which he regreted. The porch was simply omitted in calculating the setback. He knew it was considered part of the house - and the error should not have occurred.

Mr. Dan Smith discussed lot 13 - where the house is completed and occupied. The septic tank is about as close to the house as it could be and is on the down hill side of the house. Mr. Smith said he considered that the reasons for non-compliance were covered in paragraph 4. He pointed out that Mr. Grefe has been locating houses in the County for many years and without error. He has made accurate statements as to how this occurred and while the Board does not condone such a mistake and would suggest that Mr. Grefe in the future read the Ordinance carefully - he thought the Board had the right to grant relief. He moved that the application of Huneycutt Construction Corp., to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 9 and 13, Mountain View, Centreville District, RE-1, be approved as the house <sup>on lot 13</sup> is constructed and to remove the existing porch would ruin the house as it was designed to be constructed. This will not be detrimental to surrounding neighbors. The houses here are far apart, the road is dead-end now. But in granting this, Mr. Smith cautioned, it should be understood - the Board is in no way changing the Ordinance - this is a variance to meet only this particular situation. He moved to grant the variance on lot 13 as applied for. Seconded, Mr. Barnes.

Voting for the motion: Mr. D. Smith and Mr. Barnes.

Mrs. Carpenter and Mr. E. Smith not voting.

Mrs. Henderson voting no because this is merely correcting an error of the applicant and not a mis-location. The mistake was simply a result of not reading the Ordinance. Motion carried.

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With regard to lot 9, Mr. Dan Smith pointed out that these are pre-cut houses - delivered complete. If lot 13 is approved as it has been, Mr. Smith thought the same thinking applied here. The houses and the situations are identical. The variance is less on this house - it is about three feet. The building is practically completed. If these three feet were cut off the porch it would chop up the design of the house and be more detrimental than to leave it. This house sets back farther than the house on lot 13. Mr. Smith moved - for the same reasons as stated with regard to lot 13, that lot 9 also be approved as applied for. Seconded, Mr. Barnes.

Mr. D. Smith and Mr. Barnes voting yes.

Mrs. Carpenter and Mr. E. Smith not voting.

Mrs. Henderson voting no, saying she considered this more important than lot 13. This house is not entirely completed and adjustment on the building could be made to make it comply.

Mr. D. Smith said that would be true if the roof were not on. Motion carried.

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Deferred cases - continued

- 2- GREFE CONSTRUCTION CO., to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 107 and 111, Section 3, Little Vienna Estates, Providence District. (RE-1).

Mr. Grefe was present for the applicant.

Mrs. Henderson said she considered there was a topographic problem here - the houses have a varying setback - some are back as far as 90 feet.

These houses are on one acre lots, Mr. Dan Smith pointed out and could not possibly be detrimental to any other development. There is a topographic problem - he noted the ravine that restricts the location of the septic. It is a severe drop off in the ground. Mr. Grefe has made an honest statement regarding the situation, Mr. Smith noted. He moved that the application of Grefe Construction Co. to allow dwellings closer to Street lines than allowed by the Ordinance, Lots 107 and 111, Section 3, Little Vienna Estates, Providence District. (RE-1), be granted as applied for. This would not be detrimental to neighboring property. These are substantial houses, well built and designed and are practically completed. This variance is granted under provisions of the Ordinance giving this Board the right to give relief in circumstances of this kind but this shall in no way be considered a change in the Ordinance but rather a variance to meet this particular situation. Seconded, Mr. Barnes.

Voting for the motion: Mrs. Henderson, Mr. D. Smith, Mr. Barnes. Because of the topography and the irregular setbacks in the area, Mrs. Henderson agreed that granting this was not detrimental to the neighborhood.

Mrs. Carpenter and Mr. E. Smith not voting. Carried.

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Regarding lot 107 Mr. D. Smith said - this error in placing the house on the property was an error of one person - the surveyor and engineers - the same as handled the house location on the previous cases. It was an error in judgment. Again, Mr. Smith said he considered this justified under the Ordinance. This is the minimum variance that could be granted since the house is practically completed. This granting would not be detrimental to the surrounding area because the houses on adjoining property have staggered setbacks. Mr. Smith moved to approve the variance on lot 107 as applied for - and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Voting for the motion: Mr. D. Smith, Mrs Henderson and Mr. Barnes.

Mrs. Carpenter and Mr. E. Smith refrained from voting. Motion carried. Mrs. Henderson pointed out that the drain field is in something of a swale and there must be a certain distance between the house and the drain field which this meets.

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- 3- LEONARD M. DURSO, to permit carport to be erected 16 feet from side property line, Lot 6B, Section 1, Overlook Knolls (on Sleepy Hollow Road) Falls Church District. (RE-0.5).

Deferred to check on the 25% provision which it was discovered this does not meet.

Since the house is not yet built and it does not come under the 25% provision, Mrs. Henderson said it appeared to her that this was too much house for the lot. There are many houses in this area Mrs. Henderson noted that have garages and they meet the setback. Mrs. Durso pointed out that they could not go back farther because of the hill. She said they may turn the house a little to take advantage of the view - but it was obvious that would not help.

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Deferred cases - continued

Mr. D. Smith said he did not think a 14 foot carport necessary and the variance would be too much. However, he noted also that there is no alternate location for this carport, the house is set back 100 feet to allow for the widening of the road and the open carport would be the structure nearest to the neighbor's garage.

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Mrs. Durso said they would like the 14 foot carport but they could use less - but she thought they needed more than a 10 foot width.

In the application of Leonard M. Durso, to permit carport to be erected 16 feet from side property line, Lot 6B, Section 1, Overlook Knolls (on Sleepy Hollow Road), Falls Church District. (RE-0.5), Mr. D. Smith moved that the application be changed from 16 feet from the side line to 18 feet from the side line - at least no closer than 18 feet from the side property line. This is the only location on the lot that the carport could be constructed, Mr. Smith continued, and other homes in the neighborhood mostly have carports. This is a rather unusual situation due to the size of the house and there are many fine homes in this area. No house will ever be constructed on the immediately adjoining lot and this would not be detrimental to that area. Therefore, he moved to grant-in-part the application of Leonard M. Durso. All other provisions of the Ordinance shall be met. (This is a variance of two feet instead of four feet) Seconded, Mr. Barnes.

Voting for the motion: Mr. D. Smith, Mr. Barnes, and Mrs. Henderson.

Mr. E. Smith refrained from voting.

Mrs. Carpenter voted no - saying to deny this case would not be depriving the applicant a reasonable use of the land. Motion carried.

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Mr. Dan Smith said he had gone into the detailed plans of this house rather carefully and if they had to cut two feet off it would change the house entirely. These people have a large family and this appears to be the minimum house they need.

Mrs. Henderson agreed and also stated that she considered this somewhat in the same category as other cases where a family has out-grown a small house. Mrs. Durso happens to be starting out with a large family and is trying to meet their needs in a large house. This house will upgrade the neighborhood, Mrs. Henderson noted.

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4- ANIMALS FOR RESEARCH, INC., to permit breeding, conditioning, testing and preparing animals for research, approximately 1500 feet north of Route 600 opposite Lorton Reformatory, Lee District. (RE-1).

Mr. Barnes Lawson represented the applicant. He presented the Board with a site plan which showed the entire plan with all distances from property lines. They more than meet the standards, Mr. Lawson pointed out, and they are 1100 and 1600 feet from the nearest house and 350 feet from the side property line.

Mr. Lawson said they had been working with Dr. Kennedy on this and they are moving the operation to a location where the ground rates good for septic. There is one large building he pointed out 110 x 40 feet which will take care of all their inside operations, offices and animals. It will have a brick front and painted cinderblock sides and rear.

Regarding the disposal, Mr. Barnes said Dr. Kennedy's men went out to the property twice and had bad luck each time because of the weather. They are asking approval of this use contingent upon their getting septic approval. If this is not approved the permit will be void. He thought there would be no septic problem on 48 acres.

Letter from Dr. Kennedy to Mr. Schumann:

Deferred cases - continued

\*Dear Mr. Schumann:

In reference to the above application we wish to advise that additional information in regards to the percolation qualities of the soils on this tract must be obtained before this department can approve on site sewage disposal for the proposed installation of Animals for Research, Inc. 227

We hope to have completed our studies in regards to this matter by February 11, 1963, and will advise you at that time if an approved method of on-site sewage disposal can be located on this property.

If there is any additional information we may furnish you in regards to the above, please advise.

Very truly yours,

Harold Kennedy, M.D.  
Director of Health

The care taker will live in the house now on the property, Mr. Lawson continued. There will be a maximum of 10 employees. They have shown 25 parking spaces but could have many more. Mr. Lawson listed the kinds and numbers of animals they proposed to have.

In the application of Animals for Research, Inc., to permit breeding, conditioning, testing and preparing animals for research, approximately 1500 feet north of Route 600 opposite Lorton Reformatory, Lee District. (RE-1), Mr. D. Smith moved that the application be approved as applied for and that the present site plan submitted to the Board at this hearing be adhered to as much as possible with a maximum number of animals as follows: 1000 guinea pigs, 500 dogs, 100 monkeys, 600 hamsters, 500 rabbits. This is an operation to furnish expertly developed animals for research for organizations in the area, the National Institute of Health, hospitals and research organizations. There is a dire need for this type of breeding and conditioning of animals for laboratory research, Mr Smith continued. Mr. Smith moved that the application be approved with the understanding that the applicant must first get permission from the Health Department for adequate sewage disposal. If this permit be granted all other provisions of the Ordinance must be met. This is tied to the site plan presented at this meeting - site plan dated February 12, 1963. Seconded, Mr. Barnes.

Mr. E. Smith pointed out also that this property is located in a very rural and isolated section of the County and he believed it would cause a minimum impact. They have a large enough tract so this operation can be conducted with extremely deep setbacks.

Mr. Dan Smith noted that there was only one person present at the first hearing who appeared to be in any way affected by this and he seemed to be satisfied that the impact would not be detrimental. Mr. Smith commended the applicant for choosing this location.

Motion carried unanimously.

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HOLIDAY INN MOTEL, to permit erection and operation of a motel (114 units) on south side of Arlington Boulevard, approximately 240 feet east of Patrick Henry Drive, Mason District. (CDM).

Mr. Gingery was present to represent the applicant but advised the Board that he did not have verification of notices sent to adjoining and nearby property owners. Mrs. Carpenter moved to defer the case to February 26, 1963. Seconded, Mr. E. Smith. Carried unanimously.

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Mr. Mooreland asked the Board to consider several matters which have come up in his office: A property owner died in 1958 without will. His property was divided among three sisters. To divide it they had a survey but no one knew it was necessary to record these parcels. These women are elderly - they are living on their property. Would the Board approve the subdivision as it was made at that time? It was an "agreed upon deviation" of the land. ~~One of the parcels has been sold and the new owner is trying to get a permit to add to his house.~~ The three houses were built long before the property was divided. The parcels all comply with the old one-half acre zoning under which they were divided.

In view of the picture Mr. Mooreland has given of this tract, known as the Bailey Heirs property, which was divided in 1953 in conformance with the Ordinance at that time but through over-sight of the old heirs (now approaching 80) the plat was not recorded, Mr. Dan Smith stated, it now becomes necessary for this Board to entertain a variance in order that this land be recorded as a subdivision which was in accordance with the Ordinance at the time the land was divided. Mr. Smith moved that the Board so approve the subdivision. All other provisions of the Ordinance shall be met. (This is a subdivision of lots set forth in 1952 but not recorded). Seconded, Mr. Barnes. Carried unanimously.

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Two ladies want to conduct a "day care" operation in Willston Apartments for children of working mothers in the apartments. The question was asked - how could she furnish plats. Architects drawings were suggested. What about fire safety with only one door to the apartment.

Mrs. Henderson suggested that if this person wishes to come before the Board she should have a lay out of the apartments and Fire Marshall approval before filing an application. The others agreed.

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Mr. Mooreland referred to page 515 of the Ordinance, paragraph 4. He asked the Board if they would consider "tire recapping" similar to paragraph 4.

While this may be considered a type of manufacturing Mr. E. Smith said these characteristics are very limited - whatever is actually manufactured is brought in and all the work is done inside. There is nothing objectionable about it. The material is brought in and heated and applied. Mr. Mooreland recalled that the Board had agreed that a "body shop" is similar.

The Board agreed that tire capping is similar to other operations allowed in a C-G District and it could be allowed under special permit.

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Mr. T. McCue has written a letter to Mr. Mooreland stating that time on his marina permit will expire before he can get started and asked an extension. Mr. McCue has in mind to work out a sewage disposal plant with an adjoining project. This will take additional time to formulate plans.

Mrs. Henderson noted that Belmont Bay wants an extension also, Mr. Scott's application.

The Board agreed to extend both Colchester Marina (McCue) and Belmont Bay - marina cases for two weeks (Feb. 26) for the applicants to appear before the Board and inform the Board what they intend to do and when they will do it.

The Board asked Mr. Mooreland to so notify both applicants.

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Mr. R. E. Edwards filling station on Rt. 236. Mr. Mooreland recalled that the Board granted Mr. Evans a variance on this station and the Board of Supervisors had placed the restriction of no entrance to the side street. The oil company has not taken up the option and Mr. Edwards is in the process of getting another lessor. His time will elapse before this can be accomplished. He asked a six month extension. The site plan will expire on May 14th, Mr. Mooreland said, he suggested that the permit be extended to that day and if Mr. Edwards does not get another lessor both the site plan permit and the use permit will die on that day.

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The Board agreed to an extension to May 14, 1963.

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~~Mr. McCandor~~ <sup>Mr. McCandor</sup> - convalescent home. This property was sold Mr. Mooreland said, and the new owner wants more time to get started. He asked six months. Mr. E. Smith said he considered this like the marinas - he would like to see the new owners plans - what they intend to do and when. The Board agreed to extend this for two weeks for a new owner to appear before the Board with his plans.

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Mr. Mooreland asked - in granting a use permit for pump islands 25 feet back with the understanding that the building will be 75 feet back - is this a specific requirement that cannot be varied?

The answer was yes. The Board cannot vary that requirement. This, it was noted, is specifically provided for in Section 30-7, paragraph h, Mrs. Henderson read from the Ordinance.

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~~Parochial School at End of Camp Alger~~ <sup>Parochial School at End of Camp Alger</sup> ~~School~~ <sup>Church</sup>. Mr. Chilton asked the Board to view the site plan which they had asked to be returned before the site plan is finally approved.

The items which particularly concerned the Board were shown properly on the site plan. Mr. Chilton said the only further changes may be the addition of side walks, or change in grade or size of pipe line. The location of the buildings, no additional entrances, location of parking - all the basic things are on the site plan as it will be finally approved. Mr. Chilton said. The other things do not concern this Board and will be worked out with public works. This plan was shown to several people living in the immediate area, Mr. Chilton said and they were satisfied with it.

Mrs. Henderson suggested that probably the final site plan entirely complete should have been brought to the Board but since the plan as presented showed all the features that the Board had had questions about she thought in this case the plan as presented was sufficient. The Board agreed.

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Mr. Barnes said he had discussed with Mr. Bagard Evans his garbage container. Dr. Kennedy has recommended that Mr. Evans extend the place for his garbage and cover it. This would be 45 feet off the line instead of 50 feet as required.

Mr. Mooreland said there had been complaints about the open garbage cans. They are closed now and are in a little shed which improves the situation. The enclosure is three feet high and 45 feet from the line.

This is a requirement of the Health Department Mr. Dan Smith noted and is in the interests of the safety and welfare of the public and should take precedence over the setback as granted.

The Zoning Administrator was authorized to allow this. Mr. Mooreland said this should be treated as an amendment to the use permit.

It appears, Mr. D. Smith said, that this amendment to the use permit of

Bagard Evans is a necessity for the safety of the general public and is a requirement of the Health Department. This addition is to be used for storage of garbage until the garbage truck picks it up. Mr. Smith moved that the little shed be allowed to remain as presently located. Seconded, Mr. E. Smith. Carried unanimously.

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Mrs. Henderson announced the Virginia Citizens Planning meeting on May 26, 27, 28 at Roanoke, Va.

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Meeting adjourned.

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

March 11, 1963  
Date

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The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, February 26, 1963 at 10 A.M. in the Board Room of the Fairfax County Courthouse with four members present, Mrs. M. K. Henderson, Chairman, presiding, Mr. T. Eugene Smith, Mr. G. P. Barnes, Mr. Daniel Smith.

Mrs. Lois Carpenter's term has expired and a new member has not yet been appointed.

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

New Cases:

1- FALLS CHURCH INVESTMENT CORP., to allow building to be erected to a height of 58 feet, on south side of Arlington Boulevard just west of intersection with South Street, Falls Church District. (C. N.)

Mr. Williams Hansbarger represented the applicant. Mr. Hansbarger presented revised plots showing no entrances on South Street. They are asking an increase in the height of this building from 40 ft to 58 ft., Mr. Hansbarger said, made necessary because of the restricted use of the ground. He showed by a drawing the location of a 35 ft. storm sewer easement running diagonally across the east end of the property and they will dedicate for the widening of South Street. This cuts the useable space of the ground to a point where a five-story building is necessary to make this economically feasible.

The service drive along Arlington Boulevard is in place, they are providing 141 parking spaces, stockade fence and planting along South Street. In the widening of South Street they will lose 30 parking spaces which have been made up on the parts of the property. It is also necessary to have full circulation on the ground because of only the one entrance to Arlington Boulevard.

Mr. Hansbarger pointed out that this use is permissible in a C-N district except that it does not allow the 58' height. He recalled that many uses had been proposed here but he considered this the very best for the area.

If this were zoned C-O, Mr. Hansbarger continued, and they could set back 2 ft. for each additional foot in height, they could comply with the Ordinance.

Mr. E. Smith asked why not come in for a rezoning instead of the variance. Mr. Hansbarger answered that this is quicker and they are wanting to get started in early spring. (He noted that the penthouse referred to on the plot is used only for the elevators--not extra office space.)

Mr. Dan Smith agreed that the rezoning was the proper procedure. Mrs. Henderson said this was purely an economic question--the applicant is asking this additional height merely to get a better use of the land.

In order to use the land to the extent that the law would permit, they cannot do that with a three-story building, Mr. Hansbarger answered. If they expand the base of the building, they run into sewer easement. The higher building gives a better use of the land, nothing is crowded.

Mrs. Henderson contended that by allowing this, the Board was, in effect, rezoning the land.

Mr. Hansbarger contended that the Board had the jurisdiction to grant this, since the use is allowed by right, this is not a request to go out of the category and permit a use not presently available. The only variance is the height which is asked to get a better use of the land. It is no fault of the owner of this land that the sewer easement is there, Mr. Hansbarger argued and no fault of his that South Street must be widened. These are conditions that exist and must be considered in putting up a building. Not to allow this would be taking away the best use of the land.

Mr. Dan Smith agreed that the land does restrict the size of the building but he also pointed out that the owners of this ground have been greatly benefited by the storm sewer easement being in place. The applicant has two alternatives, Mr. Smith continued, to build in the present zoning or rezone to C-O. He saw no justification for the Board to grant this, the applicant may not get the maximum use of the ground, but he is not restricted from an adequate use. If the ground restricted the applicant so this use could not go in, Mr. Smith said he would think this deserved consideration, but he considered this to be changing the zoning category.

Mr. Hansbarger again pointed out that the zoning is not in effect being changed because the use is allowed.

February 26, 1963

## New cases - continued

Mr. E. Smith said he could see some justification for the variance because of the shape of the land, the sewer easement, etc., but he wondered when the Board was best serving the County's interest, is the Board getting topicky or is the Board following a sloppy procedure which may come back to haunt them in later decisions. If this came before the Planning Commission for a C-O zoning, Mr. Smith said, he would probably vote for it as this seems to be the proper utilization of the ground.

Mrs. Henderson quoted from the Ordinance, page 490, paragraph 3. The height of this building she thought inharmonious with the residences around.

Mr. E. Smith said he was becoming very conscious of the changing skyline in Northern Virginia and thought it was something we would have to become accustomed to, but since we have a C-O zone which would take care of this, he questioned the variance. He agreed that this Board has broad discretionary powers, but not the right to rezone land.

If this were a matter of setback where the applicant was being restricted in the use of the land, Mr. Dan Smith pointed out, that would be a different situation, but this is simply a request for the maximum use of the land rather than a reasonable use; therefore the zoning change is necessary to permit a five-story building in this area which in effect is a rezoning of the land.

Mr. Hansbarger said the practical side of this was important. This land has been considered by many people for uses unwanted and undesirable for this neighborhood. This use would upgrade the area and may lead to other similar uses. There could be no harm in granting this.

Mr. Barnes suggested that if this building did not go in there are many undesirable uses in C-N which could go in.

Mrs. Edith Chippeaux presented a letter from Sleepy Hollow Citizens Association signed by Howard Marks saying they would not oppose this provided the screening goes in on South Street and no entrance on South Street.

Mrs. Chippeaux showed pictures of trash backed up to businesses in this area and facing South Street. She said they were in accord with this proposed proposal.

Mr. Gerald Luria said he was interested in this property along with the present owner. They wish to start soon with the building and came to this Board hoping not to have to wait for the zoning. That, Mr. Luria predicted, would probably take a year. They wish to do another office building comparable to the one they have built on Route 7.

There were no objections from the area.

Mr. Hansbarger said they would lose some of the things in a C-O zoning that they have in C-N. This is only changing the height of a permitted use, he went on, it is not in effect making any change in the zoning. This is a purposeful and useful result which no one would question. He was also concerned over losing the Luria contract, knowing the first class type of development Mr. Luria would put in.

The discussion continued, Mrs. Henderson still felt the Board did not have jurisdiction to grant this.

Mr. E. Smith discussed the Planning Commission thinking regarding C-O zones, where at one time it was considered mostly transitional or buffering, now the County is developing so rapidly the Commission is beginning to think in terms of high-rise office buildings in the County. We are getting some C-O uses that are intensive, Mr. Smith went on, that was not thought of in the beginning. Therefore, the Commission is considering a C-O-H, which would go in congested areas and permit great height, as well as the transitional C-O. He questioned if granting this would be changing the zoning in effect, since this use is permitted in C-N. Mr. Smith questioned if the end justified the means. This would be a satisfactory use for everyone concerned. It is not likely that anyone would apply for a more restricted zone unless he had a specific purpose in mind. This Board must weigh the specific use before it, Mr. Smith continued. "We are set up to ease the way for good results and apply human judgment to the cold document under which we operate," Mr. Smith said. He thought perhaps this should be granted.

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New cases - continued

By increasing the height the Board is also increasing the activity of the site, Mr. Dan Smith answered this. You have more floor space and the lower floor can be used for many things which is very advantageous to the applicant, then by giving him additional height we are giving him the benefit of the two zones. That was one of the reasons for separating these zones, Mr. Dan Smith went on to say, it was to give C-O more height to get more use of the land and more profit but under a restricted use. This is an increase in the use and makes a very maximum use of the property rather than a reasonable use as set up in the Ordinance.

Mr. Hansbarger said they had no intention of using the lower floor for C-N uses. They would restrict themselves to small things. He suggested that such limitation be a part of the granting, that this building would be used only for offices.

Mr. Dan Smith said he would like more time on this.

Mr. E. Smith said there was both merit and danger in the granting. He also wanted more time. He moved to defer the case for two weeks to give the Board time to look at the site and the surrounding area and also to look at the Seven Corners study area, which the Planning Staff is undertaking at this time and see how this building would relate to that study. This would be deferred for decision only, no further hearing. Seconded, Mr. Barnes, Carried unanimously.

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2- C. AND M., INC., to permit the following setbacks from front property lines, Lot 46--35 feet, Lot 47--35 feet, Lot 48--30 feet, lot 49--30 feet, Lot 50--35 feet, Lots 46, 47, 48, 49 and 50, Section 2, Westwood Park (Midway Street), Providence District. (R-12.5).

Marshall Coffman represented the applicant. Mr. Coffman presented revised plots and explained that he asked this variance because of the 15 inch storm drainage sewer located on a 20 ft. easement running across the back of these lots. If he is required to set back the required 40 ft. he would have to fill over the storm sewer easement which would impair the effectiveness of the sewer. They have graded and put in sod so the water will drain into the catch basin. Lots 46 and 47 are affected by this easement. On lots 48 and 49 the contour of the ground is very steep and they cannot build on those lots without pushing the houses forward, as it would be necessary to fill over the easement area. They do not need the variance on lot 50 except that it provides a transition between the houses set back 30 ft. and the ones (starting with lot 50) which are set back 40 ft. It graduates the difference in setbacks so it is not too abrupt.

The Board discussed cutting the ridge--but Mr. Coffman said the first floor is only 3 ft. above the curb which is only enough to provide normal drainage. The grade goes up quickly but it goes down again in the rear almost immediately. This is the only area in this subdivision, Mr. Coffman said, that presents a problem.

Mr. Coffman said this would allow them to do a better job and he was very sure it would improve the whole area.

There were no objections from the area. He noted that on the curve it made a better front yard.

This is a case that meets the requirements under Section 30-36, Mr. E. Smith pointed out. There are unusual topographic conditions applying to this land and the Ordinance makes provisions for situations of this kind, the granting will not adversely affect adjoining land nor an orderly development of the area and it would appear that the requested variance is the minimum variance that would grant relief. He moved to permit the following setbacks: Lots 46, 47, 50 a 35 ft. setback and on lots 48 and 49 a 30 ft. setback, as requested in the application. Seconded, Mr. Barnes. Carried unanimously.

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3- ROBERT L. ADAMS, to permit erection of an addition to dwelling 23.3 feet from rear property line, Lot 378, section 6, Pimmit Hills, (2310 Prout Place), Dranesville District. (R-10).

Mr. Adams said he wished to roof a terrace on the rear of his house, 18 x 10 ft. This would encroach 1.7 ft into the rear setback. Anything less than 10 ft. width would be impractical, Mr. Adams said, and of no benefit to them. The house in the rear of him, Mr. Adams stated, is about 70 ft. from his property line. He has lived here since 1953.

New cases - continued

Mrs. Henderson said this was not a situation peculiar to this property, it could pertain to almost any house in Pimmit Hills.

Mr. Adams said it did not affect the neighbors and none of them objected to his addition; in fact, they thought it would improve the neighborhood.

It was suggested that Mr. Adams would probably want to enclose this porch some day.

Mr. Adams pointed out that his lot is pie-shaped and the house is set quite far back in the lot.

There were no objections.

Mr. Dan Smith suggested looking at the property. He thought the shape of the lot might offer some reason for a variance but he was concerned about a future enclosure of the porch which he did not think good.

Mr. Smith moved to defer the case to March 12, 1963. (No further public hearing.)  
Seconded, Mr. E. Smith. Carried unanimously.

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4- SUNNY RIDGE HOMES, INC., to permit carport to remain as built 37.5 feet from front property line, Lot 37, Block C, Section 5, Sunny Ridge Estates, (Eaton Place), Lee District. (R-12.5).

Mr. Charles Runyan represented the applicant. Mr. Runyan said the house was staked too close to the street, it was an oversight on the part of the surveyor, he did not take the carport and the lead walk into consideration. Mr. Runyan said this happened because the surveyor did not have the plans with him. Actually the house is put up first, Mr. Runyan continued, and the porch added later. The office knew the carport and lead walk should have been considered and thought it was done, but the final check showed it out of line.

Mrs. Henderson questioned the distance between the carport and the side property line, since it was not shown on the plot. Mr. Runyan said it was more than the 14.4 ft. on the opposite side of the house since they always showed the shortest distance between any structure and the property lines.

Mr. Runyan also pointed out that this lot is on a curve and the setback would not be noticeable.

Mrs. Henderson objected to correcting an error caused merely by mis-information.

Compared to the number of houses their surveyors locate, Mr. Runyan said the number of errors was very small. He thought basically they were doing a good job.

No one from the area objected. The house is occupied.

Mr. E. Smith moved to grant the application inasmuch as this situation meets Section 30-36-e #4. Seconded by Mr. Barnes. Carried unanimously.

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5- THOMAS KEITH HAISLIP, to permit division of lot with less frontage than allowed by the Ordinance, on west side of Belmont Road, Route 601, just south of Gunston Heights Subdivision, Mt. Vernon District. (RE-2).

Mr. Haislip said he had more than the required area but needed 200 ft. frontage on both lots at the building setback line. He has 200 ft. plus on one lot and 155 ft. plus on the other. His own house sets very far back on the one lot. He cannot buy more land from the adjoining land owner because that property is in trust and cannot be sold. The lot to be sold contains more than two acres, his own tract contains over six acres. Some day his own property, in the rear, will be developed with property adjoining, but Mr. Haislip said he used a good part of the land now himself, for rabbit raising and did not wish to sell.

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New cases - continued

No one objected to this.

In the application of Thomas K. Haislip to permit division of lot, etc., Mr. Dan Smith moved that the application be approved as applied for. It is a reasonable request, this is an odd shaped parcel of land which has been in the applicants ownership for many years. The applicant realizes that this places the 4.7 acres of land in a position to subdivide, but he does not wish to subdivide it at this time. This seems to be the best solution to his problem. A minimum variance will be necessary to keep one parcel of land in compliance and a variance on the remaining part of the property. The house now on the property is many feet behind the building setback line. It is understood by the applicant that this must go through subdivision control and meet the requirements. In granting this it is required that all other provisions of the Ordinance must be met. Seconded, E. Smith. Carried unanimously.

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6- C. A. AND NATALIE J. FOWLER, to permit operation of a care home, on north side of Blake Lane, Route 655, approximately 300 feet east of Route 123, Providence District. (RE-0.5).

Mr. Fowler presented his case, stating that they have acquired this property immediately adjoining their nursing home to the west. They wish to conduct a boarding home for elderly people who do not require medical care but who need some assistance in their daily routine. There is a great need for this type of facility, Mr. Fowler said, and many doctors have urged him to open a home of this kind. He checked with both the Fire Marshall and the State Health and has their backing. He would have no more than five. He presented a letter from Dr. A. W. Thompson and Dr. T. B. McCord attesting to his capability in this work and telling of the need for such a home. He also presented a letter of approval from John L. Bruner, Department of Welfare and Institutions.

This building is on 1 1/2 acres of land, being located near his nursing home, Mr. Fowler said, so supervision of the two places would be facilitated. These people will not require nursing care, if they are taken ill they would go to the nursing home or to the hospital. They will have a cook and housekeeper and a night attendant.

While the house is only 19 ft. from the roadway, there is a heavy hedge across the front Mr. Fowler said, and a porch at the entrance. He anticipated no difficulty. He had thought of putting up a fence but he did not think it would look good, however, he said he would do so if the Board wished.

The Board discussed the need of a fence, since they had had complaints from other areas of people wandering about the neighborhood. Mr. Fowler said that happened more when people were ill, these people he said would be perfectly well and capable of doing things for themselves.

There were no objections from the area.

This, Mr. Fowler said, would be a separate permit from the nursing home, but it would be conducted by him and Mrs. Fowler. Mr. Gene Smith thought this permit should have a contingency upon the Fowlers continuance in the Nursing Home. He thought the two operations should be tied together.

Mr. Fowler asked that they be allowed to change the name to a corporate name at some future time.

Mr. Gene Smith said he thought this operation could probably stand alone, but he thought it had more merit if it were tied to the nursing home. Mr. Fowler said they want just that, there is more flexibility, he said, in having the two operations, when they change to a corporate name they will have a single operation and name to include both operations.

Mr. Fowler said he had no objection to the permit being granted to his wife and himself only. Any new purchaser would be required to get a new permit.

Mrs. Henderson told Mr. Fowler that he should come back to the Board if they form a Corporation and discuss this with the Board, what changes are being made, etc. A new permit could be granted then to the Corporation only.

Mrs. Henderson told Mr. Fowler he would have to show at least six parking spaces on the property on the site plan.

New cases - continued

In the application of C. A. and Natalie Fowler to permit, etc., Mr. Dan Smith moved to approve the application as applied for. It is required that parking for six cars be provided on the property. This permit is granted to the applicant only and all other provisions of the Ordinance shall be met. The permit is granted for five persons only. There shall be no housekeeping units in the building for individuals. This permit is tied to and contingent upon the Fowlers continuing to operate the nursing home which is now operating on the adjoining property. Seconded, Mr. Barnes. Carried unanimously.

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7- ILIFF NURSING HOME, INC., to permit an addition to existing nursing home, on south side of Rock Street between First and Third Streets, Block 22, Dunn Loring Subdivision, Providence District. (R-12.5).

Mr. Robert Russell represented the application. This will be a 12-room addition, Mr. Russell told the Board, plus a dining room. They can have 82 patients now, this would allow for an increase to 100 patients.

Mr. Russell said they have a demand for private rooms. They had not planned on this because they thought the cost prohibitive, but people want them and they expect this will take care of their demand. They would like to have a total of 100 patients.

There were no objections from the area. They will provide 13 more parking spaces.

On the application of Iliff Nursing Home, to permit, etc., Mr. Gene Smith moved to grant the application as applied for. This will increase the total capacity or number of patients under the use permit to 100, an increase of 18 patients. The applicant has stated that there is a waiting list and a great need for private rooms in the nursing home. The applicant is required to furnish 13 additional parking spaces for this facility. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- EDWARD J. HEWETT, to permit erection of dwelling 35 feet from front property line and allow garage to remain 6.9 feet from side property line, Lots 49, 50, 51 and 52, Block E, Weyanoke, Mason District. (RE-0.5).

Mr. Hewett presented revised plats showing the house along side the garage, which he said is impractical because it closes off the windows.

Mrs. Henderson noted that the applicant is asking to move his house forward because of the little L attached to the garage, which is in violation. She thought the L could very well be taken off. She pointed out also that a house built on the adjoining lot would have to observe the 50 ft. setback.

Mr. E. Smith said he had looked at this, and he thought there were some unusual circumstances, in fact Weyanoke itself is unusual. He said he could go along with the violating garage, but he could not see the house set 35 ft. from the right of way. With minor alterations the building could comply with the 50 ft. setback. The Board could grant the applicant the right to convert the little dwelling that is there now and use that building, Mr. Smith said, but the applicant is asking too much on his new building.

Mr. Dan Smith said he had heard nothing to justify the 35 ft. setback.

Mr. Hewett again said his reason was the four windows which would be practically cut off if he put this back to the 50 ft. line., and the building would be so close to the garage. Even to take off the little L would make the building too close to the garage.

It is not reasonable to have one building in violation then ask for a second building, to be located in violation, when there is no topographic problem. This applicant is asking to benefit from two very large violations, which he did not think justifiable.

Deferred cases - continued

Mr. Hewett said there is some drop off in the rear, very little, but it is there.

Mr. E. Smith said he could see some unusual circumstances here, the drop off in the back and 4th Street may never be constructed, or at least for a very long time. This is an area of heterogeneous development which could very well stand to be improved and up graded and he was pleased to see new homes being constructed here, and he did not think allowing the little building to be remodeled and converted to a ~~dwelling~~ <sup>garage</sup> would adversely affect the neighborhood. There are many houses in this subdivision that do not conform to setbacks. But he did not think it wise to allow a new building to go in with this big variance, since a house could be constructed on this lot and comply with the Ordinance.

Mr. Smith moved that Mr. E. J. Hewett be allowed to remodel the existing <sup>POORER BUILDING</sup> garage on the property <sup>INTO A NEW GARAGE</sup> and this building shall be allowed to remain 6.9 ft. from the west property line on lot, 49, 50, 51, 52, Block E, Wayanoke, with the provision that this building will be used only as a garage and that it shall never be used for residential purposes or as an additional residence. In the matter of the request for the variance to allow a building 35 ft. from the front property line, this the Board denied, inasmuch as this variance if granted would be much more than the minimum allowed to give the man a reasonable use of his land and in this case there is no need to give him more because he could have a reasonable use of his land. Seconded, Dan Smith, Carried unanimously.

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2- HOLIDAY INN MOTEL, to permit erection and operation of a motel, (114 units), on south side of Arlington Boulevard, approximately 240 feet east of Patrick Henry Drive, Mason District. (CDM).

Mr. Gingery represented the applicant. This case was deferred for presentation of notices, which Mr. Gingery presented to the Board.

They would plan to put 114 units on the 2.54 acres, Mr. Gingery told the Board. It will be a Holiday Inn. They have had a market analysis made by the Capitol Research Co. who has gone into the entire complex of need, traffic, location, compatibility and they find that the concept of a good motel in this area is excellent. They do not find that the opening of Rt. 66 will make a substantial difference in the need for this motel to operate at 96 per cent capacity, the amount necessary for a profitable enterprise. There are now 35,000 cars per day on Arlington Blvd. While they will lose probably 8,000 cars per day, it will take only 3.5 per cent of the trips to make this 96 per cent occupancy.

They will have no eating facilities in the motel, they own the Hot Shoppe, which will serve this motel. They can comply with all County requirements, they are furnishing four more parking spaces than required, the swimming pool will be located away from residential property, there will be no entrance from ~~Hot Drive or Wooten Street~~ <sup>Hot Shoppe</sup>, but their entrance will be by way of the Hot Shoppe property and to the Boulevard. They could have some circulation around through the filling station property if they build units in the rear, but Mr. Gingery said, the circulation and car movement will be very well arranged and the project will be oriented to Arlington Boulevard.

The building will be two stories in front and three in back. The ground slopes in that direction.

Mr. Henry Hockman who owns lot 9, adjoining, said he and his cousin who owns lot 8 have no objection to this, in fact they think it is a good use of the land.

Mrs. Belleu, owner of property adjoining (lots 18 and 19) on Wooten Drive, asked questions about the buffer between this project and her property and the screening. Mr. Gingery said they would put up a 6 ft. woven cedar fence and planting facing Mrs. Belleu's property. Mrs. Belleu also asked if the fence could be put up before construction starts so the dust and noise will be lessened. Mr. Gingery said they would do that.

Mrs. Shoey also spoke, but found her property was not close enough to be affected.

There were no objections from the area.

Mr. Garza discussed the drainage, showing the division line of the drainage. This area had a drainage problem even before Seven Corners was built, Mr. Garza said, and the County has been trying to correct and improve it ever since.

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Deferred cases - continued

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He outlined the area and the type of development required, to correct the drainage problem and the cost. Since the County has had no money to go ahead and actually complete this, the developers have agreed to contribute their help by advancing the County the necessary money for work over a period of about 10 years. Whenever a rezoning comes up, Mr. Garza said, this is brought to the attention of the applicant and they have been able to get a sizable amount of contribution. There are many problems in this work, Mr. Garza continued, one of which is on-site drainage, which in the past has been inadequate. However, they are computing the pro rata cost on an impervious-acreage basis. The developers know this and there has been no problem in getting contributions. All of this will be taken up in the site plan, Mr. Garza said, the County will require adequate drainage and would ask for participation in this, the same as in the case of other developers.

Mr. E. Smith moved that Holiday Inn, Inc. be permitted to erect and operate a 114 room motel on the south side of Arlington Blvd., approximately 240 ft. east of Patrick Henry Drive. This use seems to be compatible with surrounding development. The applicant has stated that he is willing to make a pro rata contribution to the off-site drainage problem that exists, as computed by the Department of Public Works, and this granting is contingent upon this being done.

There shall be no entrance or exit now or at any future time to Brook and Oak Drive, at the rear of this property. All other requirements of the Ordinance shall be met. Seconded, Dan Smith. Carried unanimously.

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- 3- IAN R. MAC FARLANE, to permit operation of a day camp with over-night facilities, on west side of Magarity Road, south of Scott Run Community Park, Dranesville District. (RE-1).

No one was present to discuss the case. Mr. Dan Smith moved to defer the case for two weeks and notify Mr. Mac Farlane that if he is present at this hearing or if he is not present, the case will be disposed of and if he is not present the case will be dismissed and he will have to re-file if he wishes to pursue this case. Seconded, G. P. Barnes. Carried unanimously.

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- 4- MT. VERNON GARDENS, to allow balconies closer to side line than allowed by the Ordinance, property on Fordson Road, (3029 0 3022 - 3024 Fordson Road), Lee District. (C.G.).

Mr. Fagelson represented the applicant. Mr. Joseph Gordin was present also.

Mr. Fagelson presented a photostatic copy of approval by the County permitting the additional balconies. This, Mr. Fagelson said, was an additional permit from the building inspectors office. It then appears, Mr. Fagelson argued, this was a mistake on the part of the Building Inspectors Office, as well as others. The balconies were shown on this report.

Mr. Mooreland said the permit shown by Mr. Fagelson was not a building permit, it was a shop detail report which had nothing to do with the issuance of a permit.

Mr. Fagelson insisted that the building permit was modified as shown on the photostat to permit the balconies. If this is true, it was a mistake, Mr. Fagelson said, and the Board would have the right to grant this variance. He pointed out the danger of taking the balconies off and leaving the open doors. Mrs. Henderson showed that iron grillwork across the door could easily take care of any danger.

Mr. Wood, from the Building Inspectors Office, was asked to explain the photostatic copy of the permit. Mr. Wood said the photostat was a copy of the structural approval showing the iron work, it was not checked against the building permit. Mr. Wood said the original plan submitted to them did not have the balconies.

Mr. Fagelson said the original plans called for the balconies, and when Mr. Mooreland told Mr. Gordin he could not have the balconies he took them off. Then came the architect who was sure he had solved the problem and they could have the balconies and he persuaded Mr. Gordin to put the balconies back on. Mr. Fagelson said the original site plan also showed the balconies.

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Deferred cases - continued

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Mr. Mooreland said the building permit was dated January 16, 1962. The original site plan was dated January 15, 1962. It was revised and approved with no balconies. The intermediate approval was dated February 27, 1962, with no balconies; temporary occupancy permit dated February 27, 1962. Mr. Mooreland recalled that the original variance on the building was granted in September, 1961.

ALSO RE BALCONIES

Mrs. Henderson noted that the balconies were added after the temporary occupancy permit was granted.

Mr. Fagelson contended that this was a series of mistakes and the Board has the right to grant the variance. Mr. Mooreland asked, where the mistakes occurred? Mr. Gordin was told he could not have the balconies, he was never issued any permit allowing the balconies, yet he put them on the building.

Mr. Fagelson said if the building inspectors had checked this through they would not be here today. These things happened through no fault of the applicant.

After relying upon his architect, Mr. Gordin said he put in the balconies, he was so sure the architect was right.

The Board and Mr. Fagelson continued to discuss this at length. Mr. Fagelson contending that the Board had the jurisdiction to grant the variance, through the honest mistake and no fault of the applicant conditions in the Ordinance.

Mr. Dan Smith said it would appear difficult to decide this in favor of the applicant, from all the background information and testimony brought before the Board, but to give the applicant full benefit of the doubt he would like to hear from the architect to see if there is any justification for this. At least every angle should be explored, Mr. Smith said, before denying this. He moved to defer the case to March 12, 1963 and that the architect who advised this applicant in such a manner shall be present at that time to explain the reasons for his advise. The case will be called on March 12 to hear the architect only. In no case will it be deferred beyond March 26, 1963. Seconded, Mr. Barnes, Carried.

E. Smith, Dan Smith, T. Barnes, voting yes.  
Mrs. Henderson voted no.

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5- J. MAYNARD MAGRUDER, RE: Extension of Use Permit for Nursing Home.

Mr. J. M. Magruder, applicant, had to leave. Case deferred to March 12, 1963.

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6- THE BELMONT BAY YACHT CLUB, RE: Extension of Use Permit

Mr. John Scott represented the applicant. Mr. Scott said the Board had granted a use permit on this, with the condition that construction should be started within 12 months. His client has diligently pursued this, but he has had a series of delays and problems which have held up the project.

The 1/10 mile of road must cross three separate property owners. They have had acquisition problems. He may have to buy additional land for the roadway. They will need a year's extension.

Mr. Scott showed a drawing of the proposed marina showing swimming pool, parking, dining terrace, sleeping facilities, and 300 plus places for pleasure craft.

Mr. Dan Smith considered this a reasonable request. He moved that Belmont Bay Yacht Club be granted an extension of one year from the date of expiration of the last permit. This granting will in no way affect the provisions of the granting of the first permit, those conditions will continue to apply. Seconded, T. Barnes. Carried unanimously.

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Deferred cases - continued

7- COLCHESTER MARINA, RE: Extension of Use Permit

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Mr. T. S. McCue represented the applicant. Mr. McCue said this was granted without objection, but he has had septic problems and has been unable to get started. He wishes to tie in with the treatment plant to be constructed by Mr. Andrew Clarke which plant had been approved by the State Health Department. (This plant will cost \$200,000 and will be tied in with the County at some future time.) The permit on this treatment plant ran out and now must be re-approved according to Mr. Payne Johnson of the Health Department. Mr. Clarke is out of town at present and this re-approval from the state will take time, more time than Mr. McCue's permit will cover. They may have to re-locate some of the buildings in order to use this treatment plant instead of the large septic originally planned. One year's extension would be enough, Mr. McCue said.

Mr. Dan Smith said he considered the reasons for the delay on this to be legitimate. He moved to extend the permit for one year from February 13, 1963 and all other provisions of the original granting shall be continued in effect and all other provisions of the Ordinance shall be met.

Seconded, T. Barnes, Carried unanimously.

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8- SHIRLEY ENTERPRISES, INC., RE: Extension of Use Permit

Mr. William Hansbarger represented the applicant. There were many conditions attached to this granting, Mr. Hansbarger said, clearance from the Highway Department for entrances, approval of the Health Department, etc. The site plan was not approved until July of 1962, which delayed other features of the development. It became necessary to get new financing, they did not have sewage until July of '62. The building footings permit was obtained during January, 1963, this permit is good for six months. Since the original permit would run out January 23, 1963, Mr. Hansbarger said he had assumed that the footings permit would extend the life of his permit for another six months. Mr. Mooreland did not agree, because no actual work had been started. Therefore, Mr. Hansbarger said he filed this application for extension, for another six months.

Mr. Mooreland said he contended that the use permit is good for one year and construction must start during that year. His interpretation of the Ordinance is that a building permit will not extend the life of a use permit. He and Mr. Hansbarger discussed this at length as Mr. Hansbarger contended that getting the building permit did extend his permit for the 6 months.

Mr. Hansbarger said they had worked diligently to get this started and now they are ready to go ahead. They have all their approvals and the treatment plant will be installed down at the Accotink and the railroad tracks.

Opposition:

Mr. David Reich opposed this extension on the grounds that the permit expired on January 23, 1963 and no extension was made by that date. The permit has expired, therefore is ineffective, and the Board cannot extend a permit that is no longer valid. The applicant did not start construction during the life of the permit and he did not request an extension during that year. Whatever permits he has gotten, have no affect on the life of the permit. Mr. Reich quoted Section 30-45 of the Ordinance. This Board has no authority to grant an extension, Mr. Reich contended, and it must act in full conformity with the section of the Ordinance, Section 30-34 which states clearly the limited jurisdiction of this Board.

The Board has only one ruling to go on, the permit as granted in January of 1962 expired on January 23, 1963 because of the absence of any request during that year for an extension. Mr. Reich also questioned if this case was pursued diligently, in view of the lapse in time in solving the problems surrounding the permit. It was stated at the original hearing, Mr. Reich continued, that there were problems, the applicant knew of these problems at that time, yet they were not solved by January 1963. In view of this the applicant quickly got the footings permit and no footings have been dug. As a matter of law, Mr. Reich argued, this request must be turned down because of lack of authority, and the circumstances do not indicate that this should be granted.



Deferred cases - continued

Mrs. Henderson asked Mr. Reich whom he was representing, the same people who objected to this at the original hearing, or whom? Mr. Reich said he was not at liberty at this time to say, but that he was not representing people in the area and he noted that he is not arguing the original permit.

Mr. D. Smith asked, then you are not representing people in the area who might be affected by this? Mr. Reich answered, No, but his clients are vitally affected.

Mrs. Henderson acknowledged that Mr. Reich's quoting of the law was valid, but she thought there were problems here that probably could not be solved in the time limit. Also she thought this objection might have more weight if it were the same people objecting and who thought at that time that they would be adversely affected. Mr. Reich said these people were present at the original hearing. Another attorney represented them.

Mr. Dan Smith said he did not see how this could affect anyone except those who live in the area, any other objection he thought was not valid.

Mr. Reich said these people have sufficient interest to have had him follow this for a considerable time. He argued that an action to grant this would be illegal no matter who raised the objection.

Mrs. Henderson answered, but objection over a legal technicality involving the wording in the Ordinance ought also to be considered objectively and the Board does consider the circumstances.

Mr. Mooreland said the applicant might have made this request for an extension before the permit expired, they discussed this off and on many different times but he was not sure of any dates. Their discussion involved whether or not the issuance of a footings permit constituted an extension of the permit. Mr. Hansbarger contended that it did, and he contended that it did not. After many discussions Mr. Hansbarger filed a formal request for an extension.

Mr. Reich pointed out that there was no request for the extension before the last day, apparently and he contended that any extension now is illegal.

Mr. Mooreland said this question, if a footings permit constituted extension of a permit has been discussed for a long time, it has never been brought to this Board for interpretation. He thought it should be. The Building Inspector thinks the footings permit should extend the permit, Mr. Mooreland continued, but that is the way it stands, it never has been decided one way or the other. Mr. Mooreland said it probably was his own fault that the applicant did not make this request sooner.

Mr. Reich charged that the applicant ran in and hurriedly got a footings permit, knowing that a building permit would take a long time and the footings permit could be had in a short time. Even then they did not start construction. As a matter of law they are out, as of January 23, 1963, he contended.

After hearing Mr. Mooreland's explanation Mr. Dan Smith said, the fact that these people did get the footings permit, they have been digging and working on the property, they have gotten their right to have the sewage disposal, all during the past year, it appears that they have been doing all they could do to get this operation going. The applicant and Mr. Mooreland differed in their interpretation of the extension of the permit, an understandable situation, then in the midst of this discussion, Mr. Mooreland suggested that this question be taken to the Board of Zoning Appeals, it all makes sense, Mr. Smith said, and he thought the applicant coming in under these circumstances, he is entitled to consideration.

Mrs. Henderson said it seemed to her unfair to the applicant to deny this extension without knowing the reason behind this objection. Mr. Reich has said that his clients would be seriously affected, but she said, the Board does not know how they would be "seriously affected" the only objection presented here is the wording of the Ordinance.

Mr. Reich said, no matter who was affected this is a matter of illegally extending a permit which has expired. He offered to check with his clients to see if they would disclose who they are, but he was not free to do this at this time.

Mr. Hansbarger said Mr. Reich and his clients are not an aggrieved party in this case. Mr. Reich has given the law on this subject and like many other laws, there can be a question about it. It could be said that digging the holes is the beginning of construction. The holes are there, several of them, they have spent a considerable sum of money so far on this. Mr. Mooreland and Mr. Croy disagree on the matter of extension of the permit. The Board will resolve this today. Mr. Reich had no part in the original hearing, he considered him out of place to offer objection at this time.

February 26, 1963

Deferred cases - continued

Mr. D. Smith asked Mr. Hansbarger if they had worked on the sewage disposal plant and if this is extended will they start construction of the project at once. Mr. Hansbarger answered, yes to both questions.

Mr. Dan Smith said he considered this a reasonable request, it is for an extension of only 6 months. The Board believes that the applicant has made an earnest effort to get this project going and complete the job before the expiration of the permit, but that was apparently impossible, then Mr. Hansbarger and Mr. Mooreland discussed at length the status of the permit, he felt that there was no lack of integrity or negligence on the part of the applicant. He moved that this request of Shirley Enterprises, Inc. be extended to July 30, 1963. Mr. Smith said he could not see where this extension would adversely affect those people who in the original hearing were present in objection. Mr. Reich has handled this on purely a legal basis and cannot disclose who he represents and in hearing this request for extension of this use permit, the objections the Board would entertain would be the ones of the local residents or others who would be adversely affected by this operation. Nothing new has been presented beyond what was presented at the original hearing. Mr. Smith moved that the permit be extended to July 30, 1963. All other provisions of the permit shall be adhered to. It is noted that work has been done on the sewage disposal and treatment plant which in the opinion of the Board shows good faith and the desire to go ahead.

(Mrs. Henderson stated that Dr. Kennedy has made the statement that this Board is relying on the soil scientist too much instead of the Health Department. Dr. Kennedy says there are many things that must be considered other than soil and he suggested that in the future the Board of Zoning Appeals should be guided by his department.)

All voted for the motion.

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The meeting was adjourned.

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

March 26, 1963  
Date

\*Mr. Mooreland told the Board that a Mr. Mullis had written his office and complained about keeping horses on the lot of the man who recently applied to have horses and was denied, Mr. Meschler.

The Board recalled that they had agreed that Mr. Meschler could bring the horses to his property and they could graze, but he could not house the horse nor could he keep it overnight.

Mr. Mooreland told of his discussion over the use of "horse" and "horses" in the Ordinance.

In his final discussion with Mr. Mullis, Mr. Mooreland said he told him to wait until Mr. Meschler put the horse in the shed--then he would have a case that he was actually sheltering a horse against regulations.

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March 12, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, March 12, 1963 at 10 A.M. in the Board Room of the Fairfax County Courthouse with four members present, Mrs. M. K. Henderson, Chairman, presiding, Mr. T. Eugene Smith, Mr. G. P. Barnes, Mr. Daniel Smith.

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Mrs. Lois Carpenter's term has expired and a new member has not yet been appointed.

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

New Cases:

- 1- LOUIS SPECTOR, to permit erection of dwelling 30 feet from Jo Allen Court, Lot 887, Section 9, Lake Barcroft, Mason District. (R-17).

Mr. Spector presented a letter from his nearest neighbor, Mr. Hanghey, stating that he thought the 30 ft. setback would enhance the general appearance of residential construction on Jo Allen Drive and that he recognized the difficult topographic problem.

Mr. Spector said there is an extreme slope on the back of his lot, practically a vertical cliff crested by the sewer line. It would be dangerous to build too close to that. Even at the 30 ft. setback line the house would be 7 ft. below the street level. The lot is practically unusable without a variance.

This is almost a classic example, Mr. E. Smith said, of what the Ordinance covers in section 30-36 dealing with topographic problems, etc. Thirty feet would appear to be just about the minimum variance that would grant relief. Granting this will have no detrimental affect on the two lots to the ~~rear~~<sup>side</sup> nor will it adversely affect the area. He moved to grant the application as it meets the conditions set up in Section 30-36. Seconded, T. Barnes. Carried unanimously.

It was agreed that the lot could not be used without a variance.

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- 2- DONALD MINNICH, to permit covering of an existing patio 18 feet from rear property line, Lot 45, Section 3, Kenwood Subdivision, (3954 Arnheim Street), Falls Church District. (R-10).

Mr. Minnich said he had put a 10 x 18 ft. concrete slab at the rear of his house and now wishes to put up a roof (attached to his house) to cover the slab. He just had a 6 x 10 ft. patio, then enlarged it to the present 10 x 18. This being a corner lot, Mr. Minnich said it gave him a very small back yard. His rear faces the neighbor's side yard.

This is a new subdivision, Mr. E. Smith pointed out, he thought there would be difficulties in granting variances when there is no topographic problem, as in this case. The size or shape of the lot is often cause for a variance, but none of these conditions are present here, Mr. Smith noted. He questioned the wisdom of granting this in a subdivision when so many people have the same or similar situations. The Board could end up by doing great violence to the intent of the Ordinance. In old subdivisions that do not meet the requirements of the Ordinance, that is different, Mr. Smith contended, but to immediately vary the requirements of the Ordinance is not good.

Mr. T. Barnes agreed.

Mr. Dan Smith noted that these are quite large house for R-10 lots. He saw no merit in the case.

Mrs. Henderson pointed out that the applicant could extend the canopy 3 ft into the required setback but the posts must not go beyond the setback line. It would give a 3 ft. overhang.

Mr. Mooreland said he had asked the Director of Planning to explore the situation of a rear yard (on a corner lot) facing the side yard of the adjoining lot, but he had heard nothing on it from Mr. Burrage. Mr. Mooreland said he did not think it fair to allow one man 10 ft. and require 25 from another.

There were no objections from the area.

New cases - continued.

Mr. E. Smith moved that the application of Donald Minnich, to permit covering of an existing patio 18 feet from rear property line be denied because it does not meet the requirements of Section 30-36 of the Ordinance. Seconded, T. Barnes.

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Mr. Dan Smith suggested that Mr. Minnich keep in touch with Mr. Mooreland's request to the Director of Planning. He may be able, in time, to cover this patio without a variance.

Carried unanimously.

Deferred Cases:

- 1- Falls Church Investment Corp., to allow building to be erected to a height of 58 feet, on south side of Arlington Boulevard just west of intersection with South Street, Falls Church District: (C.N.).

This case was deferred to have a look at the 7-Corners Plan, to view the area, and consult with the Commonwealth Attorney as to whether or not this Board has the jurisdiction to grant this variance.

Mr. Hansbarger said the only request here is a variance on the height. They would be committed to the rendering and plan they have shown the Board and the conditions of C-O uses. He asked that decision be deferred on this until the end of the agenda and refer this to the Commonwealth Attorney who would discuss this with him. It is perfectly clear, Mr. Hansbarger continued, that the only question now is--can the Board grant this variance.

Mrs. Henderson said this area is not considered in the 7-Corners Plan--it is shown to be C-N zoning all the way to the Annandale-Falls Church Road.

It was noted that the proposed building is 64 feet by 147 feet. Mrs. Henderson contended that the applicant could increase the floor space and still have 40 feet to play with. However, Mr. Hansbarger pointed out that they must have complete circulation around the building since they do not have an entrance to South Street. The County will require that, Mr. Hansbarger said, therefore, they have reduced the total amount of extra space.

The Board has authority to grant extra height, Mrs. Henderson pointed out, if there is a reason to do so, but in this case the land is not being confiscated if they can put this size building on the property. This situation is not peculiar to this property--it could pertain to any other tract along this road.

They are restricted on this property, Mr. Hansbarger argued, because they cannot build over the easement. It is also possible and very likely, Mrs. Henderson said, that the building is too large for the lot.

Mr. Hansbarger pointed out also that they have given up land for screening which they have done for the people in the area. If they had that land, Mr. Hansbarger said, they would have more room for parking and a building which is more spread out would be more feasible. They would not have to screen all the area along South Street, Mr. Hansbarger said, (Mrs. Henderson disagreed with this) but they are doing it in the interests of public relations. People in the area want this building more than any other use that could go in C-N, Mr. Hansbarger continued.

They may be right, Mrs. Henderson answered, but the application needs a rezoning to get the kind of building the people want. She also pointed out that the same screening would be required under C-O or C-N.

Mr. Mooreland asked the Board to consider this: The law says a 40 foot height but also not more than three stories. The variance would allow five stories.

Mrs. Henderson contended that the Board was prohibited from changing the regulations to fit another zone. If the land were being confiscated or there were specific reasons for this variance, that would present another problem, but in this case the use is permitted and the applicant can get a reasonable use of his land and there is no justification to, in effect, change the zone.

Going back to Mr. Mooreland's statement, Mr. Hansbarger said the law says 50 feet setback in certain zones yet the Board can justify granting a 35 foot setback--that cannot be said to be changing the zone because you are granting a variance. This is the same thing, he went on, only you are granting a variance in height. An office building can go by right in C-O or C-N. This is only a variance on a permitted use.

March 12, 1963

Deferred cases - continued.

Mrs. Henderson read from the <sup>CODE</sup> Ordinance regarding violation of the spirit and intent of the Ordinance. She suggested that a variance of a few feet might be permissible, but how far can a variance go? Mr. Hansbarger continued, this is not contrary to the public interest and it is not usurping the power of the Board of Supervisors whose function it is to rezone land--it is merely a question of height. Each case must stand on its own merits, Mr. Hansbarger continued, and must be reasonable. There is no question of confiscation of the ground, but it does unreasonably restrict the total use of the land and limits the building. They have given everything the County requires, Mr. Hansbarger continued, service road is on Arlington Boulevard. They will screen more than required and will have no entrance on South Street.

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Mr. Hansbarger said they have a contract now and could go ahead at once if the permit is granted. They have filed a rezoning, but with the best of luck that would be many months in the processing and the contract cannot wait. If we lose this contractor, Mr. Hansbarger continued, and this is zoned C-O, then the applicant will have lost his C-N zoning which would give him a great deal more flexibility. They wish to get this building going soon.

Mr. E. Smith made the following statements: That this Board considers that its only purpose is to sit here and affirm the obvious. (He cited as an example the first case on Today's agenda.) For such a case, decision requires no judgment, Mr. Smith stated. It was perfectly obvious. In this case, we have an area zoned C-N which is more permissive than required for an office building. All along Arlington Boulevard there are many commercial uses, and across Arlington Boulevard there is some C-O and C-O uses. So granting this variance would in no way change the character of the neighborhood. What is planned would result in a use which would be harmonious with adjoining property owners. This is a parcel of land that has been troublesome in the past. This Board should serve as a body to whom people can come to present their problems and seek a solution under the Ordinance. The Ordinance is set up to give relief and it is the function of this Board to exercise its judgment and grant relief where relief is deserving. The County needs a body such as this to determine if a request for variance is a good thing for the County and not detrimental to anyone and would not change the character of the area. Admittedly the zoning map would look a little better if this were C-O zoning, Mr. Smith pointed out--yet office buildings are permitted in C-N as well as C-O. The Board is only granting a variance in height. If this is a good thing and everyone benefits by it, why should the Board not exercise its judgment and say that so this man can go ahead with the project.

The administration of what you say is difficult, Mrs. Henderson answered, you are granting the benefits of two zones--greater height and other commercial uses which are not permitted in C-O.

Mr. Smith recalled that the applicant has agreed to making it a condition of the granting that he will comply now and always with requirements of the C-O zone.

Mr. Tom Lawson said, if the Board had any doubts about its authority to grant this, the Commonwealth Attorney would give his opinion of this at the end of the meeting.

Mr. Dan Smith objected to the size of the variance. An additional two stories he thought was going beyond the jurisdiction of the Board.

He suggested giving the applicant the right to start this building with the understanding that he would get the C-O zoning as soon as possible. Mr. Smith suggested referring this question to the Commonwealth Attorney.

Mr. Hansbarger pointed out the many variances granted where the Ordinance says the "front setback shall be etc., etc." Mrs. Henderson answered, but the Board would not grant a variance allowing a house 1 1/2 times bigger than would go on the lot normally. The applicant, if he wanted such a variance, would have to get a larger lot. Mrs. Henderson argued that a variance must be reasonable.

Mr. E. Smith asked, what will be the results if the Board grants this? Will it adversely affect anyone?

Once anyone ~~who~~ gets an increase in stories in this manner, Mrs. Henderson answered, there is no limitation to what may be asked. This could open a Pandora's Box. But, Mr. E. Smith answered, each case must be considered on its own merits and not many would have the merits that this case has. He suggested that the Board not be fearful that in exercising its own judgment the flood gates will be opened.

If this Board is set up only to read and interpret the words of the Ordinance, Mr. E. Smith continued, and not grant relief to people who have hardships, then this function should be handed over to the Commonwealth Attorney's office to interpret the Ordinance, a function which that office can do better than this Board.

Deferred cases - continued.

Mrs. Henderson suggested that the real hardship here was financial, that the sale of the lot would be lost if this does not go through. The desire to get started immediately is a financial condition.

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Mrs. Henderson considered that if they do not have the C-O zoning there is no guarantee ~~THAT SHE~~  
WILL NOT BE C-N ZONED.

Mr. E. Smith answered that this Board should have all the authority to enforce and to guarantee to its citizens whatever conditions are laid down. If the County does not have sufficient regulations they should adopt them to assure that the interests of the people can be protected. Mr. Smith said there were many instances in the zoning and subdivision ordinances where the County has not permitted the developer to do as good a job as he wished to do. He cited the cluster type of development as a step toward flexibility with control. This Board should grant flexibility where it will not have an adverse affect and where it will serve the best interests of the County and the people.

Mr. Dan Smith said he was concerned only about the size of the variance. This is almost doubling the size of the building permitted in a C-N zone. The Board would be creating a C-N zone within a C-O zone, a multiple use in this zone. Mr. D. Smith said he would like to find a solution to allow this building but he did not think a variance the proper procedure. This is a good use, Mr. Smith went on to say and there are no objections from the area. But this Board sits here with authority to interpret the Ordinance and grant variances if they meet the Ordinance, but he questioned if the Board had the authority to grant a two-story variance. It is in effect, changing the zone. He moved to defer the case to the end of the agenda to allow Mr. Hansbarger and the Commonwealth Attorney to confer on this for the opinion of the Commonwealth Attorney. Seconded, T. Barnes.

(This is to ask the Commonwealth Attorney his advice as to what the Board's authority is in granting this. Would granting this height be creating a multiple use.)

Voting for the motion, D. Smith, E. Smith, T. Barnes. Mrs. Henderson not voting. Carried.

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- 2- ROBERT L. ADAMS, to permit erection of an addition to dwelling 23.3 feet from rear property line, Lot 378, Section 6, Pimmit Hills, (2310 Prout Place), Dranesville District. (R-10).

Deferred to view the property. The Board agreed that this was an attempt to put too much house on a small lot.

Mr. E. Smith moved that the application be denied as it does not meet the requirements of the Ordinance. Seconded, T. Barnes. Carried unanimously.

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- 3- IAN R. MAC FARLANE, to permit operation of a day camp with over night facilities, on west side of Magarity Road, south of Scott Run. Community Park, Dranesville District. (RE-1).

Mr. Mooreland said they could not reach Mr. Mac Farlane, both letters sent to him were returned.

Mr. Dan Smith offered a summary motion to deny the case. Seconded, T. Barnes, Carried unanimously.

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- 4- MT. VERNON GARDENS, to allow balconies closer to side line than allowed by the Ordinance, property on Ordson Road, (3020 - 3022 - 3024 Fordson Road), Lee District. (C. G.).

Mr. Fagelson presented Mr. Harvey Gordon, architect (no relation to Mr. J. Gordin, the applicant).

Mr. Gordon was asked how come he advised Mr. Gordin that he could legally have the balconies.

Mr. Gordon said he did not know that the Zoning Administrator had told Mr. Gordin he could not have the balconies, and as he read the Ordinance, Section 30-6, he did not question but what the balconies were perfectly legal. He knew Mr. Gordin had had a variance in setback. He thought these balconies could project into the new setback created by the variance. However, Mrs. Henderson explained that the extension was allowed only into the required yard, which in this case is 50 ft. The extension cannot project into a yard that has been varied to less than that required.

Deferred cases - continued.

Mr. Fogelson after summarizing his previous arguments (fully outlined in earlier hearings) said the Board had two remedies, to allow the mistakes to remain or to require the applicant to tear down the balconies and put up the glass doors. But under the code he contended we are best advised to use the broad powers given to this Board and continue the mistake rather than allow the hazard of the glass doors. One loss of life because of these hazardous openings would place an uncomfortable responsibility on the County. Mr. Fogelson continued at length along these lines.

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Mr. Dan Smith said he was convinced the application should be denied, but he was concerned over the safety angle. However, Mrs. Henderson suggested that the openings could easily be bricked up to form windows. Mr. T. Barnes was also concerned over the safety.

Mr. Mooreland said this could be easily remedied. He stated also that this applicant was told he could not have the balconies and everything points to the fact that he knew he could not have them. They were not on any of his plans, including the site plan. There was only one "mistake" Mr. Mooreland said, and that was not a mistake on the part of the County.

Mr. Fogelson said he had found no evidence that the man was ever told he could not have the balconies. A long discussion followed over this. The original design did not have the balconies, but rather a window. The buildings were re-designed including the balconies, Mr. Fogelson said, and to tear them down would change the whole concept of the buildings.

This is a hard decision to make, Mr. Dan Smith said, but there is a safety factor and certain testimony has been presented by the applicant that would merit consideration under Section 30-36, paragraph 4. But he was more concerned about the safety than anything else, although this could be remedied by putting in windows. But he questioned if this could be in the interests of those who dwell in the apartments. After hearing all the testimony and especially that of the architect, who is no relation to the applicant, Mr. Smith moved that the application of Mt. Vernon Gardens, etc., be granted under Section 30-36, paragraph 4 taking into consideration the fact that this is in the public interest and there is a safety factor involved. To have these balconies removed would not be in the interest of the general welfare of the people living here. All other conditions of the Ordinance shall be met. Seconded, T. Barnes.

Mr. Barnes agreed that it would penalize the people living in the apartments to remove the balconies and because of the safety factor he agreed it is better to leave the balconies on.

Voting yes: Dan Smith, T. Barnes.

Not voting: Eugene Smith

Mrs. Henderson voted no. Motion carried.

Mrs. Henderson contended that the safety factor could be corrected and the balconies should be removed. She considered this a flagrant violation of the Ordinance.

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5- J. MAYNARD MAGRUDER, re: Extension of Use Permit for Nursing Home.

Mr. Magruder asked for an extension of his permit for the nursing home. The people who originally planned to develop this home were given land in another location where they will operate. He now has another group who will continue substantially the same plans. They will not be able to complete all their plans within the life of the permit. They will operate under the same conditions as originally granted. There may be some minor changes in the lay out, the original plan was not a firm design, it was only a sketch, but these people will have about the same thing. They do not have definite plans yet. They thought it necessary to know just that they could have the permit. The original plans will be followed in principle because FHA has given approval. They could come in within six months with a revised plan Mr. Magruder said. The sewer will be ready by fall.

Mr. Dan Smith moved that the permit be extended for six months from the expiration date of the permit with the understanding that the applicant may get an additional extension in case he needs it. It is also required that the new operator will bring in new plans if he can at the end of six months and if not, the permit may have to be extended another six months. The conditions of the original permit shall apply to this extension.

Mr. Magruder said he would remain in a part of this project, it would be a joint enterprise.

Motion seconded, T. Barnes, carried unanimously.

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New case:

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3- STREETS ENTERPRISES OF VIRGINIA, to permit erection and operation of a motel (100)units), property at the S. E. corner of Leesburg Pike and Patrick Henry Drive, Mason District. (CDM).

Mr. John Bradley represented the applicant. Mr. Bradley said they had been negotiating with Mrs. Donohue on this since last summer in an effort to get a development on this property that would be acceptable to her and to the neighborhood. They have done a similar project in Texas. Mrs. Donohue has seen that and has given her approval. He showed the Board pictures of that project and agreed that this would be like it.

There is a great need in this area for a motel-apartment, Mr. Bradley assured the Board, people coming and going to and from foreign and domestic assignments. These units will be used particularly by people who are either buying or selling homes and need a temporary place to live.

They have shown their plans to people owning property in the area, Mr. Bradley said, and they appear to be highly in favor of it. The Planning Commission has given its approval.

He showed a layout which he said would be somewhat revised. They have discovered that they can come within 50 ft. of Patrick Henry Drive. They will use that setback in order to give more open space within the project. They may be required to make some other changes to meet fire regulations or other minor things. They will also make an effort to save as many trees as possible.

Their plan is to build only to the ridge line at this time as there is a drainage problem on the rear of the property. However, the entire tract is zoned for this purpose. If they build on the back they will come back to this Board. The rear of the property drains into another water shed. The front area drainage has been worked out with Mr. Garza. They may have to burrow under Leesburg Pike to the Long Branch System, this could amount to approx. \$3,000 per acre for their pro rata share.

This project will have 100 units, 76 two bedrooms and 24 one bedrooms, no efficiencies. They have no plans for the back area other than recreation.

Mr. Bradley asked for a variance on the screening at the rear of these buildings since the property is in the same ownership and the natural growth already on the ground is very protective and should not be disturbed. Much of that land, he pointed out, is unusable.

No one from the area objected.

Mr. Mooreland asked the question: Apartments are going in here, how is this going to operate - as an apartment, or a motel?

Mrs. Henderson said the units would be like hotel suites.

The units will be furnished like a hotel, Mr. Bradley said.

Mr. E. Smith said there is a growing need in the County for this kind of development, he called it a transitional apartment-motel. He asked if the covenants agreed upon with the property owners had been recorded.

Mr. Bradley said that was all taken care of, that they will build this and no other project.

Mr. E. Smith noted that the development Mr. Bradley envisions here has the full support of the community. The Board has granted a CDM zoning in which many things could be done, but Mr. Bradley has assured the people in this area that this project as described will be built and none of the other things that could be done in a CDM zoning. He moved that Streets Enterprise of Virginia be permitted to erect and operate a motel of 100 units on the S. E. Corner of Leesburg Pike and Patrick Henry Drive, and further that the requirement for screening along the residential zoning shall be waived as long as the development does not extend closer than 100 ft. from any residential line. The existing buffer behind the restaurant shall not be disturbed at any time, or as long as they do not use that area of land behind the existing restaurant.

This granting is limited to 100 units. All other provisions of the Ordinance shall be met.

It is the Board's understanding that the applicant will make contribution to off site storm drainage as required. Seconded, Dan Smith.



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New case - continued:

Mr. Dan Smith said he considered this in keeping with the general motel pattern, providing units such as the applicant proposes. This is a limited use and not a permanent apartment type of operation. This is a transient temporary motel, it is not an apartment as such. It is not designed for permanent use.

Mr. Mooreland said he was concerned about the ground coverage only.

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The Board discussed Old Virginia City, who had been told last year they were in violation of their use permit. Since that time Mr. Garwood has tried for a rezoning and failed. The Chairman asked, where does the Board stand now? Mr. Sprinkle, representing Old Virginia City, was told to come back to this Board regarding his violations if he did not accomplish the rezoning.

Mr. Dan Smith said they wish to open April. The Board questioned the possibility of revoking the present permit and starting all over since the applicant has changed from Garwood to Old Virginia City, and has at all times been represented by Mr. Sprinkle.

Mr. Smith suggested that Mr. Sprinkle (Old Virginia City) should be put on notice (in accordance with the law) that the next hearing will be a show cause for a revocation. He moved that Mr. Sprinkle be so notified. Seconded, E. Smith.

(Motion: Notify Mr. Sprinkle or Old Virginia City (Mr. Sprinkle operating as Old Virginia City) that he be requested to appear before this Board on March 26, 1963 to show cause why the permit issued to Robert Sprinkle should not be revoked and the operation of Old Virginia City should cease.)

The Board discussed the legal aspects of this action. Mr. Mooreland asked if at the last hearing Mr. Sprinkle was notified by letter, has Mr. Sprinkle had any written notice of the violation. No one recalled.

Mr. Dan Smith then amended his motion to say that Mr. Sprinkle be notified under revocation procedure that he has ten days to appeal this. The Board will institute revocation procedure. Seconded, E. Smith. Carried.

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The following resolution from the Board of Supervisors was read:

"WHEREAS, it is the intent of the Board of County Supervisors that the regulation of sand and gravel extraction operations outside the Natural Resources Zone be at least as restrictive as within the zone,

BE IT RESOLVED, that the Board of Zoning Appeals be requested to use the regulations outlined for the Natural Resources Zone as minimum requirements to be met as conditions of a use permit should any permit be granted outside the Natural Resources Zone."

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Mrs. Henderson told the Board that the procedural amendments suggested by the Board of Zoning Appeals for filing cases, approved by the Planning Commission, was refused by the Board of Supervisors. The Board said under the Code the Board of Zoning Appeals has the right to set up its own filing requirements. The Commonwealth Attorney says, the Board of Zoning Appeals is created by the Code and not the Board of Supervisors and the Board is not justified in putting an amendment in the Ordinance to establish this Board's procedure. This Board can adopt any regulations it wishes, under the Code.

Therefore, Mrs. Henderson suggested that the procedure for filing as approved by the Board of Zoning Appeals be mimeographed and be made available at the zoning office counter. This is under 15.968.10.6

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Mr. Dan Smith moved a resolution in support of the statements made here that the Board of Zoning Appeals by Resolutions adopt this procedure in accordance with the powers and ~~discussion~~ <sup>granted</sup> of the Board of Zoning Appeals as outlined in 15.968.10.6 of the Supplement of 1962, and the Zoning Administration be requested to make copies available to applicants or ~~the~~ <sup>the</sup> agents of applicants to whom this particular regulation will be helpful, and that this regulation or requirement shall be set forth as such and is meant to be a help to the parties aggrieved and who are making application to the Board of Zoning Appeals.

Seconded, T. Barnes. Carried unanimously.

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Deferred cases - continued.

1- Upon re-convening after lunch, Mr. Ralph Louk came before the Board.

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Mr. Louk reviewed the new statute which in July, 1962, repealed the old statute and set up 15.968.9 under which the present Board operates. Mr. Louk read from the statute 15.968.9, paragraph (a) through (d) which sets forth the conditions that must be met in the granting of a variance. He noted particularly that the "spirit and intent" of the Ordinance shall be maintained and that the Board may impose such conditions relating to the use as may be thought necessary in the public interests.

Mrs. Henderson asked Mr. Louk to define a variance, she asked, is granting two extra stories on a building a variance? Is there a limitation to granting additional height? Can you determine the extent of the authority of this Board in granting a height variance?

Mr. Louk said he could not answer that because that question must be resolved by this Board itself under the five requirements which he had read, 15.968.9. Can you grant height and how much? That, Mr. Louk said, is the Board's determination and it must be determined under these provisions. The Board must find and be satisfied in their own minds that it is in the public interest and that it comes under the guide lines of these provisions, that is, the Board's right to determine and to vote accordingly.

Mr. Louk likened the position of this Board to that of a jury to whom the judge gives the law and legal framework under which the verdict is given. The ~~Ordinance~~<sup>CODE</sup> spells out the law under which the Board must work and the judgment is that of the Board.

Mrs. Henderson was still concerned about when a variance becomes unreasonable and when does it impair the spirit and intent of the Ordinance.

Mr. Louk said the broad discretionary powers of the Board are set out especially and it is the function of the Board to interpret the words of the Ordinance and make their decisions, taking into consideration the law.

Mr. Dan Smith asked, if the Board grants a variance in one zoning category and it would in fact put it in another category, do you think that would be in conflict with the powers and duties of this Board?

Mr. Louk answered, apply the provisions and language of the ~~Ordinance~~<sup>CODE</sup> and if you feel that by granting this it violates these things, then that is your interpretation.

Mr. Smith said no one disagrees with many of these points, but he was concerned with the spirit and intent of the Ordinance. Did the makers of the Ordinance put a five-story building in one category and not allow it in another, thinking it was compatible only in the one zone?

Does it violate the character of the district (the zone), Mr. Louk asked? If you think it does, your answer is easy.

Mr. Dan Smith said he was concerned about the extent of this variance. Mr. Louk said there is nothing to say what is the limitation.

Mr. Mooreland said the Ordinance spells out--not to exceed three stories or 40 ft. That limits the height twice.

Mr. Louk said, you have the same thing in other parts of the Ordinance. The Ordinance says a setback shall be so much, but you can vary that. The fact that it limits the height twice is no matter, Mr. Louk said, that does not make it impossible to vary.

Mr. Dan Smith said he preferred to see this zoning category changed, there is no doubt about the use, it is harmonious with the surrounding area, the people approve it, he was only concerned about a two-story variance and changing the category by variance.

Mr. E. Smith agreed that the C-O category would certainly be the solution, but if this were zoned C-O the developer would not be limited to a five-story building, but could go higher and if he had the ground and parking space he could go even higher. This is a proper use, it would not be detrimental to surrounding land, there is C-O and C-N zoning and many uses in the area. There are some physical characteristics of this land that are not common to C-O generally in the

Deferred cases - continued.

County, there are few C-O zones where C-N would be feasible. This is an odd shaped piece of land which has a large storm sewer going through the property; people in the neighborhood want this use; there will be no access to <sup>South</sup> Street and this developer will comply with all these wishes of the people and is restricting the use. There is no doubt but what this Board has the authority to grant this and the result seems to be to the good and will have a proper affect upon the surrounding area. This will be using a piece of land that has a history of being difficult, therefore Mr. E. Smith moved that Falls Church Investment Corp. be permitted to erect a building to the height of 58 ft. on the south side of Arlington Boulevard just west of intersection with South Street provided that conditions of this granting of this variance state that the developer will comply with all conditions as to the use and occupancy of the building that now apply in the C-O zone as set up in the Fairfax County Zoning Ordinance. Seconded, T. Barnes.

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Mr. Barnes said he seconded this, because it was his understanding that the applicant would pursue the C-O zoning and try to get that as soon as possible.

Mr. E. Smith said he was not concerned about that. We are giving the applicant this right. If he wants to change the zoning, that is satisfactory as far as he was concerned. Mr. Barnes agreed.

Voting for the motion: E. Smith, T. Barnes.

Voting No: Mrs. Henderson, D. Smith. Tie vote.

Mrs. Henderson said she did not think the applicant had demonstrated a hardship. To be able to put up a three story building like this, is not confiscation and the variance is not in harmony with the spirit and intent of the Ordinance.

This is an area of C-N zoning and it is entirely likely that other office buildings might be applied for, asking more than 3 stories. They might try the same thinking to get the extra square footage of building and to go higher. She thought such tactics should be discouraged.

Mr. Dan Smith said this was clearly a case of changing the zone from C-N to C-O and he did not think this Board was set up for this purpose. If the area needs a rezoning then that is the proper procedure here. The motion says this will adhere to all C-O zoning requirements. This takes the case completely out of the C-N zone. We are granting a zoning under the guise of a variance, that is not in harmony with the spirit of the Ordinance.

Mrs. Henderson said she thought this was the proper place for this building, the people living there want it. It will up-grade the area, but this is not the Board that should affect this change. It is being done for the convenience of the applicant.

Mr. E. Smith said: Regarding the use being restricted to C-O uses, this was not rezoned to C-O. This was in the motion because the restrictions of C-O are of a more restrictive nature than C-N and in view of the fact that the Board was asked to grant the variance in height. It is reasonable to have the developer accept the more restrictive uses of the Ordinance in return. These, Mr. Smith said, are his more specific reasons for putting this in the motion.

Since this was a tie vote the Chairman asked the Secretary to send copies of all minutes on this case to the new member of the Board, to break the tie.

// (on this case)  
Mr. E. Smith asked that copies of all minutes be given to all members.

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The meeting adjourned.

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

March 26, 1963  
Date

March 26, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, March 26, 1963, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with all members present, except Mr. George Barnes. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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The meeting was opened with a prayer by Dan Smith.

The Chairman welcomed the newly appointed member, Mr. Frank Everest. Mr. George Barnes was not present at the opening of the meeting.

New cases:

- 1- JOHN R. HASKE, to permit erection of an addition to dwelling 23.33 feet from Oakland Avenue, Lot 118, Section 3, Tyler Park, (1508 Oakland Avenue), Falls Church District. (R-10).

Mr. Haske said he asked this because he needs more room for his expanding family. The addition would provide a dining room and entrance foyer. He presented drawings of the additions and pictures of the house. Mr. Haske pointed out that Oakland Avenue is not used as a thoroughfare, it is a short, curved street used only by people in the immediate area. At present the porch extends about 8 ft. from the house, this would be a 3.5 ft. extension. Mr. Haske said he has had a flood condition in his back yard and basement which he has put a great deal of work ~~and~~ try to alleviate. If he were to sell out and move he would not get his full equity in the house because of this flooding condition. He considered it more reasonable to stay where he is and make the house more livable. He has lived in the house since 1952.

Mr. E. Smith said he understood that this flooding condition would be taken care of when the present study is completed and work on the storm drainage in this area is corrected.

Mrs. Henderson suggested cutting 5 ft. from the front addition and adding it to the side where Mr. Haske has more room for expansion. This would give the same amount of added floor area. She recalled that the Board had had this situation in other instances in Tyler Park, small houses and the flood plain in the rear. She thought there was reason to grant a variance here but not so close to the street. The same setback in front as the porch, Mrs. Henderson suggested, and allowing a 10 ft. side setback would give a better space area. Mr. Haske agreed.

There were no objections from the area.

Since the applicant agrees that a smaller variance than requested will be satisfactory, Mr. E. Smith moved that Mr. Haske be granted a variance to bring his addition to within 27 feet of the front property line on Oakland Avenue, lot 118, Section 3, Tyler Park.

This is an area where the lot sizes are generally smaller than now permitted by the Ordinance, Mr. Smith continued, and there is a problem of flooding in the rear. This appears to be the minimum variance that would grant relief and this variance would not do violence to the neighborhood. Seconded, Dan Smith, Carried unanimously.

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- 2- SUN OIL COMPANY, to permit erection of pump islands 25 feet from right of way line of Route 7, Lots 2 and 4, Rock Spring Subdivision, Mason District. (C.G.).

Mr. Mooreland read a letter from the applicant asking deferral as the Company is not sure at this time that he will need the variance, this depending upon requirement of the service drive. Mr. Mooreland suggested deferring 60 days.

Mr. Chilton said the site plan has been approved and building permit issued for one pump island which is back 50 ft. This would be 25 ft. from the existing r/w. If the service drive goes through, it would run into the second pump island. The original pump island would remain.

Mr. E. Smith moved to defer the case to May 21, 1963. Seconded, Dan Smith. Carried unanimously.

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New cases - continued.

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3- STEUART PETROLEUM COMPANY, to permit erection of pump islands 25 feet from right of way lines of Columbia Pike and Backlick Road, S. E. Corner of Columbia Pike and Backlick Road at Annandale, Mason District. (C.G.).

Mr. E. Smith disqualified himself in this case and left the Board table.

Mr. Les Jackson represented the applicant. This is C-G zoning, surrounded by that same zoning, located in the heart of Annandale, Mr. Jackson pointed out. It is in keeping with the area. He located other uses in the neighborhood. The hamburger stand now on the property will be removed.

Mr. Chilton said a 22 ft. travel lane would be required unless waived by the Board of Supervisors, this case is on the Board of Supervisor's agenda for such a waiver. Mr. Chilton said there would be no servicing of cars within the travel lane. There would be a curb between the actual travel way and the servicing area. If the travel lane is put in the pumps would go back far enough to take care of servicing without infringing on the travel lane. He suggested requiring that the pumps be a certain number of feet from the travel lane, approximately 25 ft.

Mr. Jackson said if they cannot get this variance on the travel lane the property could not be used. It would be the only property along this area with a travel lane and it would serve no purpose. They intend to start construction as soon as they take the restaurant away.

No one from the area objected.

Mr. Dan Smith moved that Steuart Petroleum Co. be permitted to erect pump islands 25 ft. from right of way lines of Columbia Pike and Backlick Road as requested.

This is granted for normal filling station operations only, with necessary service facilities that are permitted by the oil company. This granting shall not include rental trailers or other types of business such as taxi cab stand and the like.

It is also understood that, if the travel lane (service road) is not waived and the applicant goes ahead with this project, the pump islands will be back from the travel lanes a distance that would permit servicing of cars entirely off the travel lane which will be kept clear for travelling cars.

*2<sup>nd</sup> by Mr. Dorrest. All three members present voting for the motion.*  
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4- KING'S PARK PRIVATE SCHOOL, to permit erection and operation of a private school, S. E. corner of Burke Road, Route 645 and Braddock Road, Route 620, Falls Church District. (R-12.5).

Mr. Hansbarger represented the applicant. Mr. Hansbarger said they failed to send the notices to people in the area although Mr. Schumann had talked with many in the area and advised them what he planned to do here.

Mr. Schumann said he had notified the people as soon as he realized the notices were not sent out, Friday before the hearing. He met with three adjoining owners and told them of the planned school. He was sure there were five people in the immediate area who knew of this.

Mr. E. Smith said it appeared to him from the representation present that people in the neighborhood were well notified of this request. He moved that the Board waive the formal requirement of notifying people, and hear the case. Seconded, Dan Smith. Carried unanimously.

However, several present stated that while they were notified they did not feel that they had sufficient information about the school, they asked a deferral in order that they might learn more of the merits of the case.

Mr. Hansbarger said he had no objection to a deferral.

Mr. E. Smith suggested a meeting between the applicant and the people in the area, and that a full explanation of the plans and the proposed maximum use of the property be outlined to people in this area before the public hearing. He moved to defer the case to April 9 at which time the applicant will present proof of having sent the five notices as required. Seconded, Dan Smith. Carried unanimously.

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March 26, 1963

Deferred cases;

- 1- FALLS CHURCH INVESTMENT CORP., to allow building to be erected to a height of 58 feet, on south side of Arlington Boulevard just west of intersection with South Street, Falls Church District: (C.N.).

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Mrs. Henderson recalled that the vote at the last meeting on Falls Church Investment Corp. was a tie. After having studied the new code she was of the opinion that in order that a vote to grant be carried it must have an affirmative vote of three members. She therefore declared the motion lost and the application denied.

Mr. Hansbarger said that while he would not pursue this further and would go to the Board of Supervisors for the C-O zoning, he thought the ruling of the Chair incorrect. Under any circumstances, he said he would go on to the Board of Supervisors.

Mr. Eugene Smith also questioned the interpretation of the Code. If the Board is operating with three members he asked would this mean that to grant any case it would have to be a 3-0 vote? He thought that not the intent of the Code. Mr. Smith suggested that this case be re-considered at the next meeting of the Board when a full membership was present. (Mr. Barnes was not present at the moment.)

Mr. Hansbarger recalled that at this hearing the Board had a full membership, as it was operating without the replacement for Mrs. Carpenter. Mr. Hansbarger thought the case should be voted upon with all five members, the new member to be included after hearing the case.

If the applicant does not wish to pursue the case, Mr. E. Smith said, that is up to him, but this was a tie vote and should be reconsidered and the new member briefed on the case to serve as the tie breaker. Mr. Smith said he thought the applicant entitled to this. He should have the majority opinion of the whole Board.

Mr. Hansbarger said he would appreciate that, but as the Board sat it was stalemated.

Mr. Dan Smith had no objection to the re-consideration; however, he raised the question of the size of the Board at the original hearing, since the new member had not yet been appointed. He thought the proper procedure for Mr. Hansbarger was to go before the Board of Supervisors on Wednesday the 27th and see if he is successful in getting the C-O zoning and if not, this Board could hear this again for the new member.

Mr. Hansbarger said he thought that could be done today, give the new member the opportunity of going over the minutes and that he, Mr. Hansbarger, would also be available to him and the tie could be broken at this meeting.

Mrs. Henderson asked why Mr. Hansbarger did not go onto the Board of Supervisors as he had stated. Mr. Hansbarger said he did not wish to do that, he was going on to the Board of Supervisors only because of the ruling of the Chair. He thought that was it.

Mr. E. Smith again discussed the rights of the applicant and the requirement of a three affirmative vote which he thought not reasonable.

The Board discussed this at length, particularly, if this interpretation of the Code is accepted and a legally constituted Board of three members is operating, that an applicant could be denied his case if a majority of that Board passed his case by a vote of 2 to 1.

Mr. Everest said he had read the minutes in the case and felt that he was thoroughly familiar with it, but questioned if he was entitled to vote when he was not a member of the Board when this case was first presented.

Mr. Dan Smith suggested a full re-hearing for Mr. Everest.

At this moment Mr. T. Barnes came into the room, making a full Board present.

Mr. E. Smith moved that this Board re-consider this case (Falls Church Investment Corp.). Seconded, T. Barnes.

Discussion followed of how the re-hearing should be conducted.

March 26, 1963

Deferred cases - continued.

Mr. Smith changed his motion to re-consider only the vote. Mr. Barnes agreed.

Voting for the motion: E. Smith, T. Barnes, Dan Smith, Mr. Everest. Mrs. Henderson voted no. Motion carried.

Mr. Dan Smith moved that the reason of the briefing of the new member be given as the reason (new evidence) for re-considering the case.

Seconded, T. Barnes, E. Smith, D. Smith, Barnes, Everest voted yes. Henderson voted no. Carried.

Mrs. Henderson said she did not think this the proper Board to hear this case, this is in effect a rezoning. Dan Smith agreed.

It was agreed to consider this later on the agenda.

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2- MT. VERNON GARDENS, to allow balconies closer to side line than allowed by the Ordinance, property on Ordson Road, (3020 - 3022 - 3024 Fordson Road), Lee District. (C. G.).

Mr. Fagelson appeared before the Board relative to Mt. Vernon Gardens, <sup>vote</sup> which, according to the new code, gave him a statutory denial.

Mr. E. Smith said he had carefully read the minutes of this case which was considered in his absence, he had inspected the property and while he abstained from voting at the last hearing because he had not been present at the previous hearings, he now felt that he was completely familiar with the case and he could vote. He objected to an applicant being denied the variance on a technicality, the 2 to 1 vote. (Mr. Everest said he also had read the minutes of this case.)

Dan Smith moved to re-consider the vote on Mt. Vernon Gardens. Seconded, T. Barnes. E. Smith, D. Smith, T. Barnes, F. Everest voted yes. Henderson voted no. Carried.

Mr. Dan Smith said he had voted to grant this in the interest of the public safety and the general welfare of the people now living in these apartments. There have admittedly been some questionable errors here, the error reported to have been made by the Building Inspector's Office had no bearing on the case. The information of the architect and his advice to his client had bearing. There were many discussions between the applicant and the Zoning Administrator and the applicant had not been cooperative, but to require him to remove these balconies would serve no useful purpose. Nothing has been shown where this would create any detriment to the surrounding area or adjoining property owners. The balconies are an asset to the people who would pay the same rent for the apartments with or without balconies. He also noted that the balconies are separated by an iron railing, making two 10 ft. balconies. This he said is a desirable arrangement.

Mr. Smith moved that the application of Mt. Vernon Gardens which was in the last regular agenda be granted for reasons stated. There is some doubt as to many things and the applicant has not cooperated with the County, but the advise of the architect had some affect on his decision, Mr. Smith continued, the purpose of the balconies is good and no detriment to other property has been shown. The error took place during construction. Mr. Smith said he felt that granting this was in the general interest of the public safety and welfare of those living in the apartments.

Mr. T. Barnes seconded, and agreed with Mr. Smith's statements.

Mr. Mooreland told the Board that the Zoning Administrator felt that this Board and this motion is simply putting him "out on a limb." He charged that no help is coming from this Board. A man can go out and do what he pleases, Mr. Mooreland went on, after being told by the Zoning Administrator and by the site plan regulations that he could not do this, then he got advice from an architect or someone else and did what he pleased, then gets a variance from this Board. This makes it difficult for the Zoning Administrator.

Mrs. Henderson agreed, she saw no safety factor, the doors to the balconies could be made into picture windows (which was the original intent of the application). She called this white-washing a double error.

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March 26, 1963

Deferred cases - continued.

Mr. E. Smith said the question he had after looking at these balconies was, that while the actions of the applicant were not exemplary, who will be harmed by granting this?

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This is the long standing criticism of the Board of Zoning Appeals, Mrs. Henderson answered, granting because, "it does not harm anyone." That is not the function of this Board she argued. Zoning Appeal Boards are the weakest links in zoning, Mrs. Henderson said, that is a well known fact.

Mr. E. Smith said he considered that the Board of Zoning Appeals was set up to help create a better community for the people.

But not to correct errors committed by the people, Mrs. Henderson answered.

Mr. Barnes thought correcting this is in the best interests of the public.

Mr. E. Smith said he thought the purpose of the Board of Zoning Appeals was to bring human judgment to these things and who is harmed and who is benefited should be taken into consideration. This should not be taken lightly, Mr. Smith continued, but the Board must use judgment and temper their disposition of these cases.

After further discussion the vote was taken showing, E. Smith, D. Smith, T. Barnes, F. Everest voting for the motion to grant and Mrs. Henderson voted no. Carried.

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Mr. Fagelson thanked the Board for their fair and honest hearing in this case.

Recess.

3-

OLD VIRGINIA CITY.

Mr. Tilden Hazel appeared before the Board on behalf of Mr. Sprinkel and Old Virginia City.

Mrs. Henderson read the following letters:

"Mr. Robert B. Sprinkel  
919 Andover Avenue  
Alexandria, Virginia

March 12, 1963

Dear Mr. Sprinkel:

You were informed on June 26th, 1962 by the Board of Zoning Appeals of certain violations of the use permit granted to Robert B. Sprinkel, operating as Old Virginia City; namely, unnecessarily loud noises such as the train whistle, gun-firing and loud speakers, and the sale of many items of merchandise not authorized under your use permit by concessionaires not authorized under the use permit. You were advised that a possible remedy to the situation was through a change of zoning.

It has been brought to the attention of the Board of Zoning Appeals that the application for CG zoning by Griffith W. Garwood and Anna Maurine Garwood for 7.331 acres - the property on which the violations listed above have occurred - has been denied by the Board of County Supervisors.

Therefore, inasmuch as there have been many complaints about the extensive violations of this use permit, the Board of Zoning Appeals will revoke this use permit ten days after your receipt of this notice. Within the ten day period you may appeal this decision and the Board of Zoning Appeals will hold a hearing on the revocation of the permit at your request.

Very truly yours,

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



March 26, 1963

Deferred cases - continued.

March 21, 1963

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"Mrs. L. J. Henderson, Jr., Chairman  
Board of Zoning Appeals  
The Court House  
Fairfax, Virginia

Dear Mrs. Henderson:

Reference is made to your letter of March 12 to Mr. Robert B. Sprinkel concerning the continued use of a parcel of real estate on the lower side of Route 29-211, more commonly known as Old Virginia City. I have been retained by Mr. Sprinkel and several colleagues of his who were formerly engaged in the Old Virginia City corporation to assist them in a reorganization of the activity. In this connection, of course, it will be necessary to work out an arrangement for the operation of the project in compliance with County requirements as interpreted by the Board of Zoning Appeals.

While I have been involved with other aspects of the case for some months, I have just undertaken to look into the zoning matter. Apparently there is a long history of conversations between Mr. Sprinkel and the Board of Zoning Appeals regarding his use of the property and the Board has been less than satisfied that the requirements were adequately met. The operation is being radically changed and I see no reason why specific performance standards which would satisfy the Board of Zoning Appeals and citizens in the area could not be imposed and complied with while at the same time providing the flexibility necessary to the continued operation of the project.

Mr. Mooreland has suggested that Mr. Sprinkel appear and review the entire situation with the Board of Zoning Appeals. This seems to be a meritorious suggestion and we will be prepared to meet with the Board at your next meeting which I understand is March 26 or at the following meeting if more convenient for you.

Meantime, with express reference to your letter of March 12 and while I do not wish to raise legal issues, I feel compelled to preserve the legal position of my client and thus I must state for the record that we are entering the matter voluntarily rather than as a compliance with the "appeal" rights suggested in the letter. As a legal matter, it is my further opinion that the Board of Zoning Appeals cannot summarily revoke a permit without exercise of due process of law and, as a technical matter, I do not feel the procedures followed to date comply with legal requirements. Accordingly, I do not wish to waive the right of my client to contest the alleged termination of his right to operate. As indicated previously, there certainly seems to be every reason to believe that this matter can be worked out in a manner satisfactory to the Board of Zoning Appeals and I hesitate to raise the legal issues suggested but believe they must be preserved in order that the rights of my client will not be in any way prejudiced.

Very cordially,

John T. Hazel, Jr."

Mrs. Henderson said the letter was sent under the provisions of the Ordinance. She quoted page 491 - Section. 30-37.

Mr. Hazel said he got into a suit with these people along with the bank whom he was representing. He briefly sketched the background of the difficulties stating that six stockholders of Old Virginia City had paid off about \$75,000 of obligations for the Corp. when it became practically defunct. The people he represents and Mr. Sprinkel believe that the only way to salvage something out of their losses is to work out some kind of arrangement whereby Old Virginia City can operate. This, Mr. Hazel said, is his purpose in the case. These people are creditors attempting to re-organize an enterprise. Mr. Garwood, owner of the property, leased to Mr. Sprinkel who in turn sub-leased to these people. Mr. Sprinkel will now operate in conjunction with the sub-lessee.

March 26, 1963

Deferred cases - continued.

There will be 4 or 5 people in this including Mr. George Jones, who has been with this project for a number of years.

The first thing these people, who hope to salvage this business, need to know is what this Board will do about the re-opening. At the next meeting Mr. Hazel said he could give a full list of the people who would be involved and responsible. They wish to incorporate. They would ask that the permit be expanded to include these new people. They will be sure that someone is entirely responsible for this operation and the gun fire, train whistle and the loud speaker will all be taken care of. The place will be operated without these nuisances.

Mrs. Henderson recalled that Mr. Sprinkel had given the Board many promises last year to correct these things but he made no effort to do so. She insisted that the Board have full guarantees of proper operation. In fact, Mrs. Henderson suggested that it might be well to start all over with a new permit.

Mr. Hazel asked that the present permit be expanded in order that the investment of these people not be jeopardized.

Mrs. Henderson also suggested that a bond might be required.

Mr. Hazel agreed that giving a personal bond would be satisfactory to them.

Mr. Hazel discussed the manner of operation, stating that the various activities are not put out as concessions, but rather that the individual operates on a percentage basis.

The Board discussed the former operation and the volume of violations and the failure of Mr. Sprinkel to live up to his agreements.

Mr. Dan Smith recalled the description of the original plans all of which sounded very desirable to the Board. The recreational and educational features were exceedingly well planned, but very little of the original plans materialized. Mr. Smith said he would like to see the place continue, it still has many fine features but it is very necessary that someone responsible run the place and that the operation keeps within the bounds of the permit. Mr. Smith said he was assured that this Board has the authority to revoke the permit but in the light of Mr. Hazel's statements the Board might re-consider the revocation especially because of the new people coming into the picture and the fact that the Board can now require a bond. He suggested that the revocation be suspended at this time and that the permit be amended to allow the new people to participate, this is to be done when the Board has the complete list of who will be involved. This will, of course, Mr. Smith added, be subject to meeting all requirements of the Board.

Mr. Smith moved that the Board suspend the revocation for two weeks to give Mr. Hazel the opportunity to return to the Board with a listing of the people now involved in this enterprise and to bring about a re-organization plan.

The Board also would like to see a complete statement of all the operations which will take place, and what is to be sold in the shops. The Board considers it necessary to know exactly what this operation plans to do.

Seconded, T. Barnes. Carried unanimously.

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The Board agreed to change the May meetings to May 7 and 21 in order that members might attend the Virginia Citizens Planning Association Convention.

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4- FALLS CHURCH INVESTMENT CO.

Mr. Hansbarger and the Board members briefed Mr. Everest on the previous hearing. Each Board member made a statement.

Mr. Dan Smith said he considered granting this would be changing the Ordinance. He predicted also that, while the present applicant has agreed not to use the C-N uses in this building, within three to five years, this restriction would wipe itself out. There could be a new owner who could not be bound by this restriction.

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March 26, 1963

Deferred cases - continued.

Mr. E. Smith said he considered this only a simple variance in height and granting it would not adversely affect the orderly development of the area. The zoning is already irregular in this area.

Mrs. Henderson pointed out that the owner bought this property in good faith knowing of the easement.

Mr. E. Smith moved that the variance be granted for the same reasons set forth in the minutes of the last meeting. Seconded, T. Barnes.

Voting for the motion, E. Smith, T. Barnes, F. Everest.

Voting no, Mrs. Henderson, Dan Smith. Motion carried.

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Mrs. Henderson said her statements made at the last hearing still expressed her opinion.

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Mr. William Mooreland read a letter from Mr. J. T. Rouse, Vice President of Springvale Citizens Association, recalled the threat to revoke the permit of Sinclair Service Station in Springfield within 20 days if the place was not cleaned up. He listed the continuing violations and asked the Zoning Administrator to take appropriate action.

Mr. Mooreland said he had visited this property and talked with Mr. Boothe many times, and he denied 75 per cent of the charges made in Mr. Rouse's letter. Many things have been cleaned up, Mr. Mooreland continued, some cars are parked on the property, but no wrecked cars, and no taxi stand. This man has been repairing here for 15 years, it is a non-conforming business and many of these uses have been carried on over a period of years.

Mr. Mooreland said this has been difficult, he talks to Mr. Boothe and he cleans up much of the violation, then within a short time the violations occur again, but he can never catch him at these things, he actually does not see the violations. Mr. Mooreland said he was sure this man had not complied with the clean up, in a sense, but he did not suggest revocation at this time.

The Board agreed and instructed Mr. Mooreland to answer Mr. Rouse and let him know that the Zoning Administrator will watch the man closely for another 30 days. If the conditions Mr. Rouse describes are proved to be true appropriate action will be taken.

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The meeting adjourned.

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

Date

April 23, 1963

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April 9, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, April 9, 1963, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with all members present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

New cases:

- 1- THE ANNANDALE PRE-SCHOOL ASSOCIATION, INC., to permit operation of a nursery and kindergarten in existing church building, on north side of Route 236, approximately 800 ft. east of Wakefield Chapel Road, Falls Church District. (RE-0.5)

The school would be open from 8:45 a.m. til 12 noon, Mr. Ellis told the Board, five days a week during the normal school months. There would be no summer sessions. They will use three rooms in the church which are presently used for Sunday school rooms. Children will be the age for kindergarten and nursery school. This is a cooperative school which has been in operation in Annandale. They started in the church and found they needed a permit. They will have a maximum of 60 children. All play ground now used by the Church is available to the school and parking space is adequate. This is an arrangement between the Annandale Pre-School Association and the church with the school taking full responsibility.

There were no objections from the area.

Mr. Eugene Smith said he felt that the church is an excellent place to have a community school project, preferable to operating in homes. This church is well off of Rt. 236, it has a large parcel of land and the operation of this nursery school and kindergarten would not be detrimental to the predominately residential area and not in conflict with other uses in the area. Therefore, he moved that this school be permitted to operate a nursery and kindergarten in the existing church building, on the north side of Rt. 236, etc. It is understood that the permit is granted for not more than 60 children, it will operate from 8:45 a.m. til noon, five days a week for the normal school year. All other provisions of the Ordinance shall be met including parking regulations.

Seconded, Mr. T. Barnes, carried unanimously.

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- 2- MARIAN L. MARTIN, to permit operation of a beauty shop in home, on south side of Route 236 west of Braddock Road, (7618 Little River Turnpike), Mason District.

Mr. Martin said his wife has been a beauty operator for 30 years. She now wishes to have a small shop in the basement of their home. There would be no changes in the outside appearance of the house. They have a large basement in which the shop would be operated. They have almost an acre of ground, the house is well off the street and they have a separate entrance to the basement. She would have one chair and Mrs. Martin would be the only operator.

Mrs. Henderson pointed out that all parking must be 25 ft. from the property lines and no customer parking in front. Mrs. Martin said she would anticipate no more than three cars in her yard at one time.

This is a two-story brick house, about eight years old across from the golf course.

No one from the area objected.

This residence is located on Rt. 236, a main primary road, which carries a great deal of traffic which has had a big impact upon the residential property in this area. This limited commercial use would not have a detrimental affect upon the surrounding residences or the natural development and growth of the area. Mr. Smith moved that Mrs. Martin be permitted to operate a beauty shop in her home on the south side of etc. The shop will consist of one chair; Mrs. Martin will operate the business and no other employees will be involved in this operation and there shall be no advertising and all other provisions of the Ordinance shall be met including parking requirements. This is granted as a home occupation. Seconded, Mr. T. Barnes, Carried unanimously.

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April 9, 1963

New cases - continued

3- AL ROOT MEMORIAL FOUNDATION, INC., to permit erection and operation of 1/2 Little League baseball diamonds, Lots 9 thru 15, Section 2, Woodburn Heights, at the end of Spicewood Court, Falls Church District. (RE-0.5)

Mr. Cecil Bell, Vice President of the Foundation and Mr. Tom Eastham discussed the case with the Board.

Mr. Bell said five lots were given to the Foundation by Mr. John Koonz. They discussed their plans with Mr. Joe Brown of the Park Authority and he had no objection. They will have a 90' Babe Ruth diamond and two soft ball diamonds. This is approx. a 7 1/4 acre tract, most of which is flood plain. Mr. Bell noted the 162 parking spaces provided, more than they will need. The lots immediately adjoining are not developed, Mr. Bell pointed out. They plan to have the ball diamonds as soon as possible and the tennis and badminton courts later.

Mrs. Henderson called attention to the fact that they would have to have Health Department approval and Jack Chilton said a site plan would be required, showing all work to be done on the property, grading, parking area, entrances and the lay out of the fields.

Mrs. Henderson also pointed out that the parking would have to be 50 ft. from all property lines. (This was applied for under group 8.) This would cut down the parking area considerably.

Mr. Bell said they could probably buy lot 8 from Mr. Koonz. He thought space for 60 cars was sufficient.

Mr. E. Smith suggested that the engineers who draw up site plans acquaint themselves with the requirements of the Ordinance.

Mr. Bell said they would first build the baseball diamond then the little league diamonds and finally the tennis courts.

Mr. Dan Smith estimated that this project would require 100 parking spaces.

Mr. Eastham said they would have no snack bar, only a mobile drink stand that would leave when the games were over. He did not think all fields would be in operation at one time.

Opposition:

Mr. Barry Mountain, who lives on Woodburn Rd. across the street from this site on lots 5, 6, and 7 and who also owns land across the creek, objected to work that has been going on on this property. Large mounds of cut trees and dirt are piled across from him. They bulldozed out in here without a permit. The debris they have created will cause a drainage problem. Mr. Mountain said the road is steep and could not carry 50 cars. They plan to make a turn-around at the end of Spicewood Street, who will take care of that road? He considered that this project would not have proper access. He questioned the adequacy of the drainage, as this flood plain is 1 1/2 ft. under water much of the time and causes serious siltation. Mr. Mountain said he did not have as much opposition to the use as he has to the lack of a plan to take care of the flood conditions and to be sure that what they plan to do they will do and not to ignore the flood plain.

Mrs. Higgins, who lives on Woodburn Rd., discussed the dangerous street and the narrow one-way bridge.

Mr. Eastham said they went before the Board of Supervisors and were given verbal permission to do the grading. The mounds are under-brush they have pushed up to have burned. They hope to put the ground in shape, it is a big job. They realize this will bring more traffic but so would any development. They wish to comply with all County requirements, they need the play grounds, the ground was given to them and they want to do the best they can with it. They have not hurt the land, they left all the trees they could and have a ball diamond.

They will have a drag line take out the trees and in cooperation with Joe Brown will do what they can to give this stream a straight run. They realize the flooding condition and will take care of that. They will blacktop Spicewood, they have the bank gravel to do that. They will also pave the parking area. They have asked to vacate the cul-de-sac on Spicewood Court and will provide a turn around.

Mrs. Henderson said the applicant should amend the ~~pl~~ plats and show proper parking, the turn around, and Health Department approval.

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April 9, 1963

New cases - continued

Mr. Eastham said they would work with the Park Authority on this and put the stream in shape so it will flow and not flood. They will be limited in what they do by what Mr. Brown allows.

Mr. E. Smith said this probably will work very well here, but the Accotink floods on down stream.

Mr. Eastham said this will probably take all summer to do what needs to be done here.

Mr. Bell said the Memorial Foundation is friends with the owners of this land who have done a great deal for the Little League. They can get the money to go ahead on this as they have a good program.

Mr. Dan Smith said he fully realized the need for this type of facility, but these people will have to have Health Department approval and a better parking area. He suggested deferring. He moved to defer for two weeks (April 23).

Mrs. Henderson asked the applicants to consider getting lot 8 for additional parking.

(Three present in favor of this, four against it.)

Mr. Dan Smith moved to defer to April 23 for Health Department approval and for the applicant to show a re-alignment of parking to include at least 100 spaces. Seconded, T. Barnes. Carried unanimously.

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4- KARLOID CORP., to permit erection of an administration building, on north side of Leesburg Pike at Leigh Mill Road, Dranesville District. (RE-1).

Mr. Lytton Gibson represented the applicant. Mr. Gibson said it had been brought out at the Planning Commission hearing that a number of people who live in this area are disturbed about the sewage disposal system. The system has been designed and approved by the State Health Department. Mr. Gibson said. After having heard discussion regarding the plant the Planning Commission took the position that consideration of sewage disposal was not pertinent to their approval or disapproval of the application. They even stated that they should not have listened to this discussion since the plant was already approved by the State Health Department.

Mr. Gibson said he had discussed this with Hazelton Laboratories and suggested that they employ an expert on sewage disposal to come before this Board. However, Mr. Gibson recalled that the Board in granting these cases before had always made the permit conditional upon approval of the Health Department. But you already have that approval, Mr. Gibson went on, so they had not thought it germane to the case to further discuss the disposal.

There are many people here who are greatly concerned about the lagoon system and the opposing petitions have discussed it at length, considering it a health hazard, etc. If this Board decides that they want to go into the disposal system, Mr. Gibson said they would have to ask for more time to prepare this case. He suggested that the Board visit the area and also have the benefit of expert advice. If the Board is to listen to any discussion of sewer that discussion should be carried on with an expert.

Mr. E. Smith said this case had had a ridiculous long hearing before the Planning Commission and the information at that time was that the Health Department had approved the installation of this type of sewage treatment. Mr. Payne Johnson made a very exhaustive and knowledgeable presentation to the Planning Commission, Mr. Smith stated. This permit has been issued and the plant is being installed at this time. It will be used to serve the facilities that are there now and the facilities that are applied for in this application. For that reason the Planning Commission, while they appreciated that they had been well educated in this treatment system, they considered any action involving the plant out of their jurisdiction because this system has been approved by the State Health Department and is being installed at this time.

Mrs. Henderson pointed out that this Board has more responsibility than the Planning Commission in these things and she thought the Board should have the expert information to be sure the County is not letting something get out of hand. Mrs. Henderson said she would like to see the property.

If the Board is going into this to this extent, then Mr. Gibson said he was not prepared. He asked for more time.

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KARLOID CORP. - continued

Mr. Gibson said these people had talked of a court action and if this is to go on to court it must be on the record of this meeting and he felt that he must present full testimony.

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<sup>E.</sup> Mr. Smith moved to defer the case to May 7 in view of the testimony before the Board. Seconded, Mr. T. Barnes.

Deferred for expert testimony on the feasibility of the new sewage system. Mr. Smith also asked that Mr. Payne Johnson be present at the May 7 hearing.

Mr. Dan Smith questioned the reasonableness of bringing in experts from some other places to question this system which has been set up by the State Health Department.

It becomes necessary, Mrs. Henderson suggested, when opposition brings in experts.

This is approved by the State, Mr. Dan Smith noted, and what authority do we have beyond that? We have capable sanitary engineers who design these systems for the health and safety of the people. If this is the only reason for deferral, Mr. Smith said he questioned that; if there are other reasons, that might be another matter.

Mr. Gibson said he would like to have time to renew the statements in the petitions also. Carried unanimously to defer.

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5- WOODARD RESEARCH CORP., to permit an addition to scientific research laboratory, Lots 60, 61 and 62, Mumford Park, and undivided acreage on Route 667, Centreville District. (RE-1).

Mr. Woodard represented the applicant.

Mr. Woodard recalled that this was first granted in 1957. He now wishes to put additions on two buildings. When these extensions are completed two old buildings, indicated on the plat, will be removed. This will be substantially the same operation, scientific research on mice, guinea pigs, rabbits, hamsters, monkeys and dogs. All animals will be kept in enclosures.

It was noted that Mr. Woodard owns about 200 acres here surrounding his operations. Much of the ground is in woods, some pasture. They have a septic system there now, which will be able to take care of the smaller addition because there will be no more people added. The other larger addition will require expansion of septic facilities. This they will work out with the Health Department. They have an incinerator for burning. The larger addition will add about 25 people.

Mrs. Henderson was concerned about the setbacks of the existing buildings, which were less than 200 ft. It was noted that the State road leading to this property is very little used and there are no private homes beyond this property.

Mrs. Henderson suggested increasing the size of this 20 acres so there would be no setback violations and all buildings would be 200 ft. from property lines.

Mr. Woodard agreed to do this.

Mr. Dan Smith said the property is well wooded with an attractive natural landscaping.

In the application of Woodard Research Corp. to permit, etc. Mr. Dan Smith moved that the application be approved as applied for with the stipulation that the area be increased to provide for a 200 ft. setback from the existing buildings. Seconded, Mr. T. Barnes. Carried unanimously.

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6- L. S. SORBER, to permit gravel operation on 30.0905 acres of land, on southerly side of Hooes Road, westerly adjacent to Beverly Forest Subdivision, Mason District. (RE-1).

Mr. William Hansbarger represented the applicant. (Full court reporters transcript of this hearing is on file in the office of the applicant's attorney.)

Mr. Hansbarger said this case was filed under Section 30-132, Section a - 1, 2, 3 of the Ordinance which sets forth certain procedural requirements and standards.

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April 9, 1963

New cases - continued

(Mrs. Henderson noted that the N.R. requirements would be imposed on gravel pits granted outside the N.R. zone in compliance with Resolution passed by the Board of Supervisors.)

Mr. Hansbarger said in the early stages of this application, September, 1962, their first thought was to get together with the people in this area (particularly Beverly Forest) to learn what position they would take. They met with the Citizens Association and explained their proposal, time of operation, the result after the present operation is completed, restoration, etc. There appeared to be no opposition. They then worked out a solution on the drainage. The lower part of this area adjoins Ft. Belvoir and there is a problem of drainage which had to be worked out with the Federal Government. They advised the people of the citizens group that if they got this permit they would give the Association five acres for a park. There were no conditions attached to giving the five acres.

The Citizens Association appointed a committee to check with the County about the operation and the restoration. The Committee reported back to the Citizens Association and the Association then voted to support this application. Then came the hearing before the Planning Commission and the opposition was full fledged. If the people in the Citizens Association had been reluctant to support this operation Mr. Hansbarger said, the disposition of the whole thing might have been different. But they thought the discussions with the Association indicated support, so they went ahead with the drainage problem. They, therefore, went to some expense on the drainage studies. They reached an agreement with Belvoir leading up to their permit.

The plans have been approved by the Public Works as to restoration. They are required to build drainage ditches through Ft. Belvoir property where there is also a problem. They are also required to build culverts under three roads at a cost of from \$15 to \$20,000.

Mr. Hansbarger then presented 12 exhibits all of which are on file with the records of this case.

Exhibit 1 - Plan which shows the solution of problems on Ft. Belvoir property, this property and Beverly Forest. They plan to excavate 500,000 tons of gravel. The ground will be rehabilitated to County specifications.

Exhibit 2 - Proposed subdivision of the property, preliminary plat. Hooes Road is scheduled ultimately to become an 80 ft. road. It is now 30 ft. with 18 ft. pavement. They will lose 25 ft. along the frontage to highway right of way.

Beverly Forest is immediately to the east and Ft. Belvoir to the south, the Williams property is on the west. This will be a three year operation. They are now asking for a permit for one year, but <sup>case</sup> ~~that~~ it cannot be extended beyond three years. They could be stopped if the operation does not meet requirements.

Mr. Hansbarger showed pictures of the area around this property indicating adequate site distance where their trucks would come into Hooes Rd. There would be no hazard to school busses, he pointed out. The pictures showed Hooes Rd., a pig farm, view of Beverly Forest, entrance to this property, screening that exists between the Sorber property and the homes along Ben Franklin Rd., Sorber property and Ft. Belvoir property, testing ground, from which Mr. Hansbarger said there is presently noise, areas where gravel is presently being removed, trees which will remain, views in all directions from the Sorber property, one large pig and a bog swamp in this immediate area.

The drainage plan to be worked out here will alleviate and ultimately solve the problem of the bog (shown in one of the pictures).

Exhibit 3 - Restoration plan of the property. This will correct the ponding and the drainage problem.

Mr. James Patton, engineer, explained the topography and present drainage and the corrections to be made. They will now take the storm flow which has plagued this area through Ft. Belvoir, Mr. Patton said. Mr. Patton said he had talked with the engineer at Ft. Belvoir who said they would approve the plans with the benefits to Ft. Belvoir as now incorporated in the plans. Their particular requirements are the three large culverts and open ditches. These were approved by the County Public Works and Ft. Belvoir.

Mr. Hansbarger filed correspondence between his office and Col. Potter, Ft. Belvoir, covering their negotiations - Exhibit 7.

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New cases - continued

They have gone this far, Mr. Hansbarger said, thinking there was no opposition, when they learned that there was opposition, they had made these commitments and could not turn back.

The property will be approx. 8 ft. below what it is now when the rehabilitation is completed, Mr. Patton said, this he added, is shown on Exhibit 3, which gives the grading plan. All top soil that is possible to save will be replaced on the ground.

Mr. Hansbarger said they would start at the rear of the property near Ft. Belvoir and work toward Hooes Rd. The restoration will go on concurrently with the gravel operation. Drainage will be accomplished by ditches and swales, no blasting will be required. Exhibit 4 showed the grading of the site.

Mr. Hansbarger showed 6 photographs of grading operations in which Mr. Sorber has participated. Each picture he explained in detail. Mr. Hansbarger noted in one case the owner was selling the ground for industrial purposes and he did not allow Mr. Sorber to rehabilitate the land.

Mr. Hansbarger called Mr. Allan Voorhees.

Mr. Hansbarger read a traffic and planning report for gravel operation, prepared by Allan M. Voorhees Assoc. Conclusions drawn by the report (a complete copy of which is on file in the records of this case) were that in view of the existing development in this area, the small number of trucks added by this operation would contribute very little to the existing traffic. It would have a limited impact upon abutting residential property since most of the residential property is located on the side streets that feed into Hooes Rd.

Mr. Frank Holloway, Construction Consultant, read a report evaluating noise, effect of gravel operations on existing water supply, effect upon sanitation facilities and overall drainage of this pit and adjoining properties, and effect of dust and methods of control. The full report is on file in the records of this case.

(It was noted that the room was practically filled with people in opposition to this case.)

Mr. Hansbarger read a letter from Mr. Stuart De Bell stating that he has underwritten Mr. Sorber's insurance for the full time he has been operating and they have never had a property damage loss nor entered a claim under their Performance bonds.

A letter was filed from the County Police Department, Exhibit 8, saying there have been no fatal accidents involving gravel trucks and children going to and from school.

He also read a letter from T. C. Williams, adjoining property owner (40 acres) saying he has no objection to these operations.

Mr. Hansbarger said he had letters from seven people living in Beverly Forest stating their belief that excavating the gravel and rehabilitating this ground would be advantageous to the area. Exhibit 6 showed the location of the homes of these people.

The presentation of the case being completed the Board adjourned for lunch. Upon re-convening the chairman asked for opposition.

Opposition:

Mr. B. K. Benner, living at 6515 Beverly Drive, Beverly Forest, and President of the citizens association, lead the opposition, saying approx. seven would speak.

Mr. Benner said Mr. Hansbarger told the Board that he had dealt with the official citizens association in Beverly Forest, but that was not so. It was a small recreation group with whom Mr. Hansbarger talked and in no way represented the area. The official citizens association represents 413 homes. He presented two petitions signed by 130 people and 154 people (home owners) all opposing this. The seven home owners, whom Mr. Hansbarger contacted, and who favor this, live on the west side of Gornel Drive, Mr. Benner said. They have the signatures of six people living on this same street who oppose this.

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April 9, 1963

New cases - continued

Mr. Benner said this applicant applied during 1962 and shortly after making the application met with Lake Beverly Inc. Then people were told it was foolish to oppose this, that it was all worked out to approve it. This organization was a recreational association formed for recreation only. The citizens association was formed after this application was filed and as a result of the application. They have no money to fight this, Mr. Benner said, but they feel they will have protection from the County. This citizens group has made no deal for the five acres, they do not want the five acres, it is all swamp and they could not afford to maintain it.

Will this ground be made commercial or industrial, Mr. Benner asked? This applicant has tried to purchase the adjoining 40 acres and another 10 acres, presumably for gravel operations also. This could go on here indefinitely. Mr. Benner quoted from things claimed and which he said were not true. It was said that the police would control operation of heavy equipment. This is not so, unless the operators become reckless. He questioned the use of a drag line.

Mr. Benner discussed various exhibits showing recent work on Sorber property, abandoned pits, location of West Springfield from this site, also letters from President of the Springfield Citizens Association, Mr. O. K. Norman, along with pictures, Exhibits 1 through 4.

Mr. Benner listed their reasons for opposition: safety hazard by operation of heavy trucks and equipment on a narrow and inadequate road; the pit would create dust, dirt and noise; destruction of roads; dangerous attraction for small children and devaluation of property. Gravel pits should not be granted outside the NR zone, but if this is granted taxes in the area should be lowered. Mr. Benner asked the Board to deny this now and for all time.

Mrs. K. H. Hurdle listed his reasons for opposition: One and one-half miles from the business district in Springfield, this would create a body of water which would be a drowning hazard to children, threat to well water supply and other reasons previously stated.

Mr. Dan Smith discussed the rehabilitation requirements of the County.

Mr. Mooreland explained Mr. Sorber's connection with the Vaughn property and it was noted that a 10 acre pit is now converted to a park. There was considerable discussion and confusion in the minds of several opposing as to identification of property which was shown in some of the exhibits.

Mr. Hurdle made a statement and attempted to identify Mr. Sorber's property. Mr. Dan Smith questioned the value of some of the pictures, the opposition said the property belonged to or was worked by Mr. Sorber and Mr. Hansbarger said they were mistaken. Under any circumstances, Mr. Dan Smith said, if any of these pits were left in bad condition, that could not happen now as the County has very rigid regulations and controls.

One grouping of pictures apparently showed three different pieces of property, all gravel pits left in bad condition. It was shown that these were all the same pit area.

Mr. Smith regretted the fact that information should come to the Board that does not depict conditions as they actually are.

Mr. Hurdle said he lives across Hooes Rd. from this property and was never contacted by the applicant until after people showed their objection. Then Mr. Hansbarger wanted to buy him out. This area was not included in the NR zone because that zone was designed to protect homes and prevent trucks going through residential areas. The boundaries of the NR zones were established after the County knew where there is gravel and where they have access to primary roads. This is near 413 homes. This property was purchased after the NR zones were established after the County knew where the gravel is and where they have access to primary roads. ~~This is near 413 homes. This property was purchased after the NR zones were established.~~ Why did this man not buy within the NR zone? There is not the same control over this area. This opens the door to many less desirable things. The rehabilitation that has gone on in Sorber's pits is nothing, Mr. Hurdle charged, you can't grow anything on the ground. Mr. Sorber very well could forfeit his bond and not rehabilitate and be ahead. What is to keep him from forfeiting the bond? He could sell the top soil rather than put it back on the ground. If Sorber does not rehabilitate the ground the County can't afford to do it, so they are left. The County's only recourse is to deny this case.

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April 9, 1963

New cases - continued

The applicant agrees to double the bond; Mr. Hurdle went on, but what good does that do? This is an unequal fight between lawyers and the people. This man wants to operate under restrictions less than the NR zone. Granting this would create great problems which would far out-weigh the advantages. There are 2,000 acres in the NR zone, why open 30 acres outside that zone and adjoining homes. He asked the Board to go along with the Planning Commission and deny this.

Mr. E. Smith asked for an explanation of the dual citizens associations.

The explanation was that Beverly Lake Association (which Mr. Hansbarger contacted) is within the Beverly Forest Citizens Association, Mr. Benner said. The Beverly Lake Association owns the lake but since this group was mostly recreation and did not perform on civic matters, a civic association of all the people was formed. All home owners are automatically members. Beverly Lake Association has only about 77 home members.

Mr. Hurdle said he represented 130 people on Hooes Rd. This is not a civic association, just people who signed the petition and who are opposed.

Mr. Charles Okopinski from Lakawan Drive spoke for 60 home owners, not a civic association. These people live in the immediate area. The road is narrow and bumpy, Mr. Okopinski said. (His opposition had mostly been covered in previous presentations.) He objected to rehabilitating this land 8 ft. below Hooes Rd. He discussed the difficulties of using this land after the gravel is out, as all that would be left would be gumbo clay which will not absorb water. Therefore, this may never go for homes, but rather some industrial use. They fear that. Mr. Okopinski showed pictures of the neighborhood. He assured the Board that FHA would be reluctant to grant loans on land near industrial traffic. He also discussed their shallow wells and contamination. There is ample gravel within the NR zone without coming in here to devalue this area, Mr. Okopinski concluded.

Mr. Kohlmeier from Benjamin Franklin Rd. discussed the condition of Hooes Rd., no sidewalk and 17 driveways within this stretch. He also discussed the danger to children at the school bus stops.

Mr. Hugh Young living on Beechwood Lane, presented objections most of which had been previously covered. He drew a dramatic picture of a rich applicant against the poor, defenseless people jeopardizing their safety and security, destroying homes, an operation that will be continuous from 7 a.m. til 8 p.m. going on and on forever. This should be a rezoning case since it is outside the NR zone he pointed out, if this is granted this Board, which has no jurisdiction to rezone, is exceeding its authority. This is not in the public interest and 400 home owners should not be forced into court.

Mr. Young charged that statements have been made by the applicant that he had \$10,000 and a lawyer to get him approval before the BZA. Mr. Young asked, can a man with money get anything he wants in Fairfax County, without regard for the health, welfare and safety of the citizens concerned? He asked the Board to stand as a shining light against the smoke screen which could cloud the issues here. Failure to deny this will be indication, Mr. Young went on, that Fairfax County government has crumbled. If this applicant had a meritorious case, he would not need \$10,000 and a lawyer.

Mr. Dan Smith said he would like to have this cleared up about the \$10,000. Mr. Young said he was glad Mr. Smith was concerned about the \$10,000. He considered it very serious. This was said in the Planning Commission hearing, Mr. Young added, it is on the recording of that meeting.

Mr. E. Smith said he objected to Mr. Young's tactics, he practically says, either you find in favor of the opposition, or there is something amiss. Mr. Smith said he did not know yet how he was going to vote on this, but he made it plain that it would be on his own convictions, the way he thought to be right.

Mr. Dan Smith discussed the number of names on petitions and the number reported to be against this, trying to harmonize the two.

Mrs. Anderson, of Gornel Drive, spoke for herself and Mrs. Komer, objecting, also Mr. Caton, who owns land across from the entrance to this property. He objected to the great number of trucks coming from this, 50 to 100 all day, every day.

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April 9, 1963

New cases - continued

Mr. O. A. More, from Springfield, who lives 500 yards from the Sorber property, Mrs. Graham, from Gommel Drive, said only those interested in getting the five acres signed the paper favoring this.

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In answer to Mrs. Henderson's question about pigs in the neighborhood, Mrs. Graham said she objected to the pigs, but Mr. Benner said they are penned now and moved back from the fence.

Mr. Benner referred to the letters from the Commanding Officer from Ft. Belvoir and said none of the arrangements for the drainage were positive commitments.

In rebuttal, Mr. Hansbarger said much of the opposition talk does not relate to the Ordinance, but rather to the sentiments of the people. In answer to some of the opposition statements, Mr. Hansbarger said he had never spoken to any BZA member about this case; as to the purchase of the Hurdle place, that is not so, he did offer to go over the plans of this project with the Hurdles, but did not do so and never saw either of them before the Planning Commission meeting. As to the letter from Ft. Belvoir, it is true, Mr. Hansbarger said, they have no formal commitment at this time. They have agreed upon certain commitments, but nothing will be formalized until the permit is granted. As to Mr. Sorber reneging on his bond and selling the top soil, Mr. Hansbarger said Mr. Sorber has no intention of doing that. If he had he would not have made this application. Mr. Hansbarger referred to his letter from the Police Dept. who state that they have never had a child fatality from gravel trucks, exhibit 8.

The park was never offered as an inducement for the granting of this, they need recreation in this area, and the five acres was offered, if this application goes through, there was no pressure to squelch the opposition with this offer. In order to illustrate that recreation areas are needed in this vicinity, Mr. Hansbarger showed pictures of various locations and activities in the area.

One can get gravel in two areas in the County, Mr. Hansbarger said, inside the NR zones and outside. He showed a map delineating the NR zones. However, these boundary lines do not mean that all gravel must be taken from the NR zones. Gravel operations are granted outside the NR zone also. Mr. Hansbarger noted that when the gravel study of the County was made, it was shown that gravel is located in this area. When the NR zone line was drawn this area was not included. It is true, he said, that this area is near a subdivision, but so are acres within the NR zone. This property is just as susceptible to gravel extraction as that within the zone.

Mr. Hansbarger pointed out that in many instances gravel deposits in the NR zone are adjoining subdivisions and residential property. In or out of the NR zone there is nothing to prohibit the excavation of gravel near a subdivision or residential property that has been built up. Many future gravel pits will be on roads similar to this, Mr. Hansbarger continued, 18 ft. of paving on a 30 ft. road. They will widen the road for the length of their property. The function of the BZA is not to conduct a plebiscite, Mr. Hansbarger reminded the Board, but rather to decide a case on the basis of the evidence presented. If the Board has not seen the property, Mr. Hansbarger suggested, and since there has been a conflict in the testimony, it might be well to defer the case, view the property and review the testimony.

Mr. E. Smith said that his one pet hate is a gravel truck. While no school children have been involved in serious accidents with gravel trucks, he did recall several fatal accidents in the County in which gravel trucks were involved. While this has nothing to do with the Sorber case, Mr. Smith went on to say, he did not wish it to go into the record that gravel trucks are operated in a satisfactory manner. He thought the police had been lax in enforcing good performance on the part of gravel truck operators.

On the whole, Dan Smith said he considered truck drivers were safe drivers and this record must be maintained to keep a chauffeur's permit. They drive fast, Mr. Smith admitted, but he thought they appeared to be under control. We can't take these people off the highways, Mr. Smith continued, the thing is to enforce the regulations.

Mr. Smith asked again about the \$10,000.

Mr. Hansbarger said he had never heard anything about the \$10,000 until at the Planning Commission hearing. He asked Mr. Sorber if he had made any reference to such an amount and he said no. This is not his own fee, Mr. Hansbarger said, and such an amount was never offered, nor was it received.

April 9, 1963

New cases - continued

Mr. Dan Smith said it appeared to him that many statements were made here which were not founded on facts. He said he would like time to go over the material presented and to see the area. He moved to defer the case for two weeks to view the property and go over the information and to do some research. Seconded, Mr. T. Barnes.

Mrs. Henderson read the Planning Commission recommendation to deny the case.

Mr. E. Smith agreed with the deferral. He noted that the Board has had a great deal of testimony and he felt that the citizens in the area were probably over-exercized about this and overly concerned but he doubted if this operation would not be detrimental to the orderly growth of the area. There are so many acres in the NR zones that are not yet mined, it is probably true that wherever possible the Board should restrict these permits to the NR zone. Mr. Smith said he would like to make an investigation as to the time table on sanitary sewer in this area.

Mrs. Henderson said she knew this road well and did not consider this the place for this kind of operation. It is very near Springfield, the condition of Hooes Rd. is very bad and the fact that the 40 acres immediately adjoining has gravel, this operation could go on for an indefinite time.

The motion carried unanimously to defer to April 23. (Public hearing completed, deferred for decision only.)

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- 7- ROBERT A. COOTS, to permit division of lot with 194.6 feet width instead of 200 feet as required by the Ordinance, property on west side of Route 717, approximately 1500 feet south of Route 603, Dranesville District. (RE-2).

Mr. Mooreland presented the case for a member of his family. When they had made the division of this lot and had it surveyed, Mr. Mooreland said, it was discovered they did not have enough width because the septic field was in the way of the dividing line which would have given each lot sufficient width. The present dividing line gives one lot 194.6 ft. and the other 200 ft.

There were no objections:

Mr. E. Smith said he considered this an entirely reasonable request. One parcel will have 2+ acres and one three+ acres and the difference in the frontage is only 5.40' ft. which is under 3 per cent. This would not have a detrimental affect on this rural area, Mr. Smith continued. He moved that the applicant be permitted to divide the lots as shown on the plat dated March 28, 1963, by Jarret, surveyor. Seconded, Mr. T. Barnes. Carried unanimously.

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Deferred cases:

- 1- ROBERT SPRINKEL, (Old Virginia City).

Mr. Hazel presented a letter to the Board asking a little more time to work out something on this. Other suits have been filed in the last few days and they are going ahead with the salvage operation, but things are not entirely shaped up yet, Mr. Hazel said. They would like to open for a few weekends to prove that they can adequately take care of the violations and properly police their operations. Within 30 days they will know for sure who all will be involved in this and they can come back to the Board with a full statement of those responsible. They would like temporary approval to operate. They would like to open April 27. They will use the same parking area and there would be no change in the physical plan. They have thoroughly discussed the position of the Board and know now just what they can and cannot do. It remains now, Mr. Hazel continued, to see if the operation is within limitations. They understand that they cannot get occupancy permits as earlier requested and that they cannot sell things that are not within the bounds of their original permit.

A lengthy discussion followed, the Board members attempting to impress upon Mr. Sprinkel that the articles sold must conform to his original promises.

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April 9, 1963

Deferred cases - continued

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Then this would be an extension of the original deferral, Mr. Dan Smith noted, to give more time for re-organization. At the end of this extension the applicant will come in with the responsible people listed. Mr. Smith said he thought it only fair to these people who have invested their money here to keep this thing open and perhaps they can salvage something of what they have invested. If this is operated properly, Mr. Smith said, he did not think the people in the area would think it a nuisance, but Mr. Sprinkel has made so many promises and failed to keep them, he thought the Board would have to be assured of a better control over all the operations.

After further discussion along these lines Mr. E. Smith moved to defer the revocation decision until May 21, 1963. Seconded, Mr. Dan Smith. Carried unanimously.

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- 2- KING'S PARK PRIVATE SCHOOL, to permit erection and operation of a private school, S. E. corner of Burke Road, Route 645 and Braddock Road, Route 620, Falls Church District. (R-12.5).

Mr. Hansbarger asked to withdraw the case without prejudice. Mr. E. Smith so moved. Seconded, Mr. Dan Smith. Carried unanimously.

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New case:

- 8- MOSBY WOODS RECREATION ASSOCIATION, to permit erection and operation of a community swimming and wading pool and bath house on Parcel A, Section 7, Mosby Woods (opposite Blue Coat Drive) on Plantation Parkway.

Mr. Peterson represented the applicant. This will serve the subdivision of 300 families, Mr. Peterson said, not including the apartments and town houses. They will have their own recreation area. This is a non-profit association formed just to operate the pool. They have contracted with Gillespe Corp. to build the pool. This is greatly wanted in this area, Mr. Peterson said. This same thing has been done in Dunn Loring Woods and is very successful. The people have worked with Mr. Yeonas and the architect on the plans. Mr. Yeonas is helping the project financially, but it will be operated entirely by the Association. They figure they will have a membership of 350 families. The plat showed approx. 90 parking places. However, it was noted that the property is located about two blocks from most of the people who will use it, many will walk or the children come on bikes.

In the application of Mosby Woods Recreation Association, etc. . . Mr. Dan Smith moved that the application be approved as applied for with the understanding that all provisions of the Ordinance shall be met. Seconded, T. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Reich, regarding Shirley Enterprises, saying a court action has been filed.

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The meeting adjourned.

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

June 11, 1963  
Date

April 23, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, April 23, 1963, at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with all members present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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The meeting was opened with the following statement by the Chairman:

"Before calling the Board to order for our business this morning, I want to say a few words about the sad news which is very much on all our minds. It was a tremendous shock to learn of the tragic accident yesterday afternoon which took the lives of Bill Mooreland, his wife and her mother. This Board has suffered a great loss and, in a very real sense, so have all the citizens of Fairfax County. For Bill Mooreland was a truly dedicated public servant and during his many years as an official of this County he devoted his capacities and efforts most faithfully and sincerely to the service of the County. His difficult job was conducive of frustration and if he occasionally succumbed to a bark there was never any subsequent bite.

It is particularly sad to reflect that Bill cannot enjoy the retirement to which he looked forward so eagerly, to hunt and fish and enjoy the outdoors to his heart's content. But it is a slight consolation to know that this devoted family all went together, for one would have been lost without the others.

I know that I speak for all the members of this Board when I say that we are grateful for all the help and guidance Bill Mooreland has given us. We shall miss him sorely and long remember him."

Mr. Dan Smith lead the Board in prayer.

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New cases:

1- Springfield Surveys, to allow dwelling 38.7 feet from Sedgwick Lane, Lot 13, Block 20, Section 9, Ravensworth Subdivision, Falls Church District. (R-12.5).

Mr. Lytton Gibson represented the applicant. The building was almost up to the first floor joists, Mr. Gibson told the Board, when this error in setback was discovered. Mr. Hellwig, engineer on this project, bought a mechanical brain to compute lot areas and setbacks. In this case, the information fed into the brain was correct, but the "brain" was not properly set and the result was an error in the setback distance from Sedgwick Lane. Since the houses immediately surrounding this lot are still in a stage of construction, the people who buy them will see the error. It would cost a considerable amount to move the structure and would not serve any particular purpose as this error does not in any way adversely affect the neighborhood, Mr. Gibson continued. The error occurs only at one point.

Mr. E. Smith observed that there will probably always be a certain amount of errors of this kind as long as people are involved.

About all the Board can do is to frown heavily on such errors, and discourage people from coming back. These people come in very seldom for variances and they handle a great volume of work. The Ordinance does carry a section wherein the Board can give relief, Section 30-36, Paragraph 4.

(There were no objections from the area.)

Mr. E. Smith moved that the dwelling be allowed to remain 38.7 ft. from Sedgwick Lane, Lot 13, Block 20, Section 9, Ravensworth Subdivision, as requested. This is granted under Section 30-36, Paragraph 4. Seconded, Mr. T. Barnes. Carried unanimously.

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Mr. Burbach asked that a group of school children be allowed to visit the Board room for a short period. Mrs. Henderson greeted the children and gave a brief resume of the functions and procedures of the Board.

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New cases - continued

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- 2- Mrs. Lucy F. Coffey, to permit erection of a garage 15.5 feet from side property line, easterly part of Lot 76, Southern Villa, (7116 Annandale Street), Mason District. (RE-0.5)

The applicant's daughter appeared to discuss the case, stating that this is a new home built for her mother. The builder did not plan for a garage, but Mrs. Coffey finds that she needs the garage both for winter protection and for storage. She has no basement. There is a high bank in back of the house which, if cut down, would adversely affect the neighbors' property. If the garage were attached at the rear of the house, it would block off the kitchen door.

Mr. E. Smith suggested moving the garage forward by perhaps five feet, which would still meet the front setback and reduce the necessary side variance, because of the angle position of the house.

Mr. Dan Smith and Mrs. Henderson suggested a small storage tool shed in the rear of the house for storage. They both questioned justifying a 14 ft. garage. Mr. Smith thought a 12 ft. garage the very best the Board could do as the Board could grant only a minimum variance. This, Mr. Smith pointed out is a maximum.

It was noted that the lot tapers and narrows toward the rear.

In the application of Mrs. Lucy Coffey to permit, etc., Mr. Dan Smith moved that the request be approved, in part, that the applicant be allowed to construct a garage 17.5 feet from the side property line rather than 15.5 ft. as requested. This granting is due to the size and shape of the lot, and this variance appears to be the minimum that would grant relief. Seconded, Mr. T. Barnes. Carried unanimously.

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- 3- J. D. Williams and John Ours, to permit operation of a cemetery on 57.5 acres of land, on north side of Route 236, approximately 1500 feet east of Woodburn Road, Route 650, Falls Church District. (RE-1).

Mr. Lytton Gibson represented the applicants. Mr. Gibson discussed the case as follows:

This land, he said, has been on the market for a long time, but it has not sold. The topography is so rough it would be difficult to develop for homes. The Planning Staff has objection to this use because they consider this prime land for development on 1/2 acre lots. The developers do not agree with this. Water and sewer will be available. If this is developed as a cemetery it would assist to some extent in obtaining open spaces. The Upper Accotink Plan calls for 6000 acres of open space.. This is one way of acquiring open space.

Mr. Gibson went on to quote from the National Capital Regional Planning Council on the Year 2000 Plan in which they describe open space as:

"Aside from parks, this could include campuses of research or educational institutions, open portions of Federal installations, cemeteries, etc.,"

This land is satisfactory from the soil standpoint and no danger to any wells will result. This is from a statement by Mr. Coleman.

Mr. Gibson pointed out that the Congregational Christian Church is adjoining this property to the east. They have asked many questions and the applicants have reached an agreement with the Church to put the entrance road in so it will serve both the Church and the cemetery. There is a dirt road entrance now to the Church, but they have had no money to pave it. The Church has no objection to the cemetery.

The State law provides that no cemetery shall be created less than 250 yards from a residence, and also if there is a State road along the boundaries, then the cemetery shall be no closer than 225 ft. from a residence. If there is an existing cemetery, then no additional setbacks need be invoked. Mr. Gibson pointed out that there is an existing cemetery along the east line of their property fronting on Rt. 236 and another small burial ground up in the property where Mr. Simmons and probably many others are buried. It is a very old burial ground and they have no records of who is buried there. They could then say that no setback is required, calling this an extension of an existing cemetery. But they do not say that entirely, Mr. Gibson continued. To protect the people across Woodburn Rd. they have set back from that road 500 ft. and will have no entrance on Woodburn Road.



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New cases - continued

Mr. Minchew bought ground for development to the east of this property and he was concerned about the affect of the cemetery on the sale of his lots. But, Mr. Gibson stated, they have reached a complete agreement with Mr. Minchew in their development plans. 273

This will take a long time to develop fully, Mr. Gibson went on to say. The first area to be used will be 10 acres near Rt. 236, which will take from 10 to 15 years or more. This is also 225 feet from any homes along Rt. 236. They will not develop next to the Minchew property now and will screen along that property line.

Mr. Gibson recalled when National Memorial Park tried to extend their boundary to create King David Cemetery. Mr. Gibson said he contended at that time that that was not an extension of an existing cemetery, but the Courts said it was.

The zoning for this use was approved by both the Planning Commission and the Board of Supervisors. This could not be removed from the tax rolls.

This will be a memorial type cemetery, Mr. Gibson stated and presented Mr. Castle, designer of cemeteries and landscape architect. Mr. Castle showed drawings of the proposed project, the entrance gates, aerial photographs, and general layout of the plans. There will be no upright stones, markers will be flush with the ground. It will be like a park. The grounds will include a dam for water storage in dry weather, widening roads, landscaping, and special features in a religious nature, figures ranging not more than 10 ft. high. These structures are ornamental only. There will be 37 individual features. The fountain and some of the features will be lighted at night. On the first 10 acres they will have four features, plus the administration building which at first will have 1000 sq. ft. Later they will add another 1000 sq. ft. This will be for administration only. There will be no chapels, no chimes. The features cannot be seen from homes in the area. The grounds will be under perpetual maintenance, irrevocable trust fund.

Capacity of 57 acres would be about 1,650 people per acre on an average.

Mr. E. Smith observed that people keep coming to this Board with things that are supposed to be better than ever before, but he found that instead, they were always worse. They brought great plans for pool halls with pink wall to wall carpeting and now they come with cemeteries with no tombstones. Mr. Smith lamented the fact that all the nostalgic memories of his boyhood days were being removed forever from lives of the modern generation. He recalled his early memories of cemeteries and ghosts with a pleasant shudder and remarked that perhaps he agreed with the Hon. Howard Smith and was "just agin progress!"

Mr. Gibson resumed his discourse on cemeteries. In this project there is no school problem and no drainage problem. As to traffic, at first he had thought it necessary to have ingress and egress from other property, or a second street, but Mr. Castle says they want only one entrance, therefore there will be no traffic along Woodburn Road. All will come and go on Rt. 236.

The average number of cars in a funeral procession is 14, Mr. Gibson said. Cemeteries do not average more than one funeral a day. At that rate it would certainly take at least 15 years to fill these 10 acres

This is a location easily within reach of the County, it will provide open space within the County and leave the outskirts for development as indicated in the Year 2000 Plan. It is needed and the attractive development has nothing of the gouliness attached to cemeteries.

There were no objections from the area.

When this matter came before the Planning Commission Mr. E. Smith said he agreed with the reasoning of the Staff and thought this should be developed in 1/2 acre lots. But this is a way of getting open space and with some of the contemplated changes that are being made in the Upper Accotink Water Shed it may not be adequate for full development in the Upper Accotink Plan. The sewers may not be adequate for all the development planned.

This meets the standards for a special use permit. It would have no adverse affect upon the orderly development of adjacent ground and it would appear that no adverse traffic situation would result from this. The location and nature of the structures would not hinder adjacent property nor would it impair values thereof. This has met with approval of most of the people in the area and those who are most affected. Mr. Smith moved to permit erection and operation of a cemetery on etc., with the understanding that there shall be only one entrance to the cemetery and that shall be from Rt. 236. Mr. Dan Smith seconded the motion, agreeing with the statements made by Mr. E. Smith.

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Mr. Gibson said the cemetery now in existence is owned by a trusteeship. These developers will work with that organization and try to beautify their grounds, at least to clean up the grounds and put in some better screening.

Asked if he would consider this an extension of a burial grounds, Mr. Gibson said he would. If the citizens claim that it is not, then the Court will make the determination. But they have talked with everyone affected by the State law and they will follow the State regulations regarding setbacks. They also will start landscaping on the entire area, and the screening.

The motion carried unanimously.

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- 4- Harbor Bay Corp., to permit erection and operation of a sewage disposal plant on property east of Lots 26 and 27, and water plant on Lots 126, 127, 131 and 132, Harbor Bay Subdivision, Mt. Vernon District. (RE-2).

Mr. Joseph Creagh represented the applicant. Mr. Nathan Hale was also present. Mr. Creagh said this would be taken to the Board of Supervisors after the hearing before this Board. This is applied for under Section 30-133-c.

Mr. Creagh said they had a telephone message from the Water Control Board approving this, a letter is to follow. He showed aerial photographs of the area showing both the location for the sewage disposal plant and the water plant. Neither of these can be seen by any property owners outside the subdivision.

Mr. Creagh recalled that this was approved by the Board of Zoning Appeals about seven years ago in a different location. The location was changed because they are serving a much larger area than originally planned. Mr. Tim McCue wishes to use this plant for development of his property.

Asked about the capacity of the plant, Mr. Hale said they have worked with Mr. Payne Johnson and Mr. Hale, Sanitary Engineer on this and enough land will be set aside to accommodate the entire drainage shed of Giles Run. Mr. Johnson has agreed that this is the logical location to serve this entire shed. They have set aside 3 1/2 acres to accommodate 15,000 people.

There may be a disposal plant down on Mason's Neck, Mr. Hale said, and this plant will be designed so it can be connected with the main plant when that is ready, and create an integrated system. The effluent will be piped into the open stream flow.

Mr. Peter Pauley, representing Gunston Heights, said they were in favor of this, with reservations. They have discussed the plant with the Water Control Board and know that it will meet standards and that it will not adversely affect the water shed, but since it is only 3700 ft. from Gunston Heights, a subdivision which is presently sewered by pit privys, they would like a cost estimate of what it would be to include their subdivision, and would like for the plant to be adequate to serve them.

Mr. Tom Newton said he has been in this area for many years and the great drawback to development has been the lack of public facilities. He described this part of the County as very lovely, an area which should be developed. He said he was enthusiastically in favor of the application.

Regarding water: The location of the water supply site has been approved by the State Health Department, Mr. Creagh said. They do not know at present what the capacity of the water tank will be, but it will be adequate storage for all the homes they anticipate. They are presently planning for 175 homes.

They could not have one standpipe to take care of all 15,000 people, it would necessarily be too large. They will have to have others as they need them.

The 3400 sq. ft. shown on the plat will be fenced and well maintained, Mr. Creagh said. The Planning Commission recommended approval.

In the application of Harbor Bay Corp. to permit erection, etc., Mr. Dan Smith moved that the application be granted as applied for. This is granted with the requirement that all State and Fairfax County regulations shall be met.

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New cases - continued

This appears to be a worth while venture, Mr. Smith continued, which will serve development of the adjoining subdivision and with the possibility that all the people living in adjoining subdivisions will have recourse to this treatment plant. Seconded, Mr. T. Barnes. Carried unanimously.

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Deferred cases:

- 1- Billy C. Tutt, to permit erection of carport 12.10 feet of side lot line, Lot 32, Boulevard acres, (120 Cedardale Lane), Mt. Vernon District. (RE-0.5)

Case withdrawn by the applicant.

Mr. E. Smith moved that the applicant be allowed to withdraw his case without prejudice. Seconded, Mr. T. Barnes, carried unanimously.

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- 2- Henry J. Rolfs, to permit erection and operation of a nursing home, on south side of Columbia Pike, northerly adjacent to Forest Hills Subdivision. (R-17).

Mr. Rolfs, Mr. Lambert and Mr. Main, architect, were present to discuss the case.

Mr. Rolfs presented the Board with a site plan and the architect's layout. They plan two 80-bed wings with the administration building between the wings. The old house now on the property will be removed. In the administration building they will also have physical therapy, occupational therapy, and various forms of recreation. The building will have two levels, no higher than homes in the area. The property now encompasses 8 3/4 acres, much of which is wooded and level. They will retain as many trees as possible. This is an especially good site, Mr. Rolfs pointed out, the ground has a 400 ft. elevation, with an excellent view of the Washington Monument. All utilities are available. This is actually the center of the density of population in Northern Virginia, Mr. Rolfs said, an especially convenient location for this particular use. Mr. Rolfs said he had discussed their plans with many people in the area, and had heard no objections. Frederick Behrens Co. have stated by letter that they are ready to make a construction loan and a permanent loan.

Regarding the need, Mr. Rolfs said they spent a day in Richmond discussing this with Mr. Ham and other officials. The information they received there was that Fairfax County now has 423 beds in nursing homes. According to their formula, 2 per thousand population, there is a need for 675 beds. There are three nursing homes in the planning stage, none have started construction.

Mr. Ham made the statement, Mr. Rolfs said, that those nursing homes projected are of the super-deluxe type which range from \$12 to \$15 a day and up, Mr. Ham suggested that if the price could be set at around \$300 a month there would be a big demand. They talked with Dr. Kennedy and he said the same thing.

It was noted that the area on this tract has been increased, almost doubled, <sup>during the deferral period.</sup> Mr. Rolfs said he had added the adjoining property and was increasing the size of the nursing home, to almost double. (He agreed to present new plats showing this change.)

Mr. Rolfs said to begin with, one wing and the administration building would be built. The other wing would be added later, at least within a reasonably short time.

The building will be contemporary in design, concrete and brick with a great amount of glass walls. They will have one parking space to four beds, but can add more if necessary, 126 parking spaces shown on the plot.

Mr. Lambert said they would have quarters for a staff of about 12; however, they do not live on the premises permanently. Someone will be on duty at all times. One person will live on the premises permanently, the others will have quarters for the time they are on duty. An administrative officer will be on duty all the time.

In answer to a question, Mr. Rolfs said Sleepy Hollow Manor home has about 60% occupancy, their rates run from \$300 to \$700. The lower priced rooms are well filled.

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Deferred cases - continued

Mr. Rolfs said he planned a price range of from \$250 to \$300. Generally they would have private rooms, but in cases where people want company they have flexible wall partitions that can be rolled back and two rooms can be thrown together. They will have no more than 160 rooms.

Mr. Main, architect, described the flexible walls. Each bed will have an outside window.

Asked if they will allow howling privileges, Mr. Main, said this was not a place for infirm people, some may be senile, but they had not considered howling privileges, he thought that a matter of control. As to people getting out into the neighborhood, Mr. Main said patients would have to leave the building by the main entrance. He thought there would be no question of their controlling their patients and keeping them in. A nurse will be located in the center of each wing, Mr. Main said, and will have complete visibility of the rooms. The solarium will be in the middle. They will also have nurses aides who will look after the patients.

Mr. Dan Smith asked if they could charge \$300 and still maintain a high standard. Mr. Lambert said they could. He pointed out that the basic facilities in all these nursing homes are very much the same, the difference in price was caused by the plush frills, which they will not have here. The frills can run the cost up very high, but there need be no lessening of treatment or care at the lower fee. If people want the extras and wish to pay for them they can be furnished, but that would be only at the wish of the patient.

There were no objections from the area.

It was noted that the Planning Commission had recommended denial. However, Mr. Rolfs said he recently had discussed the plans with Mr. Schumann and he had no objection to the project.

Mr. E. Smith said he was very familiar with this site. He suggested that a service road would be required on the site plan.

Mr. Dan Smith suggested deferring this for the Planning Commission to consider again. The Board did not go along with that.

This would appear to serve as a satisfactory buffer along Col. Pike, Mr. E. Smith pointed out, where limited institutional uses; churches, schools, etc., are probably the best solution to a major highway. Homes directly on Columbia Pike are subject to adverse influences from the traffic on the pike. This being a low structure (2 stories) and a low total ground coverage, it would be very much in the nature of a Church. The nursing home existing on Columbia Pike has not adversely affected the homes or the orderly development of the area; therefore, Mr. Smith moved that Mr. Rolfs be permitted to erect and operate a nursing home on 8 3/4 acres located, etc., This is granted for a maximum of 160 patients and parking shall be provided for 126 cars. All other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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- 3- Al Root Memorial Foundation, Inc., to permit erection and operation of a Little League baseball diamonds, Lots 9 thru 15, Section 2, Woodburn Heights, at the end of Spicewood Court, Falls Church District. (RE-0.5).

Mr. Cecil Bell represented the applicant. Mr. Eastman was present also. Mr. Bell said they have done some dredging on this 7 acre parcel which was given to this Foundation for use of Babe Ruth and Little League. The Board of Supervisors gave them the right to do the dredging, which was accomplished after talking with Mr. Coleman and Mr. Joe Brown of the Park Authority. They cannot spend \$1000 for a site plan, Mr. Bell said, they do not have the money, but they will have nothing on the ground, no structures. They may put up some kind of temporary bleachers or benches, that would be all. There would be no change in the ground. They will vacate Spicewood Ct. on their own property and will furnish parking for 100 cars.

The Board of Supervisors is vacating that part of Spicewood Ct. on this property.

Mrs. Higgins and Mrs. Bryant spoke in opposition stating that this is not the place for this operation, Spicewood cannot carry the traffic, and this was too near the cemetery. Woodburn Road is narrow and hazardous, the land could not be economically used, Mrs. Bryant suggested that they use the school facilities, which Mr. Dan Smith said were already over-crowded.

Mrs. Henderson thought the traffic to this property would not conflict with normal traffic movements.

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Deferred cases - continued

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Mr. Eastman said they would black top that part of Spicewood Ct. that comes into their property and carry the black top on to Spicewood Drive if they could do so under the State regulations.

Mr. Bell quoted Mr. Clayton as saying that sanitary facilities are not necessary, but they would have a Johnny-on-the-spot.

Mrs. Henderson pointed out that they would have to have approval of the Health Department and Sanitation before this permit could be granted.

Mr. Dan Smith said he had recalled that Dr. Kennedy remarked that sanitary facilities are not necessary where there is just a play ground.

But the Board will still require a letter from the Health Department regarding this, Mrs. Henderson said. If they do not require sanitary facilities it should be so stated in a letter to this Board. This Board can give a permit only if it is contingent upon a letter from the Health Department since sanitary facilities must be arranged for in a way satisfactory to the Health Department.

In view of the statements regarding the application of Al Root Foundation, etc. . . . , Mr. Dan Smith moved that the application be approved with the provisions that 100 parking spaces be provided and with the understanding that the development of this project will adhere as near as possible to the revised plats submitted to this Board at this meeting (April 23, 1963) and the granting of this permit will be contingent upon receiving a letter from the Health Department regarding sanitary facilities on this project. This recreation area is for use of Babe Ruth Boys Club and Little League. The portion of Spicewood Ct. owned by this Corp. will be asphalted and kept in a suitable manner. All other provisions of the Ordinance shall be met.

Mr. Eastman also said that they would asphalt to Spicewood Drive if they could get permission from the State. Seconded, E. Smith. Carried unanimously.

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- 4- L. S. Sorber, to permit gravel operation on 30.0905 acres of land, on southerly side of Hooes Road, westerly adjacent to Beverly Forest Subdivision, Mason District. (RE-0.5). (For decision Only).

Deferred for decision of the Board only.

Mr. E. Smith said he considered this a difficult case to make a decision on and he also considered it a very difficult hearing. After the last hearing on this, Mr. E. Smith said he felt that someone should start instructions in the art of protesting, so that people would know their rights and how to go about developing their case adequately so that material can be presented to the Board in an intelligent manner. In this case, Mr. Smith said he considered that the opposition had failed miserably, that they had contributed more in heat than in light. However, Mr. Smith said he thought this application had very little merit. It is adjacent to Beverly Forest subdivision in an area that is now beginning to develop along satisfactory lines. The granting of a use permit to mine gravel on this site would have a detrimental affect on this subdivision and the orderly growth as it is now progressing.

Mr. Smith said he was also concerned about the narrow width of Hooes Road. He realized that gravel trucks use this road but he feared that an intensive use of this road would create a hazard for future public use. Therefore, Mr. Smith moved that the application of L. S. Sorber be denied. There was no second.

Mr. T. Barnes said his feeling about the hearing on this was the same as Mr. Smith's, he thought it was very bad.

While this area is not included within the NR zones, Mr. Barnes said it was his thought that the natural resources of the County should be mined. In time we will have to come out of the NR zone in order to find enough gravel for the county. It is better to take the gravel out now than to wait until the community develops more. The time that is specified to extract the gravel is reasonable. Mr. Barnes moved to approve the application of L. S. Sorber, to permit gravel, etc., . . . . Seconded, Mr. Everest.

Mrs. Henderson said she was against this, she agreed that the natural resources of the County should be used but in some cases where the gravel is very close to development we may have to lose some of this resource. We have the case of Rose Hill which is on top of very fine gravel, development came first and the gravel was never extracted. Mrs. Henderson also said she was concerned over the 40 acres

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Deferred cases - continued

adjoining. Gravel extraction in this area could go on for many years and could be a detriment to the development of the area which is now doing well.

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Mr. Barnes said he considered that the 40 acres had nothing to do with this case.

Mr. Everest pointed out that this is a permit for only three years.

Voting yes: Mr. Everest and Mr. T. Barnes.

Voting no: Mrs. Henderson and Mr. E. Smith.

Mr. Dan Smith refrained from voting. Tie vote.

The Chairman declared the vote lost, and therefore the case denied.

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New case:

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Lee-Graham Corp., to permit erection of a swimming pool, enlarge bath house and filter house, tennis courts, basket ball court and snack bar pavilion, on south side of Lee Highway, approximately 400 feet west of Graham Road, Falls Church District. (R-10).

Mr. Farnum Johnson represented the applicant. Mr. John Nurge was also present. Mr. E. Smith said he had an interest in a contract to purchase property to the east of this tract; therefore disqualified himself to participate in the hearing.

Mr. Johnson recalled that this was one of the first facilities of this kind in the county. The families who participate in the swimming activities own the ground. This is a non-profit corp. The Corp. now wants to expand by adding another swimming pool, tennis courts, basket ball, etc. They have merged the sanitary facilities. These additions will give the expanded facilities which are needed. They would like two tennis courts, remodel the existing pool and a new pool, etc. This would probably increase the use of the grounds by about 50 families. They will provide for that in the parking spaces. They now have 450 family membership.

Mrs. Henderson noted that this facility now has less parking spaces than required by the Ordinance because this was put in before the county had ratio parking requirements. The present parking is actually non-conforming.

The Board discussed the present parking and possible additional spaces, at length with both Mr. Johnson and Mr. Nurge, who said they now have sufficient parking for practically all their activities. If they put in much more parking space, Mr. Nurge said they would have to eliminate one of their diamonds, which they do not wish to do. He thought they could provide 125 parking spaces. The over-flow parking occurs only when they have county-wide tournaments, Mr. Nurge said.

Mrs. Milton Fall said she was a strong supporter of this project but she was concerned about the drainage situation, flooding. She asked that they have some assurance that the surface water will not endanger her property, more than it has been doing.

Mr. Johnson pointed out that apartments are planned on one side of this property and there is C-D zoning on the other. They have been advised, Mr. Johnson said that this project will cause very little additional run-off. Whatever run-off comes from these two adjacent properties will have to be taken care of in their development. The sewer line will be run across the back of the property, Mr. Johnson said. They will have no additional asphaltting, so whatever they do, the increase run-off, if there is any, will be negligible.

Mrs. Fall described the flooding conditions in the area of her home. Mrs. Henderson said she realized that there is serious drainage problem here and the County is studying it now. This will go to Public Works when the site plan comes up.

In the application of Lee-Graham, etc., . . . Mr. Dan Smith moved that the Board approve the application as applied for with the provision that facilities be made available for 125 parking spaces in compliance with setback requirements of the Ordinance and that all requirements of the Ordinance be met. Seconded, Mr. T. Barnes. Carried unanimously.

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April 23, 1963

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Other cases

Robert Gill - This was granted originally for a 40 ft. building with a 40 ft. setback, four stories. The architect says he must have 44 ft. in order to get in the 4 story building. He asked to increase this height to 45 ft.

Mr. Dan Smith moved that the original motion be amended to read 45 ft. with a 40 ft. setback, but that all other provisions of the original motion shall remain the same. Seconded, Mr. T. Barnes.

Mr. Smith added the following explanation to the motion to say, this will amend the motion of November 14, 1961 in the matter of Robert Gill to read a four-story 45 ft. building not to exceed the 40 ft. setback which was granted at the time of the original hearing.

Carried unanimously.

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St. Phillips Catholic Church at Camp Alger - The Board had asked that the final site plan come back for approval.

Mr. Dan Smith, after the Board had examined the site plan, moved that the Board approve this site plan as it meets all provisions of the granting. Mr. T. Barnes seconded the motion. Carried unanimously.

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American Legion requested extension on permit of May, 1962 - Post Home on the Schindel Tract. They may not be able to start during May of this year; therefore, asked an extension. They have had drainage troubles.

Mr. Dan Smith moved that the request be granted to extend this permit for three months, American Legion Post No. 176. Extended for reasons stated. Seconded, Mr. T. Barnes. Carried unanimously.

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The meeting adjourned.

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

June 11, 1963  
Date

May 7, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, May 7, 1963 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with four members present, Mrs. L. J. Henderson, Jr., Chairman being absent. Mr. Dan Smith, Vice Chairman, presided in the absence of Mrs. Henderson.

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

New cases:

- 1- Leonard J. Czajkowski, to permit erection of a roof over existing slab 33.1 feet from Elgar Street, Lot 13, Block 43, Section 17, North Springfield, (7509 Elgar Street, Mason District. (R-12.5).

Mr. Czajkowski appeared before the Board and stated his case as follows: When he purchased this house in 1959 he was interested in adding an open porch to cover the existing concrete slab on the front of his house. He could not afford to do this at the time he bought but was assured that he could do so later on. It was so stated in his purchase contract. When he came to put the porch on he found that the front setback had been changed and he could not add this porch except by permission of this Board. The porch would never be enclosed. The slab is 6 ft. 7 inches and his overhang now is two feet. The house is 41 ft. from the right of way with overhang.

Mr. E. Smith asked how this was different from perhaps 100 other houses in the subdivision, there appeared to be no topographic problem.

Mr. Czajkowski said he had noted that many houses in the neighborhood appear to be much less than 40 ft. from the right of way.

Mr. Woodson said the slab could have been roofed like this in 1959 before the Ordinance was changed. They would have considered it an open porch.

Mr. Czajkowski said he would not have to have the overhang beyond the slab as shown on his plat. Only one other house in the area has a slab like this, Mr. Czajkowski said, and that has an iron railing around it, but no roof. He would like to have the railing and the roof. This is the only slab of this size on this street. The others are 6 ft. x 6 ft. leading up to the door. He built the slab himself and enlarged it preparatory to having it roofed as he thought he could do.

There were no objections from the area.

Mr. E. Smith said he failed to see where the Board was justified in granting this under the regulations applying to variances. He quoted from the Code regarding variances. There is nothing peculiar to this property, the man is not restricted in the use of his property and this house is situated very like many others in the same subdivision. There appears to be no hardship. There is no topographic difficulty. He moved to deny the request for these reasons. Seconded, Mr. T. Barnes. Carried unanimously.

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- 2- Wilson M. Wood, to permit dwelling closer to front property line than allowed by the Ordinance, Lot 63, Section T-B, Mill Creek Park, Falls Church District (RE-0.5).

Mr. Wood said he had found that there is a flood plain problem on this lot. After meeting with Mr. Coleman and going over the property, it was determined by Mr. Coleman that this lot could be built upon if the house can be located 40 ft. from the front property line instead of 50 ft. as required. Mr. Wood read a letter from Mr. Coleman verifying these statements. The house could be built entirely out of the flood plain at the 40 ft. setback, but it should be set near the west property line, 25 ft. The lot adjoining (lot 62) can be built upon without a variance.

Mr. Wood said he had sold this lot to a man who will go overseas for three years. In the meantime the architect is designing the house, but Mr. Wood said he wanted to be sure that this man can build before selling him the lot. Mr. Wood pointed out also that there is a curve in the road at this point and this variation would not be noticed. The house would be about 4 ft. above the stream bank at the rear of his lot.



May 7, 1963

New cases - continued

There were no objections.

This case is unlike the one previously heard, Mr. E. Smith said. It does have an exceptional topographic condition which comes under provisions in the code. There is a flood plain area on the lot. This is rather an old subdivision and at the time this lot was platted the County's provisions for handling flood plains were not as efficient as they are today. There is a steep slope from the front of the lot to the stream and it appears that this variance, requested on the basis of the Coleman report, is the minimum variance that would grant relief. Failure to grant this would deny the applicant a reasonable use of his property; therefore, Mr. Smith moved that Mr. Wilson Wood be permitted to erect a dwelling closer to the etc. . . it is determined that the building shall be no closer than 40 ft. from the front property line. All other provisions of the Ordinance shall be met. (It is the decision of this Board that the time limitation on construction in this case is waived.) Seconded, Mr. T. Barnes. Carried unanimously.

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3- A. L. Cemele, to permit an addition to nursery school, (four classrooms, 60 children), property at 6918 Lincolnia Road, Mason District. (RE-0.5).

Mr. Cemele said his original permit was issued in 1959, with no pupil limitation. In the last extension he added two classrooms and increased to a maximum of 130 children. They work in small groups and need more classrooms. They already have applications for enrollment far beyond what they can handle and fall enrollment has not actually started yet. Mr. Cemele said they now have about 140 children. They would like to have 60 more. This extension will provide accommodations for that many and still keep the classes small. Their heavy demand is for the morning groups.

Mr. Dan Smith recalled that the applicant was granted permission to have 180 children (90 at any one time) in May, 1962.

Mr. Cemele said they could take 60 more in the morning and 60 in the afternoon with the new setup, 150 in the morning and 150 in the p.m. making a total of 300.

Mr. D. Smith recalled that Mr. Cemele had said that he could take care of the 180 with the buildings they had. Mr. Cemele said that would be true if they had classes of 15, but they wish to keep them to 12. The whole approach of their school is to work with as small a group as possible. He now has 6 classrooms, this addition would make 10. They do not keep children all day. This is a facility for education only, not baby sitting.

Mr. E. Smith said if this is granted you will increase to 150 children on the grounds at any one time. Mr. Cemele answered, yes, this would give him the chance to isolate the children into higher and lower groups. They will not go beyond the first grade.

They furnish busses for most of the children, Mr. Cemele said.

Mr. E. Smith said he was concerned about the traffic on Lincolnia Road. Mr. Cemele pointed out that they were not on the highway at peak traffic times. Their hours are 9 to 4. Very few parents bring their children. They have a circular driveway. They serve no lunches. Morning classes are 9 to 12, afternoon 1 to 4.

No one from the area raised objections to this increase.

Mr. Dan Smith recalled that this school started three or four years ago and in May of 1962 the Board granted a permit for 180 children, a maximum of 90 on the grounds at any one time. The Board thought at that time that this would be the extent of the operations and now within one year the Board is asked to extend this to 300 children with additional buildings. He suggested that the Board might wish to see the property.

Mr. E. Smith moved to defer the case to view the property. Defer to May 21. (Deferred for decision only.) Seconded, Mr. Everest, carried unanimously.

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4- New cases - continued

William P. Ames, to permit dwelling to be 22.9 feet from rear property line, Lot 16, Section 1, Westburg Heights, Dranesville District. (R-12.5).

Mr. James Lewis represented the applicant. Mr. Lewis said this house was started two years ago. The owner worked on it for three months then stopped. The house has set here, abandoned for two years. Everyone in the neighborhood wants to see it completed. Six months ago Mr. Ames bought the house and since then Mr. Ames and he (Mr. Lewis) have tried to finish it. Now they want to sell it and put it in good condition, but they need to have this variance. It has cost about \$8,000 to finish the house although it was substantially built when they bought it. Mr. Lewis said he could not find the building permit and he did not know if there was a building permit at the time Mr. Ames bought the house.

Mr. E. Smith noted on the plat that a wall check had been made 10-21-60. Someone must have known then that the house was in violation, he said.

Mr. Lewis said the house was started in the fall of 1960. Mr. Ames and his company were under a completion bond. That was his only connection with the house. The house was abandoned and Mr. Ames had considerable material, etc. in the house so he had to move in and finish the house in order to save what he had in it to save his construction loan.

The Zoning Office said there had been no building permit, Mr. Lewis told the Board. He never discussed the building permit with the original builder. Something strange happened to this man, he had built other houses in the neighborhood, but all at once he seemed to blow up, then he just left and they know nothing about him.

Mr. Lewis pointed out that there are more than 50 ft. between this house and the one adjoining.

Mr. D. Smith suggested another search for the building permit.

All these irregularities are acts committed by someone other than the present owner, Mr. Lewis said and the neighborhood is greatly concerned. They would like to have something done with the house.

Mr. D. Smith questioned why all this work had been going forward without a building permit.

Also Mr. E. Smith pointed out that there were no doubt other inspections which had never been made, work that was done before Mr. Ames and Mr. Lewis took over. These things should be checked into Mr. Smith said.

This lot is unusual in shape Mr. Smith noted, and the house could have been put on the lot without violations. There appears to be no reason for the error in location. Actually the house as located would not hurt the neighborhood and there are times when one must do the best he can with a bad situation, but before the Board acts on this case they should have all available information, not merely the fact that there is an error in setback.

Mr. Dan Smith agreed. Mr. Barnes suggested putting this at the bottom of the agenda in order that Mr. Lewis may look into these things before the day is over.

There were no objections from the area.

Mr. E. Smith moved to defer this to the end of the agenda to allow the applicant's attorney to obtain additional information to enable the Board to act on this case.

Seconded, Mr. T. Barnes. Carried unanimously.

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5- William and James Smith, to permit an addition to repair garage closer to side line than allowed by the Ordinance, Lot 13 and part Lots 12 and 14, Southern Villa, &7108 Little River Turnpike), Mason District. (C.N.).

Mr. Hansbarger represented the applicant. This building was put up in 1920, Mr. Hansbarger told the Board for a filling station and repairs. The addition would be in the rear, all other setbacks except on the one side can be met. The building would be used to take care of what is already on the property as it would house the wrecked vehicles in the rear of this building. They would replace the chain link fence with a board fence. This addition would have the same side setback as the existing building. If it were set in at the required setback it would simply create a pocket of unused space.

Mr. Hansbarger cited a case in Alexandria wherein the court said in a case of this kind a minimum variance that would permit a reasonable use of the property was equitable.

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New cases - continued

This variance would permit them to extend the wall on the east side the same as the existing building. The lot immediately adjoining is zoned C-N which does not require an additional 25 ft. setback for a filling station. They are asking to come 5.5 ft from the side line.

This station has been operating for 15 years, Mr. Hansbarger said.

Mr. ~~Y~~aw from the neighborhood sent a letter endorsing this.

Mr. E. Smith said he knew this operation well. This is an operation that has been going on for a long time and to allow this addition would help the existing situation because they now have the use of this fence in the rear yard for storage of cars. To allow the building they would have more space inside for storage. Certainly from the aesthetic standpoint, Mr. Smith continued, the situation here would be improved. The people most affected, the people to the rear and on the east side, have been notified of this and have no objections. There is considerable hardship here, this was in existence before the Ordinance, therefore he moved that a variance be granted to William and James Smith to permit an addition, etc., as shown on the plat of Howard W. Greenstreet, Certified Land Surveyor, revised March 2, 1961 and which plat is made a part of this application. All other provisions of the Ordinance shall be met, including a site plan.

(Mr. Barnes noted that there were about 15 letters in the file asking the Board to grant this.)

This is granted to permit an addition for repair of cars in connection with an existing filling station. Also as a condition of this granting, it is required that this property be screened in accordance with the Fairfax County Ordinance and screening shall be installed along the east and south boundary lines of the property and such screening shall be that which is considered by County authorities to be the most effective type of screening in compliance with the Ordinance. Seconded, Mr. Everest. Carried unanimously.

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6- Joseph E. Birch, to permit erection and operation of a used auto sales lot, part Lots 2, 4, and 6, R. C. L. Moncure Subdivision, on southern side of Columbia Pike, Mason District. (C.G.).

Mr. Hansbarger represented the applicant, stating that the neighborhood does not oppose this, evidenced by a letter. He showed pictures of the property and the property adjoining.

These people have been in the car business in the County for many years, Mr. Hansbarger said, they will be the lessees. This use is not incompatible with what is around it. No one will be adversely affected. Property to the immediate east is in the same ownership. This will not bring in more traffic. The site plan will require screening and proper lighting.

Mr. E. Smith suggested that the Board put a time limit on this use. As an area develops the impact of this type use may become incompatible. It would be well, he continued, for the Board to take another look at this use within a reasonable time.

Mr. Birch said he had talked with VEPCO about the lighting and they will send their engineer who will assure the fact that the lighting will be satisfactory.

No one from the area objected.

Mr. E. Smith moved that Joseph E. Birch be permitted to erect and operate etc. . . for a period of three years. The lights shall be installed in such a manner that they do not reflect unduly upon adjacent property. All other conditions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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7- Jack H. Merritt, to permit an addition to existing private school building, Lot 1, and outlot A, Resub. of a portion of Lot 11, Leewood Subdivision, Mason District. (RE-0.5).

Mr. Merritt showed approval of this addition from Dr. Kennedy, Fire Marshall and the State. In 1961 Mr. Merritt said the Board granted him a total of 80 children. At that time they had facilities for only 40 children. (two class rooms.) This is a nursery and kindergarten.

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New cases - continued

Mr. Merritt said that in the basement they will have facilities for eating and sleeping and free play until 6 p.m. They are not asking for additional children, they will stay within the permitted 80. They are merely asking approval of their plans to bring their enrollment up to capacity. They are now using the frame building which was on the property when they bought it. The play yard will not be expanded, it was granted for the 80 children.

Mr. Dan Smith reviewed Mr. Merritt's case which granted 80 children in September, 1961. Mr. Merritt planned to use the frame building then on the property for a time and when it became inadequate to take care of 80 children he would come back to the Board for an addition to the building. He had stated at the time of the last hearing that he would need more building. This is not an extension of the use, the number of children will remain the same.

Opposition: Mr. Jacobs, living next door, said this was not an unpleasant operation. He had thought they were asking for more children. As long as the addition is a good looking building and no more children he had no objection.

Mr. E. Smith moved that Jack H. Merritt be permitted to erect an addition on to existing private school, etc. . . . under the terms of the existing use permit on lot 1 with the understanding that all other provisions of the existing use permit will continue unchanged and in full force and effect and the total number of children shall not be increased beyond 80 and all other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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- 8- Mt. Vernon Community Park and Playground Association, Inc., to permit erection of a swimming pool, south of outlot A, Section 1, Hollin Hall Village, Mt. Vernon District. (R-12.5).

Mr. John Harris represented the applicant. In 1954, Mr. Harris told the Board this Association made their first plans for a community recreation area and were granted a permit. They put in certain facilities to serve 600 families living in the immediate area. The pool was constructed before the swimming pool Ordinance and now it is inadequate. This is not a request for increase in membership but rather to construct a pool that will meet the present regulations and serve the 600 families. They plan to spend \$67,000. Mr. Harris said he realized that the parking was not marked off on the plat but they have a large area and parking is no problem. There is room for 300 cars. Parking actually is at a minimum, Mr. Harris went on to say, as most of the members are from Hollin Hall and do not bring their cars. He did not consider they would need an increase in parking space as they are never full except on rare occasions. The area where they park is blacktopped and gravelled.

Mr. E. Smith said the Ordinance requires that the number of parking spaces be spelled out and shown on the site plan. He noted that this has been operating under the 1954 permit at which time a site plan was not required.

The pond shown on the plat is used for fishing and ice skating, Mr. Harris said.

They have guest privileges, Mr. Harris continued, house guests or people visiting in member's homes.

It was agreed that probably 300 parking spaces would be sufficient.

Mr. Harris pointed out the other facilities this Association provides. A recreation building and bath house were both built with approval of the County in 1958.

Mr. J. A. Bennett said he was not opposing this, nor was he speaking for it. He owns adjoining property. It is noisy, he went on to say, and the loud speakers were annoying; however, he said, they used them very little.

Mr. Harris said they turned off the loud speaker when they found it annoyed Mr. Bennett. If they need them they could have small speakers around the pool. At least there would be no increase in noise, Mr. Bennett said.

Mr. Bennett said he realized they needed some kind of speaker system for special events and he had no objection to that, but music or normal noises would be greatly amplified by speakers around the swimming pool.

Mr. Dan Smith said he thought this could be worked out with Mr. Harris, he urged the two to get together on this.

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Mr. E. Smith moved that Mt. Vernon Community Park Association be permitted under the existing use permit issued to the applicant in 1954 to erect a Swimming pool on outlot A, etc. provided that a minimum of 200 parking spaces shall be provided on the property, and it shall also be a condition of this permit that no parking is to be allowed in connection with this use off the site and on adjoining streets. If the time comes that people are parking in the streets the applicant will have to provide more parking spaces on the property. It is the responsibility of this applicant to keep people from parking in the streets. This is a condition of the permit, and a situation which the applicant must police.

Seconded, Mr. Everest, carried unanimously.

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Deferred cases:

- 1- Karloid Corp, to permit erection of an administration building, on north side of Leesburg Pike at Leigh Mill Road, Dranesville District. (RE-1).

Mr. Lytton Gibson represented the applicant. Mr. Dan Smith, Chairman, made the following statement. This Board has no jurisdiction over the installation of the pond (Lagoon). That is a matter for approval by the State. The Board has investigated this type of sewage disposal, Mr. Smith went on to say, and has found it to be without odor or bugs. He asked the people present who are interested in this case to by-pass any discussion of the pond itself. This board has jurisdiction over the administration building itself, the screening, and other things that might affect the neighbors and nuisances that might come from this. There is to be no increase in the operation as a result of this building, it is only to better working conditions for people now employed at this plant, but Mr. Smith asked that the presentation cover only the application as stated.

Mr. Gibson said he agreed with the Board in this, that the pond is not a Board matter. He was prepared with a discussion of the pond, Mr. Gibson said, but it was entirely satisfactory with him not to do so.

Mr. Smith said this is his interpretation of the Ordinance and would like to have the opinion of other Board members if they wished to discuss this further. They did not.

Mr. Gibson said he was not waiving any rights. They have to proceed with additional structures on the grounds, as they have a permit for the entire land area and the Ordinance provides for certain setbacks from certain roads and a maximum coverage. They are not even up to 4 per cent coverage.

This Building, Mr. Gibson went on to say, is to house the administrative personnel. They now have 250 people. The frame building will be torn down when this new administration building is erected. This will be a two story structure, the architectural rear is the same as the front, employing glass and brick pillars. The building will be located to meet all setbacks. He indicated on the plat the buildings that would be eliminated when this new structure is built.

Sewage will be taken care of by the pond which is located 1007 ft. from the nearest residence, and considerably farther from other dwellings.

This research laboratory was started in 1947, Mr. Gibson told the Board and has grown tremendously since that time. About 50 per cent of their contracts are directly with the Federal Government, of the balance about 30 per cent is with private firms who have contracts with the government. They research a wide variety of things, including cancer and other diseases.

This site is very like a little farm, Mr. Gibson pointed out, built up around the farm house with various buildings. This building is only to furnish housing for personnel, the other new buildings are the ones that produce the income. They will come back to this Board from time to time, Mr. Gibson said, to ask for additional facilities. This is the type of installation the County wants he pointed out, and this is the proper place for such an operation. They have 25+ acres and the operations can be centralized.

This activity with the use of animals goes on in every college and university in the Country where such courses as chemistry, bio-physics, medicine, etc. are studied. This is the same thing only more advanced. It is the desire and aim of this laboratory to make this a campus-type area.

With regard to screening, Mr. Gibson said they would do anything in addition to what they have done that the Board says. He suggested that perhaps trees around the building would be desirable. They are now planting trees around the perimeter of the property, that was required under a previous application. About 30,000 trees have been planted, and they will continue. But if the Board wants screen-trees around this building, they will do that also.

The Ordinance under which this type of use operates was adopted specifically to attract Melpar, Mr. Gibson recalled, a research laboratory, a good clean business and revenue producing. The

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Deferred cases - continued

building now under construction will cost \$200,000, Mr. Gibson said, the taxes last year on the real estate were \$5,500. This building will add considerably. These people also have other taxes, franchise, Corporation taxes, motor vehicles, personal property, etc. The type personnel employed here is the caliber people the County wants. Many of the employees working here have many degrees. They pay-roll is over a million dollars, the pay scale is good.

Mr. Gibson pointed out again that this presentation is limited to the actual application only, the application upon which the Planning Commission acted in their recommendation to grant.

Mr. Barnes asked how many parking spaces are provided. Mr. Gibson answered 152 spaces, that he said, is no problem, they could add many more.

Opposition: Dr. Martha Lumpkin said the thing she was concerned about was the lagoon. She had inquired from many doctors in this area and other places and no one knew of this as a satisfactory curing process. She asked deferral of this until people in the area have the opportunity to look into lagoons.

Mr. Dan Smith pointed out that there is a lagoon at Dulles which is operating. The Board visited this and another lagoon in Farmville, Mr. Smith continued. A great deal of research and thought has been given to this in the State and people connected with this say that 7 or 8 years ago they would have thought this an unsatisfactory means of disposal but now they have discovered, especially with the lack of water, that it is good. They have found no pollution of streams and many problems of disposal, particularly the septic system have been met in this system.

Since so many doctors question this system, Dr. Lumpkin asked that this be presented to the Fairfax County Medical Society, next Tuesday night. She questioned the rights of anyone to go directly to the State for a permit for this use and by-pass the County. In this manner the County could have multiple lagoons.

Mr. Dan Smith stated that there is a rigid criteria that must be met before such a system will be approved by the State and there are not many places in the County that would meet this criteria. Mr. Smith also pointed out that this is a temporary installation although it is set up on a permanent basis. This will be used only until a sewer line is available. This line to the lagoon was inspected by the County Health Department and when the sewer line is built and comes near the property they will connect immediately. It is a requirement of the State that when the sewer line becomes available these people will connect.

Mr. Eugene Smith called attention to the fact that the hearing was getting into a discussion of the lagoon. He said he wished to make it clear to the people present that the permit for the installation of this type disposal system has been approved by the State authorities. It is now being constructed and no matter what this Board does here regarding this building, the operation that is there now is as intense as it will be with the operation of this building. They will use this lagoon because they have all the necessary permits required to use it.

If the people are concerned over this they should make their concern known to the authorities that granted this permit. The decision on the lagoon has been made, Mr. Smith continued, on the advice of the experts, to grant this type of treatment, they considered it to be a better method.

In the symposium on lagoons, Dr. Lumpkin said, she did not see where they have been used in this type of research in any other place. She suggested that this be deferred until public sewer is available. She questioned, are these people working with viruses and will these things go into the lagoon?

Mr. E. Smith answered, you are talking about things we know nothing about, therefore these questions should be before another Board. This Board is concerned only with land use and its affect upon adjoining property. Mr. Smith suggested that the concern which Dr. Lumpkin expressed should be brought to the attention of the State Health Department as they have the technical competence to discuss such things.

Dr. Lumpkin said they were not informed of this application for the lagoon permit. She asked to hold this up for a clarification from State Health Department. She would like to have a state officer come before the medical association and explain how this works.

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Deferred cases - continued

Mr. Gibson said it was understood that the Board was not going in to all this discussion, but he had the answers to all these questions that are being brought up.

Dr. Lumpkin said that Dr. Kennedy agreed with this system but she knew 10 or 15 other doctors who did not.

Mr. Dan Smith said the County had been assured by the State that there would be no hazard from this installation, the Board has no further jurisdiction. Karloid has been told to furnish suitable sewage disposal. This is the result and it is apparently the best method known that would not contaminate the water supply.

Dr. Lumpkin again asked deferral.

Mr. Gibson said the lagoon would be opened within two days. If these people want they could get an injunction, that is the answer, Mr. Gibson said, the answer on this is not with this Board.

Mr. Dan Smith said his research had lead him to believe that this is the best type disposal available, other systems contaminate the water supply. He advised those who question the efficiency of this system to see it in operation.

Dr. Lumpkin asked how the County could be protected from a deluge of lagoons. Each case must come up to requirements and stand on its own merits, Mr. Dan Smith said.

Opposition: Mr. Paul Woodbridge, owner of contiguous property, spoke for himself and others. He presented an opposing petition with 160 signatures.

Mr. Woodbridge said the approval of the building cannot be disassociated from the fact that the lagoon is there, without the building there would be no need for the sewage disposal.

Mr. Gibson said if the opposition continued in this manner he would be forced to go into a full discussion of the lagoon. <sup>MR. WOODBRIDGE SAID</sup> In the event this is granted, this will change living in this area ~~extended~~, seepage may be a problem, it will affect property values on contiguous property and slow down construction of new homes, He suggested that installations of this kind be brought under the jurisdiction of the Planning Commission and the Board of Zoning Appeals as well as the Health Department.

He asked for tree-screening and that the parking area be moved to within the area of the building so it could not be seen, asked to defer until medical authorities can consider this.

Mrs. Durham, adjoining property owner living 1220 ft. from this proposed building, said there was no landscaping, the large parking area is not screened. The new building is ugly, cinderblock on the side facing her property, she asked that they move and screen the parking lot. She insisted that the premises do not have a campus like appearance nor is it appropriate in a residential area. She asked the Board to deny the case.

Mr. Bradford De Wolf said he wished to build on his two acre zoned land but since he has bought here this installation has grown to such proportions that he considers his land no longer so attractive; being next to a large ugly industrial type use, very like warehousing. The tree-screening is done with very small trees which will take 20 years to be effective. In the meantime the neighborhood suffers.

Mr. Everest suggested poplar screening as a quick growing effective screen.

Mrs. Bradford De Wolf objected for reasons previously stated. She objected to the permanence of this expanding facility in this residential area.

Mr. E. Smith pointed out that there has been in the Ordinance for many years a provision allowing the establishment of scientific and research development in residential zoning under certain stringent conditions. This was written into the Ordinance because the governing body thought this was needed to get the preferred type of scientific research activity rather than the more ordinary industrial activity attracted by industrial zoning. If this is a wrong concept, Mr. Smith continued, then the Ordinance should be changed.

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May 7, 1963

Deferred cases - continued

This is nothing new, it applies to all residentially zoned areas in the County, if the applicants meet the requirements. This is not a non-conforming use, it is there under an existing act of the County Zoning Ordinance.

Mrs. Durham questioned the setback of the lagoon.

Mr. Dan Smith said the Board had jurisdiction only over the location of the Buildings.

In final summing up Mr. Gibson said Dr. Hazelton now has a landscape architect and will do some screening around the parking lot and the buildings. He suggested that the Board require reasonable screening. He said this could be worked out with the Planning Engineer. They intend to put in screening.

Mr. Gibson pointed out that when Mr. De Wolf moved here this land had been under this use permit for some time. This Board has supervision and policing over this. These people never have been in violation. The opposition is the same as it has been before when changes were made here.

However, they will work with the people on the screening, Mr. Gibson added, he committed the applicant to do the screening.

Mr. Dan Smith suggested that they paint the building so it will not look like a cinderblock wall.

Mr. Gibson said he had suggested an architectural front or higher growth around the building to change that. That is the building now under construction, he said.

They will remove two buildings now on the property, Mr. Gibson said.

The Planning Commission recommended approval.

Mr. E. Smith moved that Karloid Corp. be permitted to erect an administration building, etc. . . . the building to be erected as shown on plat prepared by Berry Engineers, Orlo C. Paciulli, dated March 6, 1963 and that all other provisions of the Ordinance shall be met; that adequate and appropriate screening shall be provided around the parking area and the new building. As a matter of information landscaping plans shall be submitted to this Board when completed. It was noted that the plat showed approx. 150 parking spaces. The painting and screening of the building shall be done as outlined by Mr. Lytton Gibson in his presentation of this case.

Seconded, Mr. Everest. Carried. All present voted yes.

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New case:

Marguerite Schumann, to permit erection and operation of a private school, on north side of Braddock Road, approximately 400 feet west of Wakefield Chapel Road, Falls Church District. (R-12.5).

Mr. Hansbarger represented the applicant. The applicant asked for not more than 150 children. The building will be a dwelling-type structure with a maximum of ten rooms. They will dedicate 150 ft. from the centerline of Braddock Road for widening purposes.

Mr. Hansbarger said that since Fairfax County has no regulations regarding area-per-child, etc. they will follow the Falls Church space requirements.

Mr. E. Smith said he knew Mrs. Schumann to be very well qualified in this and he did not think this use would have a detrimental affect upon the orderly development of the area especially since this is to be a building very like a home.

No one from the area objected.

Mr. E. Smith moved that Mrs. Marguerite Schumann be permitted to erect and operate etc. . . . and that the applicant shall have no more than 150 children in the school and with the provision that all requirements of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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New cases continued

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4- William P. Ames, to permit dwelling to be 22.9 feet from rear property line, Lot 16, Section 1, Westburg Heights, Dranesville District. (R-12.5).

Mr. Lewis said a building permit had been issued for this house on October 13, 1960, footing inspection the same day. He showed a photostatic copy of the permit. Mr. Dan Smith asked that a copy of the building permit be made a part of these records.

The permit was issued to Roy Hink..

Mr. E. Smith noted that there is no objection to this from adjoining property owners and it is obvious because of the peculiar location of the lot lines that there is an adequate amount of open space between the existing house and the granting of this request would not have a detrimental affect on adjoining property owners. Obviously he continued an error was made and there is a section in the Ordinance that deals with these mistakes.

There are many circumstances surrounding this case, many having nothing to do with normal zoning considerations Mr. E. Smith said and this has been a hardship for adjoining property owners because the building has been unused and unoccupied. The variance is small and the lot has an irregular shape and unusual features and to grant this variance and allow the improvements to remain and be 22.9 feet from the rear property line would not hurt anyone and in fact would be a benefit. Therefore, Mr. Smith moved to grant the request. Seconded, Mr. Everest.

Mr. Dan Smith said he considered this a most unusual case, he recalled nothing like it before on this Board. He thought it entirely right to allow the building to be completed and occupied. Motion carried unanimously.

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The meeting adjourned.

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

Date June 11, 1963

May 21, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, May 21, 1963 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with four members present, Mr. Eugene Smith being absent. Mrs. L. J. Henderson, Chairman, presided.

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The meeting was opened with a prayer by Dan Smith.

New cases:

- 1- R. B. Connelly, to permit an addition to dwelling 28 feet from Weaver Avenue, Lot 80, Section 3, McLean Manor, (N. E. corner of Laughlin and Weaver Avenue), Dranesville District. (R-12.5).

Mr. Smoot represented the applicant. Mr. Smoot described the topography of the lot showing the slope to be such that necessitated setting the house well back from the street. In doing so it has created an unusually satisfactory site distance at the intersection of Laughlin St. and Weaver Avenue. Even with the addition, Mr. Smoot said, the site distance would be better than had the house been set at the required setback. Even had the house been built all at one time Mr. Smoot said a variance would have been required because of the difference in elevation from front to rear. The situation would be worse if the addition were on the other side. Mr. Smoot argued that he was asking only for a reasonable use of the lot, a lot which is difficult to develop because of the slope in two directions. The house is well placed on the lot to take advantage of a very fine view from the terrace. The addition would not be objectionable to anyone, it would add to the attractiveness of the neighborhood. Mr. Smoot also noted that Weaver Avenue makes a concave curve at this point and any difference in setback would not be noticeable. The people who own the house have been here since 1962, they bought with the idea of putting on this addition.

Mrs. Henderson suggested putting the addition in the front, it would allow 13 ft. and still meet the setback, but Mr. Smoot said that would affect the site distance, he described the lay of the ground, noting that the house sets on a plateau, the ground sloping away in all directions. There is a difference of 22 ft. in elevation. Where they have planned the addition they could dig into the hill and it would tie in well with the existing house. If it were put any other place, it would set out of the ground and would look like a three-story building which would not be in keeping with this style house. They could continue the same roof line on the planned addition and it would appear an integral part of the dwelling.

There were no objections from the area. The Chairman said she had three letters from neighbors saying they had no objection to this addition.

In view of the unusual topography Mr. Dan Smith moved to defer the case, to see the property, the streets, and the surrounding area. Defer to June 11, 1963. Seconded, Mr. Frank Everest. Carried unanimously.

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- 2- John L. Maher, to permit erection of carport 9.4 feet from side property line, Lot 10, Block 18, Section 14A, Stratford Landing, (912 Bradgate Road), Mt. Vernon District. (R-12.5).

Mr. Maher said he wished to build his carport over the existing slab which is on the side of his house at the end of the driveway. There are steps leading to the slab from his side door. He has 23.4 ft. to the side line and he asked for a 14 ft. carport. This would require a 3 ft. variance. Few houses in this new part of the subdivision have carports, many of the older ones do have.

Asked what distinguished his lot from many others that might want a similar variance, Mr. Maher said, nothing actually, but this is the only place he could have a carport, there is not room in the back and the opposite side slopes off with a 5 or 6 ft. drop.

Mr. Maher said they contracted for a carport when he bought the house but the builder placed the house so it would not leave room. There are three feet on the other side which he could have used for the carport had the house been farther toward that property line. Because of the error the contractor refunded the money he had paid for the carport.

Mrs. Henderson suggested narrowing the carport. Mr. Maher said the 14 ft. allowed for the 4 ft. between the slab and the house where he has the steps. The carport would actually go over the existing 10 ft. slab, with the roof covering the 4 ft. between the house and the carport.

May 21, 1963

New cases - continued

Mrs. Henderson suggested bringing the carport 5 ft. toward the front just in front of the steps and attaching it to the house. The steps could come out at the rear of the carport.

Mr. Maher said that would detract from the looks of the house and he would have to build up the driveway to come into carport as there is a drop along the side of the driveway. Mrs. Henderson noted also that Mr. Maher could have a 3 ft. overhang.

Mr. Smith said he realized that this man could have a carport without a variance had the house been placed properly on the lot, but he noted also that there are other ways this could be worked out within the regulations.

No one from the area objected.

In the application of John L. Maher, etc. . . Mr. Smith moved that the application be denied as there has been no hardship shown. While the house was originally located in error, yet there is sufficient space available for a carport which would be usable. Seconded, Mr. T. Barnes. Carried unanimously.

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- 3- Charles Brocato, to permit erection of a barn closer to side property lines than allowed by the Ordinance, Lot 2, Brittain Subdivision, on Crowell Road, Route 675, Centreville District. (RE-2).

Because of the shape of the lot Mr. Brocato said he could not locate the barn 100 ft. from all property lines as required. He has more than 2 acres. There are five other lots in this area, all large lots and the balance of the area is farm land. He cannot move the barn closer to the house because the drain field is there. He located his drain field. They bought here especially to have horses, knowing they would need 2 acres, then found they could not locate the barn to meet the setbacks.

Mr. Dan Smith recalled that this area was re-subdivided especially so these people could have horses, but they did not subdivide the land well. This is expensive land, Mr. Smith continued, which lends itself well to keeping horses and it was so intended when they subdivided. But they slipped up on the actual division of the lots.

Mrs. Henderson was concerned about the other half dozen or so people who would probably ask the same variance. It appeared to her that the lots were laid out entirely wrong if the intention was to keep horses. Mr. Brocato said many would not have to ask for a variance, not all the lots were divided like this.

Mr. Barnes thought it not fair that people should put their money into land which they thought usable for horses and were probably not told they would have to have the 100 ft. setback.

Mr. Smith suggested that if the Board had many similar requests for variances some thought might be given to changing the Ordinance.

Mrs. Henderson agreed. She noted in this case that this is a very rural area and a suitable place for horses.

Mr. Dan Smith noted that this is an unusual situation. The two acre requirement has been met but due to the unusual shape of the lot it is impossible for the applicant to construct a stable on the property without a variance. The applicant says he will have only two horses and feed for them, for his own pleasure and for his family and for no other reason. This is a rural area and well adapted to this type of living. This is a minimum variance that would afford the applicant relief so he can use his land as it was intended. He moved to grant the application as requested. Seconded, Mr. T. Barnes. Carried unanimously.

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- 4- 7 Corners Medical Building, Inc., to allow building to be erected to a height of 45 feet and 4 stories, on west side of Sleepy Hollow Road, 400 feet south of Leesburg Pike, Falls Church District. (C. G.).

Mr. Harris represented the applicant. Mr. Harris pointed out that a structure such as they plan would harmonize very well with the other two similar buildings in the area. It will be colonial in design. This is a needed facility in the area, he said, a real service to Doctors.

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New cases - continued

Mrs. Henderson asked why four stories? She suggested waiting for the new C-OH category. Mr. Harris said they need the extra story and wish to go ahead without waiting for the new category which could be a long time off. He recalled the parking variance that was granted on this ground some time ago. He noted that this is the ground that Mr. Eakin had straightened out several months ago by the Board of Supervisors and sufficient parking was allowed by the Board of Supervisors.

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Mr. Lenders, Architect, said the use permit for parking was granted on a proposed six story building. When they cut the building down the surveyor saw that this land was not all zoned C-O, as they thought. They discovered then that some of the property was C-G. They want that area to be developed in conformity with the C-O zone.

Mrs. Henderson said that was a matter for the Board of Supervisors, not the Board of Zoning Appeals. She pointed out that the land is too small for the building proposed. Therefore, they want the C-G to be used as C-O so they can put up this type building. That way the applicant has all the advantages of both C-G and C-O zoning. She suggested that the applicant wait and get his entire tract zoned C-OH.

Mr. Harris said they would like to have a drugstore here, so they could serve quick lunches for people who work in the building and immediate area. Mrs. Henderson said they could do that if they kept the building to three stories.

No one from the area objected.

In the application of 7 Corners Medical building etc. . . Mr. Dan Smith moved that the application be denied as there has been no stated reason that this Board could consider, which would justify granting this request. The applicant is asking a variance under a situation in which this Board has no jurisdiction to increase the building to this size. Seconded, Mr. T. Barnes. Carried unanimously.

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- 5- Naisbitt, Ingersoll and Montgomery Wards, to permit elimination of screening and planting along adjoining residential property lines due to topography conditions, on north side of Arlington Boulevard, approximately 900 feet east of Patrick Henry Drive, Mason District. (C.D.).

Mr. Naisbitt said this request is made under Section 30-8 (6) which permits the Board to grant this variance under certain conditions. The reason for this request is the nature of the topography, Mr. Naisbitt pointed out. The ground is very steep at the Arlington County line and if a fence were erected 15 ft. inside the commercial property line the top of the fence would be below the natural level of the ground in Arlington County. He showed by diagrams how the screening would affect the adjoining property at a 15 ft. setback. Mr. Naisbitt said he considered this a typical case where topography justifies a variation in the screening requirements. To set the screening on the line would also allow for better maintenance and for greater safety to adjoining property. As he has planned the screening, Mr. Naisbitt said, the fence would be at the top of the slope on the property line. It would be a 6 ft. fence made of cedar mill stakes with the more attractive side toward the residential property. They would landscape inside the fence on the slope, leaving it up to the County soil scientist to say what would make the best planting. They would probably put in 6 ft. trees where the topography permits.

Opposition: Mr. Samuel Zetland said he owns land directly adjacent to this property. He presented a letter signed by the President of Boulevard Manor Citizens Association opposing this variance stating that they did not consider that the decline in topography is great enough to warrant moving the fence to the property line. They prefer that the original screening requirements be met. They also consider that the screening as proposed by Mr. Naisbitt would depreciate their property.

Mr. Zetland said their lots back up to the line and the houses are close. They also want the screening to continue the setback required on the Falls Church Medical Center rather than make a jog to the rear property line. Mr. Zetland discussed at length the amount of the slope here, which he considered negligible.

Mr. Naisbitt said his own home adjoins this tract and he prefers to have the fence on the line.

Mr. Naisbitt said he had discussed this with the owner and developer of several lots along the line and he thought saleability of his lots would probably be better if the fence were placed on the line as it would provide greater privacy.

A letter was read from the Arlington County Board concurring in the objections forwarded by the Boulevard Manor Citizens Association.

New cases - continued

Asked his opinion of this screening, Mr. Chilton said it was really a matter of choice, he did not think it would create a problem if the screening were on the line or back 15 ft.

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Mr. Dan Smith suggested that the rear of the property could be kept clean more easily if the fence was placed on the ridge and he noted it appears that there is some drop-off although the amount of the drop seems to be in dispute. It appears, Mr. Smith continued, that some of the people want this screening back 15 ft. and the others think on the line is better. It may be well to keep the 15 ft. setback here along Boulevard Manor and on the other areas that abut residential property and where the owners including Mr. Naisbitt's property do not object to allow the screening on the line. This would satisfy those most affected and probably could be done without too much difficulty.

Mrs. Henderson suggested that since the Ordinance does not specify that the setback must be 15 ft. the fencing could be put back a distance which would work in well with the type trees decided upon by the soil scientist and the creation of the planting as suggested by the soil scientist. The planting should be placed not necessarily immediately on the line but wherever is the best location to get good growth, that, she said might be a compromise between the developer and the people. This could be a continuation of the medical center screening.

Mrs. Henderson noted that this application is not "to permit elimination of the screening" but merely to move the screening. Mr. Naisbitt agreed to amend the application in accordance with this.

In the application of Naisbitt, etc. (as amended) Mr. Dan Smith moved that the application be approved in part, that on the area adjoining or connected with the Medical Center the screening and fencing be so placed so it will go with and be continuous with the screening and fencing of the Medical Center property and that the fence not be closer to the property line than 10 ft. That the planting and screening along the outside of the fence along this area shall be provided like that on the Medical Center property.

On that part of this property which now adjoins property owned by Mr. Naisbitt, the fence may be erected on the property line and elimination of the outside planting shall be permitted. All other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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6- A. A. Mizell, to permit dwellings to be built closer to property lines than allowed by the Ordinance, Lots 22 and 23, Block 11; Lot 20, Block 13; Lot 1, Block 14; Lots 18, 19 and 27, Block 14; Lots 10 and 11, Block 6, Mt. Vernon Hills Subdivision, Mt. Vernon District. (R-17).

Mr. Mizell told the Board that he considered this a super-hardship case. This is a very old subdivision (recorded in 1934) many of these lot owners have held their property for 30 years and now they wish to build and find they do not have enough ground to meet the requirements and they are unable to buy additional land, either because the adjoining owner does not wish to sell or cannot be reached or because the lots are built upon. These people are asking the help of the Board in placing a house on their property.

On Lot 20, the owner wants a small retirement home. It was suggested that this man buy Lot 19, but with the setbacks from two streets he still has a problem. He cannot buy Lot 21 as there is a house on that. He therefore asked this variance with the understanding that he will buy lot 19 if that is possible. If he buys Lot 19 he would have a 41 ft. setback which would not meet the requirements but it would be better than building on only Lot 20. (It was noted that the owner of Lot 19 cannot use that lot under any circumstances.)

Mr. Dan Smith moved to defer Lot 20 to see if the owner of Lot 20, Block 13 can purchase Lot 19 and come in with a detailed plat of both Lots 19 and 20. Seconded, Mr. T. Barnes. Carried unanimously.

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Lots 18, 19, 27, Block 14. No land is available, Mr. Mizell said, houses are built on both sides.

Mr. Mizell said he would build <sup>DNE</sup> ~~these~~ <sup>on these these lots</sup> houses if the variances are granted and will do so within the year.

It was noted that this could be built upon with only the front variance. The rear property owners will not sell.

May 21, 1963

New cases - continued

Lots 10 and 11, Block 6. These people applied for a permit in 1952 but before they could get started there was death in the family and the house was never built. They then approached the owner of Lot 11 and now have that lot also. They cannot buy Lot 9.

Asked if he was building these houses for the owners to live in Mr. Mizell said he understood that they want to occupy the houses themselves. He has tried to combine lots in this but they are all individual owners and he has been unable to do that.

Lot 1, Block 14. This is one lot facing these streets and no additional land is available, Mr. Mizell said. The people next door on Lot 2 have some interest in this, he continued, they do not want a house on Lot 1, they want the ground left vacant. Mr. Mizell said he had suggested that they buy Lot 1 but the two owners have not arrived at an equitable price.

There are probably many lots in this subdivision in a similar situation, Mr. D. Smith said, something should be done about it, but it presents a problem.

Mr. Mizell said the owners are all scattered, they pay the taxes and don't want to sell.

Opposition: Mr. C. W. Gleason, who lives across from Lots 18, 19, 20, presented a petition signed by 45 people opposing this variance, saying the existing homes are located within restrictions and they consider these variances an inequity because they would bring houses of lower quality, buildings would be too close to the present homes, and to grant these variances would establish a precedent for other vacant lots and ultimately lowering the standard of the entire community.

Mrs. Henderson asked then what is the solution for these small lots?

Mr. Gleason answered combining lots. He wanted to see houses in the \$22,000 to \$25,000 class on these lots.

Mr. Henry Brand, owner of Lots 2 and 3 behind Lot 1, objected saying this is too much variance. He wanted to buy Lot 1 but the owner asked too much. He objected to all the variances.

Mrs. Kees presented an opposing petition. She owns Lot 20, adjoining Lots 19, 18, 27. If these lots are built upon the house would be 10 ft. from her line and too near the street. She objected to this breakdown in the neighborhood.

Mrs. Edith Manner noted that many lots in Block 10 are 1/2 acre. She asked the County to abide by its own restrictions. She pointed out a drainage problem in this area, and poor percolation. She described Maryland Avenue as narrow and poorly kept up. If the roads are widened the lots would be cut back even more. (The plat showed Maryland Avenue to have a 50 ft. right of way.)

Mrs. Manner said these houses were being built to sell as a means of bailing out those people who have only one lot. The need a school and park area here. There is a problem here which Mrs. Manner said the people themselves should get together and solve.

Commander Murray Comb asked the County to help upgrade the neighborhood.

Mr. Morales objected.

Mrs. McDaniel, owner of Lots 25 & 26, Block 14 and Lot 8 in the same block as 11-17, said she recalled how these lots were given away as an advertising gimmick with many promises which were never fulfilled. She described in detail what she claimed to be a hoax on the people who bought here and the advantage to the Goodman family.

Mr. Mizell corrected or refuted some of the statements made by the objectors and discussed the prices of these lots. He said he would build \$24,000 to \$26,000 houses. He has been to county officials (Capt. Porter and Mr. Massey, zoning, etc.) and he has the assurance of their help in installing water or sewer, and paving and drainage at the cost of the County or State. He said there was no question but what the area would be upgraded. This was a bad deal at one time, Mr. Mizell agreed but now with the approval of the Board of Supervisors for improvements he was sure many very bad conditions verging on slums could be corrected.

Mr. Everest moved to defer the case for decision only to June 11 until the balance of the Board can study this and the Board can view the area. Seconded, Mr. Dan Smith. Carried unanimously.

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May 21, 1963

New cases - continued

- 7- Belle View Section 3, Inc., to permit erection of a building to be used as a nursery school, portion of Block 8, Section 3, Belle View (Belle View Apartments), Mt. Vernon District. (RM-2).

Mr. George Landrith and Mrs. Chesley appeared before the Board, Mr. Landrith, owner of the property, and Mrs. Chesley who will run the school. Mr. Landrith said there has long been a demand in this area for a nursery school and now since River Towers is about 2/3 occupied the demand has greatly increased. They plan to have no more than 50 children, hours 9 to 6, 12 months in the year. It will be a day care school. They will use the apartment parking lot for parking, parents will bring the children, most of whom will come from the development. They will provide no transportation. Children will be from 2 to 5 years old. This school will be another building on the apartment grounds. Permit for the school will be in the name of Belle View.

No one from the area objected.

In the application of Belle View, etc., Mr. Dan Smith moved that the application be approved as applied for and in accordance with plats submitted with the case which shows the building, the shopping center, and apartments. This is also granted in conformity with the building design as submitted. This is granted for the operation of a nursery school which permit will be in the name of Belle View. The maximum number of children permitted shall be 50. All other provisions of the ordinance shall be met.

Seconded, Mr. T. Barnes. Carried unanimously.

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- 8- Mrs. Douglas Hatch, to permit renewal of use permit for day camp and riding school and to permit operation of a nursery school, south side of Route 652 opposite entrance of Meadowbrook Drive, Falls Church District. (RE-1).

Mrs. Hatch pointed out that she was asking this addition to her present day camp and riding school permit. This will be a nursery school for children from the ages of 3 to 6. The operation will take place in her home. She will use the Montessori method of working with these young children, Mrs. Hatch said; this is an elaborate system, it takes very skilled people to carry out the method, it is practically individual care, progress is not cramped by classes. Mrs. Hatch said this was something of an experiment, she considered this to be a pilot project. It is a very progressive way of teaching, she went on to say and could make a valuable contribution to this area. This will be a four hour session, 5 days a week for 9 months. It will be purely educational. She may, later on, run two sessions. Mrs. Hatch said she hoped to get a woman from Whitby School in Connecticut to teach. She would probably have no more than 40 at present. There are 1100 sq. ft. of area on the first floor of her house which they will use.

Mr. Woodson said there had been no complaints on the operation of this permit.

Mrs. Henderson noted that approval of the Fire Marshall and Health Department is necessary. It was noted also that this is a separate permit from the one now in operation.

No one from the area objected.

In the application of Mrs. Douglas Hatch, etc. . . Mr. Dan Smith moved that the application for renewal of the use permit for a day camp and riding school be extended for a period of three years. The record of this operation has been excellent according to reports received. Mr. Smith continued that this is a rural area and well suited to this kind of activity. This is granted to May 14, 1966. Seconded, Mr. T. Barnes, carried unanimously.

With regard to the nursery school, Mr. Smith stated, on the application of Mrs. Douglas Hatch to permit operation of a nursery school with a maximum number of 40 children located on the south side of Route 652 opposite entrance of Meadowbrook Drive, Mr. Smith moved that the application be approved as applied for, that the applicant be allowed the use of the present dwelling with permission of all state and local authorities that have jurisdiction over this operation. This is granted to the applicant only, and all other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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New cases - continued

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- 9- William Lowe, to permit operation of a beauty shop in home, Lot 48R, Section 1, Rolf Heights, (7022 Gallows Road), Falls Church District. (R-12.5).

Mr. J. Grant Wright represented the applicant. Mr. Wright showed pictures of the house to be used for the beauty parlor and the immediate area. Mrs. Lowe will live in the house, she will operate in the basement only one chair, she will have no employees and will have no form of advertising only her name for location. She is now working three days a week, in Springfield. Mr. Wright pointed out the Doctor's offices and the A&P parking lot near this property which he said create a much more intense use than this shop. She can provide three parking spaces in the rear of the dwelling. The basement has a rear entrance. There is shrubbery around the yard, Mr. Wright noted, and Mrs. Lowe would probably never have more than two cars here at a time. The activity would be little noticed.

Approximately 15 people were present in opposition.

Mrs. Cameron, the immediate neighbor read a letter from Broyhill Crest Citizens Association opposing this use. They object to additional traffic and commercialization of a rural neighborhood, this could be a wedge which would expand, and it would devaluate property values. They objected to black-topping the back yard for parking, and possible parking on Gallows Road.

Mr. Dan Smith pointed out that this is not a rezoning, that it is considered a home occupation which is permitted in a residential area, under restrictions. He noted that an applicant could have one small sign. He thought the additional traffic from this operation quite negligible. He noted, however, that the road did need widening.

Mrs. Cameron stressed the fact that others would follow this precedent if this is granted.

Mr. Woods living next door termed this a commercial venture <sup>AFTER</sup> Mrs. Cameron spoke.

Mr. Rodes represented himself and others objecting for reasons stated. Also Mr. Underwood, three houses away, objected to anything that might be an opening wedge for commercialization of this rural area.

Mr. Wright stated in rebuttal that the Ordinance requires that the applicant furnish off-street parking which she will do. He suggested that one means of stopping zoning actions and thereby creeping commercialism is by granting use permits which allow a very limited business use which would create a buffer against further encroachment by business zoning. Nothing will be done here on this property that would create even a semi-commercial atmosphere.

Mrs. Henderson pointed out that this shop apparently will not be patronized by people in the immediate area, it would not appear to be a community need. Some home shops are in an area far from services and the Board has observed in several instances the neighborhood suggested a use of this kind, and there was a real justification for it, but in this case, Mrs. Lowe has a clientele coming from other places, there are beauty shops near in areas where the operator pays rent in a commercial area and keeps up a big overhead. This shop would have something of an unfair advantage. She did not consider this in harmony with 30-126 (c).

Mr. T. Barnes said he felt that the application of William Lowe, etc. . . did not meet the standards set up in 30-126. <sup>HE MOVED TO DRAW THE APPLICATION BECAUSE</sup> It appears that the people in the neighborhood do not want this service and a shopping center is very near this area where there are many beauty parlors. These people are in commercial zoning and pay commercial prices. It would not appear fair to have this shop running in competition. Seconded, Mr. Everest. Carried unanimously.

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Deferred cases:

- 1- (Sunoco) Sun Oil Company, to permit erection of pump islands 25 feet from right of way line of Route 7, Lots 2 and 4, Rocks Springs Subdivision, Mason District. (C.G.).

The case was withdrawn by the applicant, Mr. Woodson said. Mr. Smith moved that the case be withdrawn, at the request of the applicant. Seconded, Mr. T. Barnes. Carried unanimously.

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May 21, 1963

Deferred cases - continued

2- Robert Sprinkel, (Old Virginia City).

Mr. Hazel representing Mr. Sprinkel, presented a letter showing the names of those now operating this business:

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

May 21, 1963

Dear Mrs. Henderson:

This is to advise that the property located on the north side of Routes 29-211 formerly known as Old Virginia City, Inc., on which a permit has been issued to and is presently outstanding in the name of Robert B. Sprinkel, is now being operated by Mr. Sprinkel through Western Amusements, Inc., a stock company owned by Robert B. Sprinkel, Neil M. Johnson and W. D. Faircloth.

At this time, no further changes in the ownership or operating responsibilities are anticipated; accordingly, as I understand the Board's wishes the use permit is to be enlarged to include Messrs. Johnson and Faircloth together with Mr. Sprinkel in order to specify the responsibilities and obligations thereunder.

Your cooperation has been much appreciated.

Very cordially,

/s/John T. Hazel, Jr."

Mr. Hazel said this permit should now be in the name of "Western Amusements, Inc." trading as "Virginia City Frontier Town."

Mr. Dan Smith pointed out that this actually goes back to the original old permit issued to Robert Sprinkel. However, the business is now being operated by the Board of Directors shown in the letter above.

Mr. Hazel said they have been operating weekends as allowed by the Board and have had no complaints. They have eliminated the things not covered in their permit, Mr. Sprinkel said.

Mr. Smith pointed out that there will be only one occupancy permit to cover the entire operation. This will include the total operation and the Corporation through its Directors and their agents are responsible for whatever goes on here. The applicants have a good sized piece of C-N zoning, Mr. Smith noted, where they could sell the things they are not permitted to sell under the use permit. There shall be no expansion of this operation without permission from this Board, Mr. Smith said.

Mr. Hazel asked what the Board meant by "expansion." Mr. Smith said the original list made by Mr. Sprinkel and accepted by this Board (list dated June 8, 1961) is still in effect, and quoted as follows:

"Board of Zoning Appeals  
County of Fairfax  
Fairfax, Virginia

Gentlemen:

The following information is furnished, as requested by your office.

Old Virginia City is constructed as if it were an "old west" town. A stockade-type fence, made of slab lumber on which the tree bark remains, closes the town from immediate access by the public. An entrance fee will be charged at the entrance gates: upon payment visitors then may enter Old Virginia City and enjoy the entertainment, amusements, rides and educational features to be provided there, as well as partake of soft drinks and snack-bar items. A list of the various activities and exhibits planned for Old Virginia City is shown below:

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<u>Activity</u>	<u>Function</u>
Main entrance building	Office of Old Virginia City & Ticket Sales
Western Store or General Store	Display and sale of western clothes
Trading Post	Display and sale of indian craft, souvenirs
Candy Store	Display and sale of 1¢ candies, and boxed candy and ice cream.
Gun Shop	Display and sale of guns. No ammunition.
Shooting Gallery	Self explanatory
Picture Gallery	Photographing of visitors and sale of picture.
Snack Bar	Sale of "snack bar" items; cold drinks, coffee, hot dogs, and related light fare.
"Saloon" Hotel	Entertainment, soft drinks.
Livery Stable	Exhibit, and functional.
Saddle Shop	Display of saddle and other leather goods.
Print Shop	Display, and sale of "Old Virginia City Newspaper"
Railroad Station	Depot for steam train ride on premises. The train is a park-sized narrow gauge item.
Stage Coach	Ride visitors in a real Stage Coach
Chuck Wagon	Ride visitors in a Chuch Wagon
Other type wagons or buggys	Ride visitors in horse drawn vehicles
Bank, Post Office, Church	Exhibits, Realism and educational in nature.
Blacksmith Shop, Red School House	Exhibits. Realism. Educational.
Dentist and Barber Shop	Exhibits. Realism, Educational and functional.
Jail House. Laundry.	Exhibits, Realism. Educational and functional.
Pony Rides, Horse Rides	Self explanatory.
Steam train and cars rides	Self explanatory.
Wells Fargo Office	Exhibit. Sell tickets for certain rides.

Sincerely,

/s/ Robert B. Sprinkle"

Any change from this letter, Mr. Smith said, should be approved by this Board before the change is made.

The Board discussed this further. Mr. Sprinkel said a man wanted to put in four kiddy rides, air plane rides and little autos.

Mr. Smith said the Board must have specifics on these additions, they must know exactly what is going on ahead of time.

Mr. Hazel suggested filing a photograph and plan of what the facility is and a picture.

Mr. Smith said the Board must know what these kiddy rides are first. In case of an expansion application should be made to extend the use permit and pictures must be submitted before the rides are installed and operated. If the equipment is available and if Mr. Sprinkel knows where it can be seen the Board would like to see it.

Mr. Sprinkel said he may have archery also.

Mr. Smith said that is an addition to the operation, an entirely different sport.

Mrs. Henderson suggested coming back June 11 with their full plans and pictures for the Board to see. She cautioned Mr. Sprinkel not to install these things first. Mr. Hazel asked if a permanent permit could be given under the new ownership, for the things listed in the June 8, 1961 letter and for these people to come in on June 11 with the additional items.

Mr. Smith said a permit probably could be given for one year on these items listed, first the Board should suspend the revocation and amend the original permit that was granted to Mr. Sprinkel to include the three Directors and the Corporation for one year and they would come in for renewal at the end of the year.

This motion pertains to the application for the use permit which was granted to Robert Sprinkel in conformity with a letter from Mr. Sprinkel, dated June 8, 1961, of which both the Board and

Deferred cases - continued

Mr. Hazel have copies, detailing the activities which will be permitted under this use permit. This letter itemizes the complete activities and functions of "Old Virginia City " which is now operating under the trade name of "Virginia City, Frontier Town" The Corporation which now operates this facility is "Western Amusements, Inc." a stock Company, the three directors being Robert Sprinkel, Neil M. Johnson, and W. D. Faircloth.

This permit is now hereby amended to include all of the aforementioned people and this permit is issued to these people and to them only and the permit is not transferable without permission of this Board.

This permit provides for one occupancy permit for the entire operation which shall be continuing as agreed upon in the original permit; that any expansion or additions to the operation shall be brought to this Board for approval, prior to installation or operation in the park. All other provisions of the Ordinance shall be met.

This is granted for a period of one year from this day. The provisions of the aforementioned letter of June 8, 1961 shall be adhered to. The three Directors named above shall be solely responsible for this operation.

Seconded, Mr. T. Barnes. Carried unanimously.

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3- A. L. Cermele, to permit an addition to nursery school, (four classrooms, 60 children), property at 6918 Lincoln Road, Mason District. (RE-0.5). (Decision Only.)

This was deferred to view the property. Mr. Armele said 140 children at any one time would be satisfactory to him.

Mr. Dan Smith moved that the application of A. L. Cermele to permit etc . . . be approved to include four additional class rooms and with a maximum number of children to be 140 at any one time and there are two sessions per day in the operation of the school.

The proposed addition to the school and classrooms shall be constructed as shown on plat plan, certified by Merlin McLaughlin, dated May 7, 1963. The applicant states that he needs this room for expansion and to better facilitate the class room arrangements.

Mr. Woodson reports that there are no complaints against this school. This is granted to the applicant only and all other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes. Carried unanimously.

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The Board again discussed Mizell. They asked for a layout of the permits Mr. Mizell has already gotten, and to see what setbacks have been used, also to find out the flight of way of Maryland Avenue and other streets. The Board asked to see the subdivision plat.

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Policy: Problem - RM-2 zone wanting to park in C-DM zone which is adjoining and owned by owner of the RM-2 zone. The Board was of the opinion that this is all right for parking only.

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Mrs. Henderson read a letter from Mr. Harsbarger re Sorber.

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The meeting adjourned.

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

June 25, 1963  
Date

June 11, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, June 11, 1963 at 10:00 a.m., (Meeting adjourned to Conference Room. No recording.) with all members present, Mrs. L. J. Henderson, Chairman, presiding.

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

New cases:

- 1- Paul W. Long, to permit erection of an addition to dwelling 3.9 feet from side property line, Lot 17, Section 1, Springfield Forest, (5402 Franconia Road), Lee District. (R-17).

The applicant said he had bought this house because it was the only thing he could find near Belvoir and within his income. The house is lacking in many things particularly a place for storage. He wishes to put on this addition for that purpose. Being in the service he has a great many things to store during his tour here, things which are not in use, especially his foot lockers and steamer trunks. They are both big and take up a great deal of room. He cannot put this addition in any other place. He wants to leave the big tree in back. The west end of the house is the only practical place. He did not know of the zoning regulations and started construction. He stopped, however, as soon as he was advised that he was in violation. The living room and dining room are on one side and he did not wish to have a storage room attached to those rooms, also the drainage is too near that side. The neighbor's lot on this side is low and swampy and no structure could be put closer to the line on their property. The ground tapers off very badly. That neighboring house is a considerable distance from the line.

There is a large oak tree immediately back of the room he presently uses for storage, it is very close to the building.

Mr. Dan Smith suggested cutting down the proposed addition.

This is a serious break down of the Ordinance, Mr. E. Smith said, this would be using up all of the side yard. There is room to build at the rear, and remove the tree. There are many of the same kind of houses in this area without basements, Mr. Smith continued. They may not have basements or enough storage space, but this is the type house that has been built on these lots and these houses have been sold at increased prices. Failure to allow these additions has not hurt the property. There is some slope to the property, Mr. Smith agreed, but not enough to present a major difficulty. He thought the Board had no justification to grant such a big variance.

Mrs. Henderson suggested extending the carport out to the end of the house. The applicant said he could not do that because the gable over the carport could not be extended and it would cut off the main entrance to the house. The entrance is on this side and he would have to tear the whole roof off the front end.

Mrs. Henderson suggested an opening through the flower planter.

That would be too much change, the applicant answered, he has a concrete driveway coming into the carport.

Mrs. Henderson suggested flagstones to the front door from the driveway, and a flat roof for the carport. Mrs. Henderson noted that there is an alternate location for the storage room.

The applicant said he had considered turning his carport into a storage room but there are two bedroom windows opening there that would be closed off and fumes from the car would get into the house.

Mr. Barnes suggested a little storage shed detached on the rear of the property, two or four feet from the property line. The applicant objected to cutting down trees for this and also said it was low on that part of the lot, water stands at times.

No one from the area objected.

Mr. E. Smith moved that the application of Paul W. Long, to permit etc. . . be denied because no hardship has been proven and the application does not meet the requirements of Section 30-36 of the Ordinance relative to variances. Seconded, Mr. Frank Everest. Carried unanimously.

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June 11, 1963

New cases - continued

- 2- Warren Coffey and Elvena Coffey, to permit operation of a beauty shop in home, Lot 28, Section 2, Westchester, (224 Okla Drive), Providence District. (RE-1).

Mr. Roy Swayze represented the applicant. Mr. Swayze said they had contacted all the people on this street and all signed approving this except two, one was away and the other didn't care to sign-- anything.

This is a one story brick house, Mr. Swayze said, with a utility room. Mrs. Coffey would like to convert the utility room to the beauty shop. He showed a layout of the plans. This would be a one chair operation and Mrs. Coffey would be the only operator. The driveway comes in on the west, Mr. Swayze pointed out, but this is not adequate so they have prepared a driveway for four cars behind the house coming in from Okra Drive. This whole operation will be carried on from the rear. The Health Department has okayed this use and Mr. Swayze said no one thought it would hurt the neighborhood. They have complied with all conditions of the Ordinance, the lot is large. Mrs. Coffey would operate Monday through Friday, and would have some appointments at night.

There were 14 names on the petition and no objections.

Mrs. Coffey said she had lived here for over a year. She would have no assistants. She is asking this in order that she can be home more with her 12 year old daughter, Mrs. Coffey told the Board. The neighbors want this small shop here and have urged her to go ahead with the permit.

Since this meets the requirements of a home occupation, Mr. E. Smith moved that the application of Warren and Elvina Coffey to permit operation of etc. . . be approved; that the operation be limited to a one-chair shop with the understanding that the owner of the property, Mrs. Coffey, will be the operator and that there shall be no outside employees and this permit is granted to the applicant only. All other provisions of the Ordinance shall be met, including site plan approval. Seconded, Mr. T. Barnes. Carried unanimously.

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- 3- Edward L. Lee, to permit operation of an auto sales lot, on east side of Backlick Road, approximately 700 feet north of Calamo Street, Mason District. (C.G.).

Mr. Bruce Brock represented the applicant, Mr. Lee, who was present also. Mr. Brock said this is a new car dealer--Volkswagon and an auto sales lot.

The Volkswagon buildings are all designed by the Volkswagon people, Mr. Brock said, with very little variation. They need the variance on the rear setback. It has been difficult to meet the 50 ft. setback required, when the building adjoins residential property. However, this affects only the Barber property which will be taken by the State Highway Department. This will be a sales and repair operation.

Mr. Brock said the cut off which the highway department will put in will take practically all of the Barber property which now fronts on Franconia Road. There will be no access to the balance of the Barber property, which abuts the Lee property.

Mr. Dan Smith pointed out that the application does not include a repair garage and the variance. Mr. Lee said he did not know of the 50' setback requirement for a repair garage. The Volkswagon changed this building to fit this property but none of them were aware of the 50' setback requirement. He would like to amend his application to include the repair garage and the variance.

Mr. E. Smith questioned if the Board was in trouble over procedure. There is good reason to grant this, he continued, the residential land is not residential in character being now between C-G and Rt. 350. It takes on more the characteristics of business property. It has not been zoned for business because it has long been known that the Highway Department would use this property. There are many unusual circumstances here, Mr. Smith continued, but there was a question since the application does not ask for a repair garage nor does it ask for a variance. He asked if the application could be amended

It was stated that Mrs. Barber the adjoining property owner knows of this proposal, she lives on her property and has no objection. Mr. Lee said she had come before the Planning Commission and the Board of Supervisors in support of his application for zoning but was unable to be present today. She did not wish to rezone her own land. She has lived there for a long time and wishes to stay there until the State takes her land.

New cases - continued

Since Mrs. Barber is the only person affected and she does not object to this the chair ruled (and the members of the Board concurred) that the application might be amended.

Mr. E. Smith moved that the Board accept the applicant's request to amend the application to include a repair garage, the auto sales lot, and for a variance to permit the building to be constructed 25 ft. from the property line. Seconded, Mr. Frank Everest.

This is an unusual situation, Mr. Smith continued, the adjoining property owner has no objection and she has been properly notified of this procedure to be taken today. This small piece of residential property will be land locked by the State. (There were no objections from the area.) Carried unanimously.

It was noted that the canopy shown on the plans projected 3 ft. 6 inches from the building. The Ordinance allows a 3 ft. canopy to project into the setback area.

Mr. E. Smith recalled that this case was before the Planning Commission and the Board of Supervisors for a rezoning recently and was considered a highly desirable development. He thought the area would be benefited by the proposed plans. Mr. Smith moved that Edward L. Lee, etc. . . (application amended to include a repair garage and a request for a rear setback of 25 ft.) and because of the situation which has been discussed at length by this Board that the land to the rear zoned RE-1 is in an unusual situation in that it is bordered by commercial land and Rt. 350 and probably will be affected by the widening of the Shirley Highway and because the owner of this property has been notified of the intention of the applicant to build within 25 ft. of the property line and does not object and granting this would not have an adverse affect on the development of this area. The land zoned residential is not residential in character because of the situation. For these reasons Mr. Smith moved that the applicant be granted a variance to construct this building within 25 ft. of the rear property line as shown on plat prepared by Springfield Surveys dated May 23, 1963 which is made a part of the permanent file of the County in this matter. This plat is marked Exhibit A. Seconded, Mr. T. Barnes. Carried unanimously.

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- 4- Carlisle Boggess, to permit erection of a building closer to right of way line than allowed by the Ordinance, Parcel 1-A, Shirley Industrial Property. (I.G.).

Mr. Frank Everest disqualified himself to vote or participate in this case because of a personal interest.

Mr. Boggess said this building will be occupied by Melpar. All of these buildings are non-conforming, Mr. Boggess said, as they were built on this Shirley Industrial area before the roads were taken into the State Highway system. They were private roads at that time. This road is not a thoroughfare through the Shirley Industrial area. Mr. Boggess also noted that there is no adjoining property owner, the nearest is across a 60 ft. highway, however, they have notified property owners in the entire area.

Mr. Boggess showed a map of the proposed building and the other buildings on the property, pointing out that the other buildings are non-conforming. Most of them were built before 1959 and some variances were granted. Road D and C are both 60 ft. This variance requested is from Road D. Mr. Boggess said they would like the variance to cover this entire block as there will be another building adjacent to this one. Mr. Boggess showed a proposed site plan.

This is an unusual situation, Mr. E. Smith pointed out, in that this Industrial Park was one of the earliest in Fairfax County and was started before the refinement of the County Industrial Ordinance and before the Industrial Master Plan.

The work the developer has done here is good, Mr. Smith went on to say, the fact that the buildings have a small setback is pleasing because of the well landscaped area in front. In this particular area it is almost 100 per cent built up and built with the same setback Mr. Boggess is requesting here. These other buildings were put in as they are because at that time the roads were private roads and no setback was required. To force this applicant to meet the setback as required in the Ordinance would be an undue hardship and the County would end up with a less-good development than if he were permitted to go ahead and complete this section with the plans as started. The applicant owns the adjoining land that is undeveloped in this area and it is hoped that when he has plans for that large undeveloped area it would be in line with Industrial Parks as outlined in the Ordinance. This land is now zoned I-G.

No one from the area objected.

June 11, 1963

New cases - continued

Mr. E. Smith moved that Carlisle Boggess be permitted to erect buildings in accordance with the proposal shown as 1 A of the plat prepared by Peter R. Moran, Certified Land Surveyor, dated January, 1959 within 15 ft. of road D which is a part of the Industrial road of the Virginia State Highway Department.

This meets the number one criteria for variances. This is a very unusual situation and it exists only in this part of the Industrial area. In fact it is the only one such project and other buildings in this project have been constructed with variances, therefore this is appropriate.

This granting also includes any other building that might be built within this block, but with provision for adequate parking and site plan approval.

Seconded, Mr. Dan Smith.

Voting for the motion: Mr. E. Smith, Mr. D. Smith, Mrs. Henderson and Mr. T. Barnes.

Mr. Frank Everest refrained from voting. Motion carried.

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Deferred cases:

- 1- R. B. Connelly, to permit an addition to dwelling 28 feet from Weaver Avenue, Lot 80, Section 3, McLean Manor, (N.E. corner of Laughlin and Weaver Avenues), Dranesville District. (R-12.5).

Deferred to view the property. Mrs. Henderson was the only member who had seen the property. There is a topographic situation here, Mrs. Henderson said, but the addition proposed would be much larger than she had supposed and would be far out of line with other houses on the street. If it were just the garage Mrs. Henderson went on to say, the addition would be lower and probably not objectionable. She did not recommend the second story.

In view of the fact that many houses in this area have built-in garages these people should have a variance which would enable them to have a garage, Mr. D. Smith said. This is an area of good homes and the applicant could not put the garage on the other end of the house because the lot slopes off too much and the only other flat place on the lot is occupied by the swimming pool, but the garage only would not appear to have an adverse affect upon the area.

Mrs. Henderson pointed out that the house sets at an angle and it is possible that there is an alternate location but she thought this the only logical location for the garage. The garage would be on a level with the bank and would not protrude above the street level.

In the application of B. B. Connelly to permit etc. . . Mr. Dan Smith moved that the application be granted in part, this part being the garage itself and this being limited to the construction of the garage only and that no living quarters be included in this part of the granted variance. This will be only a one-story structure. All other provisions of the Ordinance shall be met. Seconded, Mr. T. Barnes.

Voting for the motion, Mr. Dan Smith, Mr. T. Barnes, Mr. Everest and Mrs. Henderson.

Mr. Eugene Smith refrained from voting. Motion carried.

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- 2- A. A. Mizell, to permit dwellings to be built closer to property lines than allowed by the Ordinance, Lots 22 and 23, Block 11; Lot 20, Block 13, Lot 1, Block 14; Lots 18; 19 and 27, Block 14; Lots 10 and 11, Block 6, Mt. Vernon Hills Subdivision, Mt. Vernon District. (R-17).

Deferred to view the property and for further study.

Mrs. Henderson said she considered this request premature and no variance should be granted until the Board could be advised as to what improvements would go in and where. The road improvement and sewer plans should be finalized before any action by this Board. Some of these lots may be cut down so they could not be used and others may be combined so they could be used in a manner more in keeping with the Ordinance.

June 11, 1963

Deferred cases - continued

Mr. Mizell said they already have building permits for nine houses, they have requested 39. He thought they should be allowed to go ahead on those lots where no improvements would affect the lots, particularly 18, 19, 27.

This is an old subdivision, Mr. E. Smith pointed out, which has never been developed and is something of a problem. The lots are non-conforming, being mostly 40 ft. He asked about discretion of the zoning administration in subdivision lots. Mr. Woodson said he did have discretion where the applicant does not own adjoining property, he could allow a 15 per cent variance.

Mrs. Henderson suggested that a greater effort be made to combine lots and get more land. Mr. Mizell said he had tried and got nowhere. These people bought their lots a long time ago and they don't want to let go of them.

This great desire all at once to build on these lots was started by a building company who got the names of many people in this area who owned vacant lots, Mr. Mizell said. The company talked with these people and then contacted him with the idea of building houses. Some of the people were willing to sell their lots and some others were not. Mr. Mizell said he had tried to make something out of this community and he thought he could succeed. There is a drainage problem they are now working on. They will put in good streets with no cost to the County and sewers will be put in.

Mrs. Henderson said she did not want to see houses going up until the County could see the improvements and know what would happen to the property.

If Street Design and Drainage see any problem they will hold up construction, Mr. Mizell said, but they have said there is no problem on these lots on which he proposes to build.

Mr. Dan Smith asked how long it would take to produce the improvement plans.

Mr. Mizell said it was a matter of economics. They have established the cost of the roads which will be acceptable to Street Design and they plan to spread the cost among the houses to be built. If they do not have enough houses they can't put the roads in because they cannot spread the cost among too few houses.

Until they know how many building permits they can get, they can't go ahead with any pro rated cost. If there are 91 building sites and they can build about 40 houses they could equitably spread the cost among the 40 houses, but they could not do this with say 20 houses. They can't go ahead with completion of their improvement plans until they know what they are going to have.

Mr. Dan Smith said the Board had no authority to grant variances wholesale with no assurance about the drainage problem and the people in the area may have no objection to this if they know what was actually planned regarding the roads, etc.

Mr. Everest noted that 39 permits are applied for and Mr. Mizell has 9, he asked how many more situations would require variances. Mr. Mizell said none. Only those five applied for here. These are the only variances they will ever need, he said. The Zoning Administrator has allowed some variances under the Ordinance.

Again the Board and Mr. Mizell discussed individual lots and what might be done with them.

Mr. Mizell said he would do whatever the Board said, but he wanted to do something with the area.

What the applicant is doing could have a good affect and permit some development in the area, Mr. E. Smith said, but economics are such that he can't go ahead unless he can build 40 houses, which sounds reasonable. But as long as Mr. Mizell can't go ahead now, with only nine permits it would do no great violence to the Ordinance if the Board should defer all of these cases indefinitely and when the time comes that Mr. Mizell is within striking distance of the 40 houses, say probably 30 lots, to come back to this Board and ask again for these particular variances. The Board could view the lot and judge the variances.

This would appear to be premature at this point, Mr. Smith continued, but it does appear difficult to know what comes first. If Mr. Mizell could go ahead with 40 permits, the Board should act on these cases at a later date, when the applicant is much nearer his goal. If he has 30 houses without a variance, or near that number, where economics would justify going ahead then it would be incumbent upon this Board to grant relief in these cases when he is doing something to better the community.

Mr. E. Smith moved that these cases be deferred indefinitely with instructions to the Zoning Administrator that the cases be placed on the agenda when requested by the applicant and the applicant is

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June 11, 1963

Deferred cases - continued

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instructed not to request this unless he has 30 permits in hand or when and if the applicant can say, if you grant these variances I will proceed, be that 25 or 30 permits. The Board in that way is not impeding the applicant's progress by deferring this case since the other outstanding buildings will not need variances. The Board has granted variances for small lots or for topographic reasons where in a subdivision the developer has plans for development and this case should be treated basically the same. Mr. Smith said the Board would like to see the area upgraded but the builder should have some plans, in the case of this number of variances, to show that he will complete the streets and other improvements. This means that the applicant shall obtain the number of building permits that will enable him to give assurances that he can go ahead, 30 lots or less if that is economically possible. Seconded, Mr. Dan Smith. Carried unanimously.

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Mrs. Henderson suggested to Mr. Mizell that he try to buy lots and combine and to bring in a written statement as to why he cannot get additional land. Mr. Mizell thanked Mr. Smith for his motion and the Board for their thoughtful and careful solution to his problem.

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Powhatan Lodge Nursing Home. Mrs. Henderson read a letter from these people explaining their inability in getting started on this project.

Mr. Goetz, Administrator of the building, discussed the drainage problem and their difficulty in meeting site plan requirements. They hope to start the last of August. They have a letter of feasibility from FHA.

The Board discussed nursing homes in general, many have been granted but none of the projects are able to get off the ground. Mr. E. Smith asked why? He moved that this permit be extended to October 9, 1963. Seconded, Mr. Dan Smith.

The Applicant was asked to notify the Board 30 days in advance of October 9 whether or not it would be possible for them to start construction and if they cannot start at that time to give a full explanation of why not. Carried unanimously.

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Dates of meetings changed. The Board will meet July 16 and 30 and the first Tuesday in August, the 6th. Only one meeting in August.

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Mr. Chilton asked for an interpretation of dwelling units in C-G. Could one have one unit or three?

The question is Mr. Chilton said, this man wants two dwellings in C-G, could he have this or would he be allowed only one dwelling unit or three which would be multi-family and thereby be subject to meeting apartment requirements in setback, play area, etc.

(Policy) After a long discussion the Board agreed that that would be it, one dwelling, or three which would require compliance with apartment criteria for C-G.

This request, Mr. Chilton said is for two apartments in this small shopping area. The Board agreed that two kitchens is the thing that determines that there are two dwellings.

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The meeting adjourned.

Mrs. L. S. Henderson, Jr., Chairman

Date

June 25, 1963

June 25, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, June 25, 1963 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with four members present, Mr. Eugene Smith being absent. Mrs. L. J. Handerson, Chairman, presided.

No recording

The meeting was opened with a prayer by Dan Smith.

New cases:

- 1- Ray Newson, to permit less frontage and less area than allowed by the Ordinance, Lots 1 and 2, Section 1, Homewood, Lee District. (RE-1).

No one was present to discuss the case - By motion of Mr. Dan Smith, seconded by T. Barnes, the case was put at the bottom of the list.

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- 2- Virginia Jensen, to permit operation of a nursery school (15 children), Lots 22 and 23, Section 1, Little River Pines, (on Pineland Street), Providence District. (RE-1).

Mrs. Jensen appeared before the Board.

Mrs. Jensen said this is planned for a day nursery, particularly for the convenience of working parents. She would not plan to have more than 15 children. The school will operate from 8 to 5:30. They will pick up the children - so there will be no need for special parking area. Operation will be from Sept. 1st through June 30 for children from 3-1/2 to school age - 6 years. They will have a planned program in the morning - afternoon for naps and play which will be supervised. Mrs. Jensen said she is a teacher. She will fence the play area.

The Chairman read a letter from Mr. John Webb commending Mrs. Jensen for her work in the church school which she had conducted. Mrs. Jensen said she would now be independent of the church. She will do no building on the property - the school will be operated within the existing building. She will consult with the Fire Marshall. Health Dept. has approved.

There were no objections from the area.

In the application of Virginia Jensen etc. . . . Mr. Dan Smith moved to approve the permit for a maximum of 15 children - ages from 3-1/2 to 6 - school to operate from Sept. 1 through June 30. This is granted to the applicant only and is contingent upon approval of the Fire Marshall and the Health Dept., and provided all other provisions of the Ordinance shall be met. Seconded by T. Barnes.

It was noted that the comments of the Planning Engineer call for approval of a site plan. Carried Unanimously.

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Policy:

Since the Board was ahead of its agenda - Mr. Woodson presented the case of the owner of property with a large barn on it - which he wished to use as an antique shop. He would not live on the property. They would use the house for antique display - but the shop itself would be in the barn. This is not the bone fide residence of the applicant.

The Board ruled that this man could have storage of the antiques in the barn and could have the shop in the dwelling, provided he lives there but he could have no display of antiques in the barn.

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New cases - continued

To continue the Agenda:

- 3- John T. Lightfoot, to permit dwelling to remain closer to front property line than allowed by the Ordinance, Lot 45, Center Heights, Centreville District. (RE-1).

Mr. Hunter represented the applicant. The required setback, Mr. Hunter said is 50 ft. The surveyor's plat shows 43.7 ft. This happened about 3 or 4 years ago, Mr. Hunter continued - they did not know how. The house has been under construction all this time. Now Mr. Lightfoot wishes to finish the house. It has been an eye-sore for a long time and people in the area want very much to see the house completed. It is ready for the dry walls.

In the discussion of how this violation occurred, Mr. Hunter said the house may have been restricted in location because of the difficulty in getting a septic field.

Mr. Dan Smith said he knew the area well and knew that the people were trying very hard to clean up the neighborhood. Some new houses have been built and the place is improving. Mr. Barnes also knew the neighborhood and said it did need improving and he thought to complete this house would be a good thing.

Mr. Lightfoot said he did not know of this violation until a few months ago - his superintendent had staked the house out - and the mistake was never discussed. He, too, thought it could be because of the septic or because of the road widening. This was just a little one lane road.

No one from the area objected.

Mr. Dan Smith made the following statements; , This house has been under construction for many years and the people in the community want very much to have it completed. The Board cannot understand why the violation was not found before this - there was an error on the part of the engineer in staking the house out - why or how the error occurred - there is no answer. But, Mr. Smith said, this no doubt comes under the mistake clause in the Ordinance. There are no objections from the area and to grant this certainly would not be a detriment to the neighborhood but rather it would be an asset to the community. Therefore, Mr. Smith moved that the application of John T. Lightfoot etc. . . . be approved as applied for as the house is now placed in this condition and is almost fully constructed. It is required that all other provisions of the Ordinance shall be met. It is noted that this setback may have been caused by difficulty in locating a septic field or because of the widening of Park Ave.

It is also noted that this situation meets the requirements in Paragraph 30-36 and will be an improvement to the neighborhood - rather than a detriment. Seconded by T. Barnes. Carried unanimously.

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- 4- James M. Spragins, to permit dwelling closer to front property line than allowed by the Ordinance, Lot 14C, Section 1, Langley Forest, Dranesville District. (RE-1).

Mr. Hugh Cregger represented the applicant - stating that the applicant has been building a very good class of homes for the past 5 or 6 years and this is his first violation. This lot has been re-subdivided and the lot

New cases - continued

4- James M. Spragins-continued.

lines are not parallel and the house angles with the street which curves in front of the house. The foreman or engineer who located the house was keeping in mind the fact that the side line of the lot had an angle and was trying to get the maximum side yard; as a result he came too close to the front line. This is only the left front corner that violates. The setback of that corner is 47.5 feet - the opposite corner is 54.5 feet back. When the applicant noticed this violation, Mr. Cregger continued, he brought it to the attention of the County - and immediately stopped work. They have the footings and sub-flooring in. The plats from their surveyor revealed the error.

Mrs. Henderson noted that if the house were turned straight with the street it would fit on the lot without violation, and there is only one corner protruding into the front yard. It is not difficult to realize that in lining the house up parallel with the sides - that by swinging the house - it could cause this violation without knowing. Then too - before building they had a complicated re-subdivision to get the lot to conform to the subdivision ordinance. This lot was carved out of two lots. This is a first violation for this applicant.

Mr. Smith said he considered this an error which should be given consideration under the 'mistake clause'.

Mr. Cregger noted also that the average setback is in excess of 50 feet.

Mrs. John Bradley said she lives on this road and would like to see the house completed as it is - the 2-1/2 ft. violation would not be a detriment to the area. She noted the curve in the street which would make the violation unnoticed.

In the application of James M. Spragins etc. . . . Mr. Dan Smith moved that the application be granted as applied for as it conforms to requirements of Par. 30-36 of the Ordinance. This was certainly a mistake, Mr. Smith continued, and it has been shown that this would not be a detriment to the adjoining neighborhood or to the community. There was a building permit issued and there is a very small area that does not comply with the Ordinance. The average setback is more than required. The mistake was found by the builder rather than by the County. Mr. Smith moved to grant the request provided all other provisions of the Ordinance be met. Seconded by T. Barnes. Carried unanimously.

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5- William H. Loving, to permit operation of a nursery school (20 children) 1407 Turkey Run Road, Dranesville District. (RE-1).

Mrs. Minerva Andrews represented the applicant - who was also present. This is the Pook's Hill School which is presently in operation, Mrs. Andrews said. Mrs. Loving did not know a permit was necessary under the Pomeroy Ordinance - they are here now to correct this oversight.

Mr. Woodson said these people are before the Board because of a complaint from the neighborhood.

Mrs. Andrews said this school has been in operation for 5 years. Mrs. Loving was the head of a nursery school in the Metropolitan Memorial Methodist Church for many years. In the summer of 1958 she had a few three year olds to her home for a few weeks. The people in the neighborhood were so impressed with Mrs. Loving's work that they encouraged her to have a school of her own.

June 25, 1963

New cases - continued

5- William H. Loving - continued

Mrs. Loving started with five children. As the demand from parents in the area grew - she has increased the school to its present operation. Mrs. Loving is well qualified, Mrs. Andrews continued - she has a BA and graduate work in nursery school and child development from the University of Maryland. Her school is patterned after the Gassell Institute in New Haven, Conn. which is one of the most outstanding schools of its kind in the country. She has small classes with a teacher for about every 5 or 6 children - this is one of the important features of her school - the teacher-pupil ratio. This is a school which very well serves the transition period for children - 3 and 4 year olds - before they go to regular school. Mrs. Andrews said her property is across the street from Mrs. Loving and she had no objection to this use, and was extremely happy to have the school in the neighborhood. Great care is given to the individual child's development, the teaching is good and the play creative in nature. There is nothing like this in the area, Mrs. Andrews said. All of the immediate neighbors have signed a petition favoring the continuation of the school.

The property is well screened from the road in summer and evergreen trees have been planted to screen in winter. All equipment is painted dark green to blend with the background - even the fire engine is green. (Some of the Board members objected to the green fire engine).

Mrs. Loving started the children off with one day a week and has worked up to three days - 9 to 12. The younger children come one or two days and the older children - three days a week. She would have no more than 12 children at any one time - those days would be Monday, Wednesday and Friday. She has the Director and one assistant for the younger children and a Director and two assistants for the older children. This is not actually a commercial venture, Mrs. Andrews continued. Last year the school income amounted to only \$600. A school of this kind could not be run in an atmosphere of a rented building - it is the home environment that adds to the quality of the school.

This would be operated from 9 to 12 during the regular school year, with the same holidays (Sept. 15 through June 15).

Mrs. Henderson noted that this must have Fire Marshall and Health Depts. approval.

Mrs. Loving discussed how her school had grown gradually - from the small summer session to one and two days a week - then more people wanted to enter their children and they built up to 12 in the larger group. She would like a maximum now of 20 children.

The Chairman read a letter from Mrs. McDaniel opposing this permit and stating that the facilities should be in the back yard in order to retain the residential appearance of the neighborhood.

Mrs. Andrews said there is a sharp drop off in the rear and they could not locate the play equipment there - it would not be safe. She recalled that the play equipment in the front has always been there and children from the neighborhood had used it - before the school was in operation. The yard is no different from any yard where there are children, Mrs. Andrews said.

Both Mrs. Andrews and Mrs. Loving said this is a highly individualistic neighborhood - people have many animals - goats and horses - there are home offices and studios - therefore the play equipment in the front yard is not out of place.

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June 25, 1963

New cases - continued

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5- William H. Loving - continued

In the application of Mrs. William H. Loving, etc. . . . Mr. Dan Smith moved that the application be approved for a maximum of 20 children - 2-1/2 to 4 years, operating from 9 til 12 a.m. Monday through Friday from Sept. 15th to June 15th. This Board does not condone the past operation of this school without a permit and the Board wishes to state that anyone else who thinks of starting a school would be well advised to obtain a proper permit. This is granted to the applicant only and it is understood that all provisions of the Ordinance shall be met. Seconded by T. Barnes. Carried unanimously.

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6 - Zunde, Ribokas and Company, Inc., to permit erection of dwelling 30.5 feet from Florence Lane, Lot 1, Section 1, Fowler's Addition to Wilton Woods, Lee District. (R-10).

Mr. Ribokas represented the applicant, stating that they had the plans drawn for this house and were ready to get the loan when it was discovered a variance was necessary. The variance is only 5 feet. They cannot get more land.

Mr. Barnes suggested that they take the garage off - or put it on the north side of the house where it would come to within 10 feet of the line without a variance. It was noted that the house could be put on the property if it were re-arranged.

The applicant said it would mean re-designing the house.

Mr. Dan Smith thought the applicant was planning for more construction than would fit on the lot. If there were a topographic situation here, Mr. Smith said or a drainage problem, the Board might consider this variance- but a small lot with a big house on it that will not fit - is no justification for a variance.

In the application of Zunde, etc. . . . Mr. Smith moved that the application be denied as the applicant has shown no hardship, nor is there a topographic or drainage problem in connection with the case. This is only an application to have the garage in a certain spot on the lot. It has been shown that another location will conform to the Ordinance as now amended. Mr. Smith moved to deny the case, seconded by T. Barnes. Carried unanimously.

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7- Kathryn H. Vensel, to permit operation of an antique shop in home, on north side of Route 7, approximately 1,500 feet west of junction of Route 7 and Route 193, Dranesville District. (RE-1).

The Chairman noted that this was filed under Group 6. Mrs. Vensel said they are now operating "The Pine Knott" in the City of Fairfax - they have been living there for 14 years. The buildings are now to be torn down. They have now purchased this property and wish to continue their operations. Their antique shop has been very well conducted; they carry a high grade antiques and the business is run in a genteel and restrained manner. She noted the little frame building next to the house on this property which was used for a Doctor's Office during the Civil War. It was noted that many people who have lived in this house have sold antiques. The buildings are very lovely and the grounds well landscaped. It would not be a detriment to the neighborhood in any way.

There were no objections from the area.

June 25, 1963

New cases - continued

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7 - Kathryn H. Vensel - continued

In the application of Kathryn Vensel etc. . . . Mr. Dan Smith moved that the application be approved as applied for and that all other provisions of the Ordinance shall be met. This applicant has operated a shop in the City of Fairfax and it was a very desirable operation. This is a fine old house especially adapted to this use - others have been interested in this same type of operation in the past - in this house. It is the belief of this Board that this will be a good operation. This is granted to the applicant only. This is filed under Group 6 and the provisions of that Group shall be observed, (particularly - no display). A site plan is required in accordance with requirements of the Planning Engineer. Seconded by T. Barnes. Carried unanimously.

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FOR INFORMATION OF THE BOARD RE: Kathryn Vensel:  
(The Board of Supervisors waived the site plan requirement on June 26, 1963, provided that the owner dedicates and records a 26 ft. easement for public street purposes for the entire frontage of the property involved.)

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8 - Vienna Summer Playhouse, to permit operation of a summer theatre, on Beulah Road, N. W. of Beulah Heights, Providence District, (RE-1).

Mr. Bowman, attorney for the Church, represented the applicant. Admiral Triebel and Father Kendall were also present.

Mr. Bowman noted that part of this Church tract is in the Town of Vienna - but the part that is to be used for the play-house is in the County. The rear part of the property is now unused. It is well wooded. Mr. Bowman pointed out the development and zoning in the immediate area. Much of the land surrounding is undeveloped.

This is only a temporary use, Mr. Bowman said - they will have productions only for five week-ends during the summer of 1963. The entire installation can be easily removed.

Mrs. Henderson said, according to the Ordinance, this should be in an existing building and not open air.

Mr. Woodson said he had discussed this with the Commonwealth Atty. who had put this under Group 5 - the only Group under which this could come. This is connected with the Church and becomes eleemosynary rather than profitable.

Admiral Triebel showed pictures of the area. He showed that the ground is in the nature of a bowl - a place for the stage with a background of trees.

Admiral Triebel said this group was formed by a number of people active in local theatre. They want to do two things - to bring this kind of activity to Northern Va. and to get a little profit which would be turned over to the Church. This group is still struggling to get off the ground. They will have four plays during the summer on Friday and Saturday nights. Some plays will be for children. The area will hold 600 people - but they think about 200 will attend. People will sit on the grass or will rent chairs - the fee will be \$1.00 or \$1.50. No one in the group will be paid. The profit goes to the Church.

June 25, 1963

New cases - continued

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8- Vienna Summer Playhouse - continued.

Admiral Tirebel made it plain that this is not primarily a Church operation. He presented the following letter re the operation:

"March 13, 1963

TO: J. Overton Woodson, Zoning Administrator for Fairfax County

FROM: Harvey Ray, President, Vienna Summer Playhouse

This is a request for permission to erect a temporary structure 20' x 36' to be used as a stage for a summer theatre on the property of the Church of the Holy Comforter. The church proper is located in the Town of Vienna; the stage and seating area are over the line in Fairfax County.

The project has been submitted to the Vestry and the congregation of the church and has met with approval. The first of any proceeds generated has been designated to be applied to the church building fund. The Vienna Summer Playhouse is applying for incorporation under the laws of Virginia as a cultural, non-profit organization. All proceeds above actual costs will be devoted to cultural and charitable enterprises.

The location of this stage is on a parcel of land of 14 acres, owned by the church. The proposed structure will be some 1100' off Beulah Road, 150' from the nearest property line, and is almost completely surrounded by heavy timber. It is an estimated 700' over a hill to the nearest residence. No residence can be seen from the location for the proposed structure.

This theatre will be operated by the Vienna Summer Playhouse, which plans two performances a week, Friday and Saturday evenings, for ten weeks. Participation in all phases of the theatre will be open to all interested persons, especially young people, in the area.

Adequate parking is provided on the church's parking lot in Vienna, with entrance on Beulah Road.

It was not realized that zoning would be a problem in the issuance of a building permit for an activity of this kind, until this late date. Time is now of the essence. If the theatre is to get under way this summer, construction of the temporary stage must be completed immediately.

If this explanation of the nature of this endeavor indicates that you may be in a position to grant approval, we would greatly appreciate your favorable action.

Signed/ HARVEY RAY, President  
Vienna Summer Playhouse. "

Father Kendall said the intention of the Church in purchasing this 14.18 acres of land was not only that they might have the Church services but that they might also have means for the community to have cultural and athletic activities. When this theatre group came to them - it was their thought that it would fit in with their plans and give this group a place to operate. The group will be operating under the Church sponsorship until they can get going on their own. In the meantime the Church can make a little money.



June 25, 1963

New cases - continued

313

8-

Vienna Summer Playhouse - continued

Mrs. Henderson pointed out that if this group grows and is successful enough to need buildings it will be necessary to come back to this Board.

Mr. Smith stated that this could operate on a ten weeks basis subject to a permit each summer. It was noted that they will have sufficient land for parking, and still stay 25 ft. from the property lines. It was also noted that most of the parking will be in the Town of Vienna. But Mr. Smith stated that the parking should be shown on their plat, since this is the same parcel of land. They could use the Church parking space, he noted - but any overflow must be provided for, and must be on the property.

If any of the parking is within the County, Mrs. Henderson said, it must be at least 25 ft. from property lines, and they should provide for many more than 200 people.

No one from the area objected.

In the application of Vienna Summer Theatre, etc. - Mr. Dan Smith moved that the application be approved as applied for with the understanding that any parking in addition to the Church parking now provided, shall be on the property and the setback shall meet the requirements - no parking within 25 feet of the lines.

This is a permit granted to the Vienna Summer Playhouse and the Holy Comforter Church as sponsor - for a ten week period in the summer. Each summer these people must come back to the Zoning Administrator for renewal of the permit.

There shall be no buildings on the property except a movable stage and chairs will be provided by the people coming to the performances or they will sit on the grass. This is an operation for the pleasure of the community - allowing people to participate. The Board feels that this is a worth while venture and hopes that it is a success. This will require a site plan in conformance with requirements of the Planning Engineer. The only construction at this time will be a movable stage.

Next year when these people wish to start again they will get another permit from the Zoning Administrator - it will <sup>not</sup> be necessary to come back to this Board.

It was also noted that the movable stage would require a roof - in case of rain - but that, too, would be movable.

Seconded by T. Barnes-, Motion carried unanimously.

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9-

Loyal Order of the Moose - Arlington #1315, to permit erection and operation of a swimming pool and bath house, southerly adjacent to Sunset Manor Subdivision at the end of Scoville Street, Mason District. (R-12.5).

Mr. J. Grant Wright represented the applicant. Mr. Wright said this is an amendment to the original permit. The site plan is approved for the original permit - but it did not include the swimming pool.

Mr. Woodson said this was treated as an entirely new application.

Mr. Wright showed a copy of the existing - approved site plan and the proposed site plan including the pool.

Mrs. Henderson asked - what was being done about the screening and planting which was required on the original site plan? This has not been done - and the building is being occupied - she noted.

June 25, 1963

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New cases - continued

Loyal Order of the Moose - continued.

Mr. Chilton was asked how conditions of the site plan are enforced. He answered - by with-holding the occupancy permit. However, in this case - the occupancy permit is not granted but the building is being used. Mr. Chilton said he talked with the contractor who said they would come up for the swimming pool addition - so the parking area was not completed. Asked about the screening and planting - Mr. Chilton said that was an agreement between the people in the area and the Moose.

Mrs. Henderson objected to the fact that the terms of the original permit have not been met - yet the applicant is asking for an extension of the use.

Mr. Wright said they could have more area for parking when they excavate for the swimming pool. At least they would not lose any parking spaces. The dirt from the pool will be used as fill, Mr. Wright said, in order to create more parking spaces.

Mr. Luce, from Moose Lodge, said they were working on the planting- some small fast growing pines have been planted.

Mrs. Henderson said the fencing should also be put in. Mr. Chilton said the agreement with the people on the planting has been changed from time to time. This is not the normal screening required by the zoning ordinance - it is a matter of agreement between the two.

Mr. Smith said he recalled that the requirements were left flexible - and that they were to come up with an agreement suitable to both the people and Moose.

Mrs Henderson questioned how many people were going to use this pool - she had talked with Mr. Leather - who lives in this area and he said they were all very happy about the pool. Is this to be a pool for the entire area? Mrs. Henderson asked. She had thought this facility was for Moose and its guests. She thought the Board should also have some definite information about the screening - what will be put in and when.

Mr. Everest questioned if they could get enough parking out of the fill ground. The pool itself will take out 46 places - could they put those back and add more - he asked.

Mr. Luce showed where they expect to have more parking spaces - but it did not appear adequate to the Board.

Mr. Smith recalled that the building was squeezed on the ground in the beginning. Many will drive to this, he continued, and adequate parking which will take all parking off the streets is necessary. There may be 1000 people here at one time - that means a lot of parking space.

Mr. Smith pointed out that the parking was barely adequate on the original plan - but with taking out the 46 places - and adding a pool, which will create more need - the plat did not look adequate.

Mr. Luce said there are 1100 members - at least.

The potential use here concerns the Board, Mr. Smith said - this is an active organization - it could mean that in time they will have 2000 or more people there at one time. Mr. Luce said they could use more of the land when the sewer comes in - they are using only 2/3 of it now.

The Board also discussed the dirt road which is used for an entrance -

June 25, 1963

New cases - continued

Loyal Order of the Moose - continued.

And suggested that it should be an added condition that the road be treated to keep down the dust. Mrs. Henderson also questioned the entrance - she thought the Board needed more information on the plat - how many parking spaces are there now - how many more will be added. What about the use of the pool - how many people do they anticipate and who will be allowed to use the pool - the citizens groups - or Moose and its guests?

Mr. Luce said the Moose would allow only its members and guests.

Mrs. Henderson spoke of the un-paved entrance street shown on the plat. Means of entrance was again discussed - Mrs. Henderson recalling that the Board had specifically said no entrance from Scoville Street to this project.

Mr. Everest moved to defer the case to July 16th for the applicant to tell the Board how many people will use this facility, to show on the plat how many parking spaces are existing and where the additional parking spaces will be, and when and if there is a change in the agreement with the people of Sunset Manor on the fencing and screening. The applicant, to date, has not complied with the original terms of the permit, Mr. Everest continued, the Board is concerned about that. Seconded - Mr. Dan Smith.

Since they have a dead line on this, Mr. Wright asked if they could get a conditional granting, contingent upon the applicant meeting all requirements. The answer was -No.

There are too many questions to be answered before this case is acted upon, Mr. Smith said - how many people will use the pool - it appears as though the whole community is expecting to use this pool. This was set up for the Moose only - what are the restrictions on this? The Board should know what they are granting. There was talk of having a playground here for the children of Sunset Manor, Mrs. Henderson said, and it would appear that the size of the pool will not take that.

There is a limit to the number a pool will take, Mr. Wright pointed out, from the standpoint of safety and health.

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Vienna Summer Theatre:

Mr. Yaremchuk appeared before the Board and asked if they had objections to his waiving the Site Plan on the Vienna Summer Theatre. The Board agreed that they did not - the motion was following the comments of the Planning Engineer - and if he wished to waive - that it is a matter for the Planning Engineer.

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1 - Ray Newson - No one was present to present the case. Mr. Dan Smith moved to defer the case to July 16th. Seconded by T. Barnes. Carried unanimously.

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June 25, 1963

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Dunn Loring School:

Mr. Woodson presented a letter from Mr. Grant Wright - asking extension of the Dunn Loring School. It was granted for one year - on a split vote. Mr. Wright said there had been no complaints - most of the children are from the neighborhood and they walk to the school. Mr. Woodson agreed that there had been no complaints in his office on this. This was granted for 10 children - 4-1/2 to 5 years old - 9 to 12.

Mr. Wright asked that the number of children be increased to 14 - and also to have school in the afternoon.

If the case is granted an extension, Mrs. Henderson said, it will be granted on the same basis as the original permit - 10 children and operating hours 9 to 12.

Mr. Dan Smith moved that the request for an extension be granted for two additional years with the understanding that all other provisions of the Ordinance shall be met and that the provisions of the original motion to grant this case shall be adhered to. There is no change in the original motion - the case is simply extended to allow the school to operate for an additional two years.

Seconded - Mr. Frank Everest <sup>2</sup> Carried unanimously.

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Mr. Woodson said Mr. Thomas Wells had put in a 6 ft. wall - with a roof over it. He was allowed a carport with a 3 ft. overhang. The Board agreed to view the property.

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The meeting adjourned.

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

Date July 30, 1963

July 16, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, July 16, 1963 at 10:00 A.M. in the Board Room of the Fairfax County Courthouse, with all members present. Mrs. L. J. Henderson, Chairman, presided.

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The meeting was opened with a prayer by Dan Smith.

New Cases:

- 1- Ruth Miller, to permit erection of carport 5.7 feet from side property line, Lot 19, Block 3, Section 3B, Ravensworth, (8203 Halleck Place), Falls Church District. (R-12.5).

Mrs. Miller said she is a teacher and a permanent resident of Fairfax County - She has an old car which is rapidly disintegrating and needs shelter - On her teacher's salary she cannot afford to buy a new car. This will add to the appearance of her house as well as give shelter and the neighbors have no objection. Mrs. Miller continued, the house most affected by this addition is about 48 feet from the property line.

Mrs. Miller said she could not put the carport in the rear of her lot because the ground rises about 5 feet and she would have to put the carport through the center of the hill. Also, the neighbors would object to its being there because it would block their view and would be in the way of their Japanese garden.

Mr. Eugene Smith said he could not see any unusual circumstances that pertain to this lot that might not pertain to many other lots in this and other areas in the County. The Board is authorized to grant variances, Mr. Smith added, where there are unusual circumstances and it is necessary to grant relief. This lot is not unusual in shape. From the pictures presented by the applicant and from his knowledge of the subdivision, there is no topographic reason to grant this and there are probably several dozen houses in this subdivision like this. Mr. Smith said he could see no justification for this under the provisions of the Ordinance.

Mrs. Miller said many in this area and other similar areas are military people, here for a short time, and they come and go and do not wish to spend the extra money for a carport. She cannot put the carport on the opposite side of the house because the outside entrance is on the lower level.

It was noted, however, by the Board that there are alternate locations for the carport which could come within setback requirements.

Mr. Eugene Smith moved to deny the request as it does not meet requirements of the County Ordinance (Sec. 30-36), nor the State Code. Seconded by Mr. Everest. Carried unanimously.

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- 2- Donna B. Davis, to permit erection of a gas pump to supply fuel for boats at marina, at the end of Route 825 on Occoquan Creek, Lee District. (RE-1).

Mr. Robert Duncan represented the applicant. Mr. and Mrs. Davis were also present. Mr. Duncan said this is a very old marina - operating since before anyone can remember. There are slips for about 50 boats. On week-ends and on good days, there may be 250 boats brought here by trailer and launched. This is not a private marina run as a club - the launching docks are at the end of a public road at the approach to Occoquan Creek.

July 16, 1963

New cases - continued

2 - Donna B. Davis - continued.

This marina is used by the public - people who are interested in water sports. There is no place here now for people to buy gas for their boats. It is necessary to carry it in by car from filling stations (Woodbridge or farther) in cans. This is both dangerous and inconvenient. The filling station pump would be set near enough to the water's edge so the boats could be served by about a 30 ft. hose.

Mr. Woodson said this is a very old non-conforming marina.

Mr. Davis said the pump would be put in by the Oil Company. They also put in the tank and assure that there will be no spillage. He pointed out that there is a special device on the nozzle of the hose which catches the gas so none would spill on the boats or in the water. It is far safer than filling the boat tank by hand from a can. This would serve only the boats - no cars. They would have a 500 gallon tank in the parking lot.

Mr. E. Smith questioned granting an addition under a special permit to a non-conforming use. From a procedural standpoint, Mr. Smith continued, he would caution against going into this lightly. Mr. Smith said he did not think the right to sell gas to boat owners should be denied these people but he pointed out that there are other marinas in the County operating under a special use permit and they must comply with all the regulations set up by the Ordinance. Some have filling stations as part of their normal operations and they applied for them when they got the permit. Mr. Smith said he would have no objections to this if this applicant met the requirements of the Ordinance, but as of right now, he noted, the County has no control over this marina. As long as they operate as they have been doing, it is alright, but when a substantial change comes and this change involves a permit from this Board, it is not unusual to move to gain the controls over this operation that are similar to other like operations in the County.

Mr. Duncan said this is an attempt to comply with the Ordinance in asking for this facility.

Mr. Davis said this is the only marina in the County that is available to the public - anyone can come here and put his boat in the water. All the other marinas operate on a Club basis. This is a very old launching place. They charge only for parking cars - there is no charge for boat launching.

Mrs. Henderson read from the Ordinance (Pg. 541) re extending or enlarging a non-conforming use - which is prohibited. Mrs. Henderson said she thought the addition of the filling station probably a good thing, but procedurally - it should be done right - the marina should have a use permit.

If they wait for that, Mr. Davis said, the boating season would be over. It takes at least two weeks to install the pumps, he noted.

The Board discussed this at length - it was noted that a site plan would be required for a Marina permit. Mr. Davis described the entire operation in detail - the convenience this would be to boat owners, the desire for this filling station on the part of people living in the area and the great need for public recreation.

Mr. Dan Smith pointed out that Mr. Davis could install a 500 gallon gas tank in his own yard for his own use - but could not sell the gas. Actually, Mr. Smith noted, this is not enlarging the marina facility itself. This is just a convenience to the public who use the marina. The man who pumps the gas from a 500 gallon tank must make enough out of it to pay for his time and there is a great hazard in people hauling gas in cars - the Fire Marshall has repeatedly warned against it. There

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July 16, 1963

New cases - continued

2 - Donna B. Davis - continued

is a great deal of spillage in filling from an individual tank to a boat. With the pump, there will be less waste into the water. Mr. Smith said he was of the opinion that this was a good thing and that probably it could be granted under the Ordinance.

Mrs. Henderson read a letter from Mrs. Robert Duncan, expressing no objection and citing the convenience this would bring to the area.

Mr. Dan Smith suggested deferring this to the end of the Agenda for research. This being a public use, he thought might have some bearing on the granting - also the safety factor and other points which he wished to explore further. This is not an enlargement - it will still have the 48 slips; they cannot enlarge the parking facilities. This would merely be a convenience for a public use.

Mr. Smith moved to defer this to the end of the agenda to give the Board the opportunity for further research and discussion - seconded by Mr. Barnes - carried unanimously.

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3- Mrs. Myrtle Neal, to permit division of lot with less frontage than allowed by the Ordinance, on west side of Route 701, Sutton Road, approximately one-half mile south of Route 123, Providence District. (RE-1).

Mr. Bacon appeared representing Mrs. Neal, who he said was colored and had little understanding of this things and notices to adjoining owners have not been sent out.

Mr. E. Smith moved to defer the case for two weeks because of inadequate notification. Seconded by Mr. D. Smith - carried unanimously.

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4- Anita De Lemos, to permit operation of a care home (15 people), on south side of Old Courthouse Road, opposite Le Roy Subdivision, Providence District. (RE-1).

Mr. Austin Thompson, owner of the property, appeared with the applicant. Mrs. DeLemos said they could put an addition onto the dwelling and make accommodations for 15 people. She planned to have a very elegant home for elderly people - people who enjoy and desire to live in very refined, cultivated surroundings. They will have a swimming pool and a gymnasium. This would be conducted very like a health spa, not for the sick or anyone who requires medical attention, but for people who do not wish to live alone. They will use the ten acres.

There are two dwellings on the property, Mr. Thompson said, the one they would use for the paying guests is a 68 ft. rambler. The other dwelling is a split level - three bedroom. One dwelling was built in 1951 - the other 3 or 4 years ago. The larger building has two septic. One house sets back about 400 ft. from the road and the second dwelling is about 150 ft. from that.

Mrs. Henderson pointed out that there were no setbacks shown on the plats.

Mr. Dan Smith noted, also, that the proposed addition is not shown on the plat - nor was the swimming pool. All the existing buildings on the property, plus the additional features planned, should show on the plat, Mr. Smith said. He asked if the second dwelling would be used for the guests.

Mrs. De Lemos said, no, they would use only the larger building which could take care of 5. They will need the addition before they have the 15.

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July 16, 1963

New Cases continued.

4- Anita De Lemos - continued.

Then they should apply for the 5 now, Mr. Smith suggested, and come back later for the addition to the building and 10 more people. Also, the BA, should know if the septic will take care of the number they have planned. Mr. Smith also pointed out that for more than 4 or 5 people, a State license is required.

(In answer to statements in various letters, Mrs. Henderson said this is not a rezoning - but a use permit on residential property).

Since the applicant is asking for 15 people - the plats are not consistent with the request, Mrs. Henderson noted. The applicant should revise her request for five people and present completed plats in accordance with that.

The Board should know what would be the use of the second dwelling - the barn and shed. It was suggested that the gymnasium would be in the barn. That and the parking should shown on the plat, Mrs. Henderson said.

Mr. Jack Chilton said there was a hazardous site distance at the entrance that probably would be considered in the site plan. He suggested that they may wish to move the entrance or alter it and show this on their revised plats.

The Board questioned if it was worthwhile continuing the public hearing since there were so many things lacking on the plats - but did continue in view of the fact that opposition was present.

Mr. Hugh McDiarmid objected to the inadequacy of the plats and the lack of information as to the project. He also said an application should be made by the owner of the property or the lessee - - The applicant here is neither - He asked the Board to dismiss the case and treat it de novo.

Admiral Kriebel objected to the lack of information - also Mrs. Wm. Becker.

Mrs. Henderson read three letters in opposition - Ubanks, Trusheim and Le Roy.

Mrs. Walker and Mrs. Freeman objected. They wanted to maintain a residential area.

Mrs. De Lemos described this use as - simply an elegant home - she would cater to people who desire atmosphere and who want to live gracefully. It will furnish certain luxuries - maid service and a genteel way of life. This is a contract purchase she said, contingent upon this use permit.

The Board discussed the use at length - what age people, would a gymnasium be practical, what is the extent of the operation, etc.

Mr. Eugene Smith said he had mixed feelings about this - but he felt it was incumbent upon the applicant to describe their operations completely so the Board will know that they can comply with the Ordinance and show that it will not adversely affect neighboring property. Mr. Smith said he did not feel that this has been done and he did not feel entirely sure just what will go in here. He suggested deferring and that the applicant come in with a written proposal as to the type of operations she wants to conduct and a time table of future construction and with a plat which shows future construction. He also asked for the applicant's ideas on changing the entrance so it will be less hazardous.

Mr. Dan Smith also suggested that the Board know the applicant's qualifications for this work.

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July 16, 1963

New Cases Continued.

4-

Anita De Lemos - continued.

After further discussion with the applicant and Mr. Thompson, Mr. E. Smith moved to defer the case to September 10, 1963, noting that the public hearing is not closed, for the applicant to furnish the following information:

First - the Board must have plats showing the setback of all buildings on the property, and a representation on the plat of any proposed addition and its setback.

This plat shall show parking spaces and setback.

If the applicant plans to make any change in the entrance as suggested by the Planning Engineer (because of the hazardous entrance) that should be shown on the plat.

The plat should also show any additional facilities - such as swimming pool or any other recreational or other use planned - the location and setbacks.

Second - the Board would like a report from the Health Dept. Is the present septic adequate for whatever is planned on this property?

Does the applicant have a State license to operate this care home?

The Board would request the applicant to show that this operation will not be detrimental to the surrounding neighborhood, and that the applicant can meet all requirements of the Ordinance.

The Board would also like to know the applicant's qualifications for this type of work.

The Board is not clear on just what the applicant wishes to do with the property - will she use the second dwelling for the people - it is obvious that the one larger building will not care for 15 guests. It probably could house 5. If the additional ten will be in the second dwelling - that should be said or if they will be taken care of by the proposed addition - that should be shown.

What use will be made of the barn and the shed and the second dwelling?

How many people will be employed in this project?

The Board must be assured that there will be no apartments on this property - that there will be only one central kitchen serving the guests.

The Board would like to have a full description of just what operations will take place on this property - and suggested that this be done in writing - what is planned at the present time and what is contemplated in the way of expansion and future construction. What actual activity will take place on the property.

Seconded Mr. Dan Smith (The Board also agreed to view the property).  
Carried Unanimously.

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021  
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July 16, 1963

New Cases Continued.

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5- Carelton S. and Dorothy E. Burnell, to permit operation of a private school, kindergarten and first grade, Lot 70, Section 1, Clermont (Glenview Drive), Lee District. (R-12.5).

Mr. Burnell said they would use two floors, 40 children age from 4 to 6, kindergarten and first grade. They have a pick-up service for most of the children - a few carpools - probably four or five. This is not a day care school - it is normal school running during the school year - ten months. Hours from 9 to 12. They will have no more than 40 at any one time - but in the future they plan to have an afternoon session. This would increase the total number of children, but one group would go home before the other group came. That would be a total maximum of 80 children - 40 in the morning and 40 in the afternoon. At present there will be living quarters in the building but in time the entire building will be used for the school. At present while they are living in the house there will be about 20 children but as the school grows to 40 they will not live there. They own the adjoining acre and Mr. Burnell said they wish to include that in the use.

In the discussion it was brought out that this school is already operating under a permit and this application is actually an extension. The original permit was for 23 children issued June 16, 1961. They had 28 children at the last session. There is no summer session.

The additional ground they wish to include now is all of Lot 70 to the West. (This lot was split and is now Lot 70 and 70A). They will put up another building on these combined lots which is a full 1-1/4 acres. They are presently operating on less than 1/2 acre.

The plats presented with the case did not show the entire ground Lot 70 and 70A, nor the proposed building. No parking was shown.

Mrs. Henderson also pointed out that the case was presented as a new application on the adjoining property instead of an extension. The application, itself, must be revised, Mrs. Henderson said, and the plats revised and completed.

Mr. Burnell said they will continue to live in the house on Lot 70A as they have been doing and will have a tenant living in the house on Lot 70. Both properties will be used for the school.

Mr. Dan Smith said, then the application should read for an extension of the present operations, rather than to make this a permit for a new school.

Mr. Burnell said this will be a total operation under the name of "Elfland School" - the school operating in both buildings. As they go to the afternoon session they will want a total of 80 children. The total operation will be on 1-1/4 acres. They will have 4 teachers.

Mr. E. Smith thought the permit should be granted on this entire parcel so if any part of the property is sold, it will invalidate the use permit.

There were no objections from the area.

Mr. Burnell said they had had no difficulties with the community nor with the County.

Mr. E. Smith moved that Carelton S. and Dorothy E. Burnell be permitted to operate a private school in Lots 70 and 70A, Section 1, Clermont, on approximately 1-1/4 acres of land. The school shall have no more than 63 children - and that all other provisions of the ordinance shall be met and further that the granting of this permit is contingent upon the approval by this Board of the site plan which is to be submitted to the County under the Site Plan Ordinance. (This site plan shall be returned to this Board for final review and approval). Seconded by Mr. Everest.

It was also added to the motion that this permit covers the hours of from 9 to 12 - 5 days a week for children from 4 to 6. Carried unanimously.

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July 16, 1963

New Cases - Continued

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6- Higher Horizons Day Care Center, to permit operation of a day care center (35 children) Mt. Pleasant Baptist Church, corner Columbia Pike and Lincolnia Road across from Lake Barcroft Shopping Center, Mason District (RE -0.5)

Mrs. Alice Kasabian represented the applicant. They will use the basement of the Mt. Pleasant Baptist Church for their day care center. This is for pre-school children of working parents - ages from 3 to 6. Hours from 7:30 to 6:00 P.M. They will have a staff of six teachers, cook and janitor. Mrs. Kasabian said they have been working on this for a year and now they have a grant from ~~Mary~~ THE MEYER Foundation. They will charge on a sliding scale basis. This is different from other similar schools in that it is non-profit. It will meet the needs of the lower income families in the County. They have been approved by the State Welfare for a maximum of thirty-five children but they will start with thirty children. This has the approval of the fire marshall and the building inspector.

Miss Francis Duffey, Director of Welfare in Fairfax County, told the Board that this group of people has worked very hard for this for a long time and she considered their plans very good. The Welfare Department is pleased to see this go in as it will be a great help to working mothers who find it difficult to find good care for their children within their income. Others who have not been able to take jobs because they could not leave their children will be freed to take work and help support their families.

Mrs. Kasabian said their fee scale is based on income. The lowest would be \$5.00 per week for one child; two \$7.00, if the income is less than \$2,000. This fee graduates up. If the income goes above \$5,000 and there is no hardship, the children are referred to private schools. All children will be delivered by the parents; they will have no pick-up service. This will be a five-day a week school. They will use the church parking lot. They also have permission from the Odd Fellows group to use their property. Space per fifteen children will be figured on a 50' x 60' basis which the Welfare says is satisfactory. The play area will be fenced and ab out fifteen children will use it at one time. The building they will use joins the church property.

Mr. Ritter, representing Parklawn Citizens Association, said they have no objection because of the maximum limitation which they do not consider too large. They were concerned for fear a large school of a commercial nature might have a tendency to bring in commercial enterprises in the area.

Mr. E. Smith moved that Higher Horizons Day Care Center be permitted to operate a day care center with not to exceed thirty-five children, located at Mt. Pleasant Baptist Church, corner Columbia Pike and Lincolnia Road across from Lake Barcroft Shopping Center in the Mason District. Seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES

1- Ray Newson, to permit less frontage and less area than allowed by the Ordinance, Lots 1 and 2, Sec. 1, Homewood, Lee District. (RE-1)

Mr. Newson said he wished to rearrange these two lots, one of which would need a variance on the frontage. These are the only two lots in Homewood that are zoned one acre; all the others are zoned and developed on half-acre.

Mr. E. Smith thought the proper procedure was to get the property rezoned first - then if the applicant needs a variance on the frontage he could come back to this Board for a variance. He noted that the zoning on two sides of this is half-acre.

Mr. Newson pointed out that the zoning in the area is one acre, but the subdivision was platted for half-acre lots under the old ordinance. He wishes to make a different division of these lots because of the transmission line running through the property which makes it difficult to use. He will end up with almost exactly what they have now but with the lots cut in the manner proposed to make more usable lots.

Mr. Dan Smith moved that the application of Ray Newson, to permit less frontage and less area than allowed by the Ordinance, Lots 1 and 2, Sec. 1, Homewood, Lee District be approved as applied for. The applicant is actually changing the frontage of the two lots in such a manner as to make them more compatible with the neighborhood and to create more usable lots. Since the power company transmission line passes through the property and has rendered part of the lots unusable, this change in line takes the transmission line through the rear of the lots which is a better arrangement. There are unusual circumstances surrounding this application and the applicant has applied for a reasonable division which is substantially the same as the present division. This is a minimum variance that could afford relief and it appears to be an orderly manner of development of the lots. This granting is tied to the plat presented with the case. Plat prepared by Orlo Paciulli. (dated May 16, 1963) Seconded, Mr. Barnes. Carried unanimously.

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July 16, 1963

Deferred Cases - Continued

2-

Loyal Order of the Moose - Arlington #1315, to permit erection and operation of a swimming pool and bath house, southerly adjacent to Sunset Manor Subdivision, at the end of Scoville Street, Mason District (R-12.5)

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Mr. J. Grant Wright represented the applicant. He presented the Board with new plats. Mr. Wright also read the agreement regarding screening which was between the applicant and people in the area. (Sunset Manor)

Mr. Herman from Moose Lodge and Mr. Snowden from Sunset Manor were both present. Mr. Snowden noted that the agreement presented here was supplementary to the original agreement between the Lodge and Sunset Manor. It was noted that some screening has been done, one row of spruce and they have agreed to put in more if necessary. The trees will be staggered to give a more effective screening. They will not put in more trees now until after the hot weather. As to the fencing, this involves another matter, Mr. Herman said. Many people in Sunset Manor wish to become members of the Lodge and they brought up the question of using Scoville Street as an entrance. This was in April. In June the people of Sunset Manor got together with the Lodge and discussed this. The Sunset Manor people were to return to the Lodge and tell what their decision was on the opening of Scoville Street for this use. They have no answer on that yet. If they use Scoville Street as an entrance they do not want to put in the fence. It is expensive and probably not necessary.

Mr. Wright showed a Lodge brochure indicating that they do not use Scoville Street. They are waiting now on the answer from the Citizens Association.

Mrs. Henderson said it would be satisfactory to leave that until they hear from the citizens association, perhaps early fall.

Asked who would use the pool, Mr. Wright read paragraph 4 of their by-laws showing that it is for the exclusive use of members and their families and not for others. This membership cannot be transferred or sold.

Mr. Leathers said they (in Sunset Manor) want to conduct a Red Cross class here which would be two hours once a week. This would be for families of the Lodge. The Lodge members may join the pool also.

Mr. Dan Smith said if children of Sunset Manor are permitted to use the pool it should be open to others. He noted that the first agreement with Sunset Manor was not in keeping with the motion granting this.

Mr. Wright discussed the parking saying that the excavation could reclaim some of the land. They lost thirty-eight parking spaces in the pool excavation and now they will reclaim the area so they can go from 128 to 150 parking spaces.

Mr. Herman said they do not need more parking than they have as they never have more than 200 or so, mostly less than that.

Mr. Leathers also pointed out that they will have more parking when the storm sewer goes in, probably another fifty ft. they could use. He said they have 150 parking spaces now.

Again the membership of the pool was discussed. The pool is for members of the Lodge only; they must sign up for the pool. The pool is owned by the Lodge and one must be a member of the Lodge to become a member of the pool. They have three kinds of membership -- life, yearly membership, and daily membership. These people are all members of the Lodge.

Mr. Leathers said they have treated the entrance road they are now using. The parking area will be asphalted when the pool is completed. They will also have the definite answer on Scoville Street before the pool opens.

Mrs. Henderson suggested that the applicant report to this Board on the first of October what they plan to do on Scoville Street as that will involve a change in the motion granting this use.

The Board agreed that the permit for this pool should be a part of the Moose Lodge permit and merely treated as an addition to the original use.

Mr. Wright thought the two permits should be separate as there might be some change in this operation in the future and having the permits all in one could result in an untenable situation.

Mr. Dan Smith said the question in his mind was - is this under the complete control of Moose or does Sunset Manor have something to do with this pool project. If there is some arrangement, he continued, it should be known at this time.

Mr. Leathers said the only thing is that they have agreed that they would conduct the Red Cross classes.

## Deferred Cases - Continued

2 -

Loyal Order of the Moose - Arlington #1315 - Ctd.

The Board agreed that this use should be merely an amendment to the original Lodge permit. It is tied to the site plan which will have to be revised to include the pool.

Mr. Dan Smith made the following motion: In the application of Loyal Order of the Moose - Arlington #1315, to permit erection and operation of a swimming pool and bath house, southerly adjacent to Sunset Manor Subdivision at the end of Scoville Street in Mason District, that the application for such swimming pool be incorporated into or be made a part of the original use permit granted to Moose Lodge, June 13, 1962, for erection of the lodge building and other facilities. The parking shall be extended to include no less than 150 usable parking spaces and this shall be in conformity with the original motion and agreement between the Lodge and people in the area. The Moose Lodge shall continue to maintain dust control over the entrance to this property and that Moose Lodge shall report back to this Board no later than October 1, 1963 if there is any change in the entrance which would involve Scoville Street. The Board should know prior to this date because the motion will necessarily have to be changed. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Those voting in favor of the motion were: Mr. Dan Smith, Mr. Barnes, Mrs. Henderson and Mr. Everest. Mr. Gene Smith refrained from voting.

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## New Cases - Ctd.

7 -

Munson Hill Towers, to permit operation of beauty shop, on southerly side of Leesburg Pike, approx. 200 ft. west of Nevius Street, Mason District (RM-2H).

Mr. Al Hiss represented the applicant.

Before the case started Mr. George Martin, of 6509 Nevius Street, representing himself and others, charged that the application was filed in error -- it was defective in that the notice serving people does not carry sufficient information. It does not reveal the owner's name, Mr. Martin said; Munson Hill Towers was only a group of words signifying nothing. The person making the application should be identified, Mr. Martin said.

Mr. Hiss said he was representing the applicant. The title to Munson Hill Towers is vested in many people, Mr. Hiss said, whose names would not separately identify the applicant but with Munson Hill applying. Mr. Hiss said he did not think there was any question as to who the applicant is. There are probably fifteen or twenty people involved in the corporation. If this is granted, Mr. Hiss said, Munson Hill Corporation will install the equipment and lease the shop to an individual.

Mr. Louis Zuckerman stated that he was the lessee. He also named the lessors. The owners are Mr. and Mrs. Williams.

Mrs. Henderson said the Chair would rule that the application is filed in order.

Mr. Hiss said the application was filed under Section 30-55-b of the Ordinance. It is a use permitted by this Board. The beauty shop is to be operated in the basement area of the apartment by a man of high reputation, the services to be rendered to the people in the building. This will add to the services and the efficiency of the apartment operation and will not detract in any way. Probably small service shops will be requested in the building - they are considered an asset to a well-run apartment building. They will operate from 9:00 to 6:00 and two evenings a week to 7:30. There is adequate parking.

Mr. Niworth objected to the commercialization, claiming that it would change the character of the area.

Mrs. Henderson read from the Ordinance the restrictions on these shops that are permitted by the Board of Zoning Appeals.

Mr. Martin continued his objections - the convenience of the people in the apartment building should not be considered, there are many other beauty shops to serve them, they are given privileges not granted to people in a residential area. Mr. Martin also charged that the apartment is here illegally, against covenants.

(That, Mrs. Henderson, said, is a matter for the courts, not the Board of Appeals.)

Mr. E. Smith moved that Munson Hill Towers be permitted to operate a beauty shop in the Munson Hill Towers Apartments development on the southerly side of Leesburg Pike, approximately 200 ft. west of Nevius Street, Mason District, provided all provisions of the Ordinance regarding beauty shop operation in an RM-2H zone are met. This is granted under Section 30-55-57. Seconded, Mr. Everest. Carried unanimously.

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New Cases - Continued

2-

Donna B. Davis, to permit erection of a gas pump to supply fuel for boats at marina at the end of Route 825 on Occoquan Creek, Lee District (RE-1)

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Mr. Dan Smith summed up the case as presented. There is no charge here for launching the boat; the only charge is for parking cars. There are 48 slips being rented by the applicant and there is no way this service can be enlarged because of the size of the property involved. This is an old use - non-conforming - and Mr. Smith said he did not see how in any way the installation of a 500 gallon gas tank for the convenience and safety of people using this facility could be considered as an endorsement of a non-conforming use. This Board is set up to protect the safety and general welfare of the public. This is not a club type marina. It is merely utilizing the right of way into the stream. People haul gas in their cars in tanks to fill their boats and that could be a hazardous thing for other people on the highways. The Fire Marshal has asked people not to transport gas in cars. It cannot be said that this would be an endorsement of a non-conforming use nor is it an enlargement. Therefore Mr. Smith made the following motion: That in the application of Donna B. Davis, to permit erection of a gas pump to supply fuel for boats at marina at the end of Route 825 on Occoquan Creek, Lee District, the application be granted. This is a non-conforming use and granting the installation of a 500 gallon gas pump with dispensing unit will add to the safety of people using the marina, which is for the public. This is a recreation facility which is badly needed and this is granted as a safety and convenience factor. Seconded, Mr. Barnes.

Those voting in favor of the motion were Mr. Smith, Mr. Barnes and Mr. Everest.

Mrs. Henderson and Mr. E. Smith voted no. Motion carried.

Mr. E. Smith said he voted no but that he agreed with much of Mr. Dan Smith's reasoning, but if the situation exists as described by the applicant there is more reason to believe that there is a great need for more marinas in this area that conform to the County regulations. The zoning policy should always be to work to the end of doing away with non-conforming uses. The County should not do anything that would encourage them or defer the day when they would cease to operate.

But this would not mean a greater nor extended non-conforming use, Mr. Dan Smith said, by granting this tank. This is an old facility, used by many people for many years. There will come a day, he continued, when there will be such a need that people will develop this and enlarge it and make it conforming. But most marinas develop around a club type organization, Mr. Smith pointed out, so many people have no place to launch a boat. This is only for safety and convenience of people using this facility. It is not an enlargement.

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Mr. Woodson read a letter from Mr. Hussey, through his attorney, Douglas Adams, asking to extend his use permit for his nursing home for six months to complete the FHA loan.

Mr. Dan Smith moved to grant the extension as applied for. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Woodson said the YWCA wish to keep children while their mothers participate in classes - 8:30 to 12:00 starting in September. They asked if they need a permit. This is only for women coming to the classes. They will use St. Paul's Church for the classes. This is a temporary thing which, Mr. Woodson said, really amounts to baby sitting.

Mr. E. Smith said he would like to have a letter sent to these people stating that if these children are cared for only while Mrs. A is attending a class that is satisfactory and no permit is required. But, if Mrs. B wants to go shopping and wants to leave her child, that is not allowed. One parent of the child must be on the premises and the child must be left there only while the parent is participating in the class. The Board asked the Secretary to send this letter.

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Re Wells: The Board authorized that a letter be sent informing Mr. Wells that he is in violation and that he be given thirty days to clean up his violation. The Board had seen the property.

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The meeting adjourned.

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

September 11, 1963  
Date

July 30, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, July 30, 1963 in the Board Room of the Fairfax County Courthouse, with all members present. Mrs. L.J. Henderson, Jr., Chairman, presided.

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The meeting was opened with a prayer by Dan Smith.

NEW CASES

- 1- MRS. WILLIAM CRANE, to permit division of lot with less width and less area than allowed by the Ordinance, portion Lot 6, Block 3, Fairview, (Pickett Street), Lee District (R-17)

Mrs. Crane said it was not possible to divide the lot where her home is because of the garage which is on Lot 7. Her own home uses the two lots, each of which have a 75 foot frontage. This lot (#6) would also have 75 ft. frontage. All these lots - 6, 7 and 8 - would have the same frontage. Her own home uses lots 7 and 8. Her building permit was issued on lots 6, 7 and 8, Mr. Woodson said. This application is merely to cut off lot 6, which Mrs. Crane would propose to sell. This is an old subdivision which originally had very long narrow lots. It was noted that the rear portion of these three lots was cut off some time ago and have frontage on another street. All of the lots on Pickett Street have 75 ft. frontage except the one upon which Mrs. Crane lives and that is a combination of two lots having a total frontage of 150 ft.

No one from the area objected.

In the application of Mrs. William Crane to permit division of lot with less width and less area than allowed by the Ordinance, portion Lot 6, Block 3, Fairview (Pickett Street) Lee District (R-17) Mr. Dan Smith moved that the application be approved as requested as this is an old subdivision of record many years ago and the structures in this area are generally older houses. Most of the lots have a 75 ft. frontage as the subdivision was set up. This is a prime location served by both water and sewer. It is only one block off of U.S.#1 and is a good residential area. This division is actually putting the lot back into its original state. This area was in three lots originally. This will not be detrimental to any surrounding property and will conform to the existing lot sizes in the area adjacent to this. This is granted in accordance with the plats presented with the case. Seconded, Mr. Barnes. Carried unanimously.

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- 2- WILLIAM J. RECHIN, to permit an addition to dwelling to remain 8 ft. from side property line, Lot 7, Block 15, Section 7, North Springfield (5413 Littleford Street) Mason District (R-12.5)

The applicant sent a letter saying he would be out of the area until September and asked deferment.

It was noted that the addition is already on the house. Mr. Woodson said there had been a complaint on this.

Mr. E. Smith moved to defer the case to September. Seconded, Mr. Dan Smith. Carried unanimously.

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- 3- SOUTHLAND FOOD STORES (7-Eleven Stores), to permit erection of a building closer to side property line, rear line and 38 ft. from Hardin Street, on west side of Hardin Street, approximately 780 ft. north of Leesburg Pike, Mason District (C-N)

Mr. Wheaton represented the applicant. He explained his case as follows: The property is a long narrow strip which at one time was a fairly good sized piece of ground but the widening of Carlyn Spring Road (Hardin Street) took

Southland Food Stores - Ctd.

additional ground for the by-pass road and left this strip 77.87 ft. at the south end graduating narrower toward the north. To put a building on this property and get the proper grade it will be necessary to put a retaining wall along the rear property line (about 12 ft. high) and along the south line adjoining the Hardin property. This will be about an \$18,000 job. Mr. Wheaton pointed out that while the Weiss property adjoining on the rear is zoned residential it has a special use permit on it for commercial parking - obtained for the large GSA building facing Columbia Pike. To the east across Hardin Street is the commercial parking for Melpar and industrial zoning. On the north is apartment parking. The property to the south along Hardin Street is in very poor repair and is unoccupied. To build this expensive retaining wall will run the cost of development of this lot very high. They plan to have two stores - 7-Eleven and one other, probably a barber shop ~~and~~ a restaurant. However, they may have only one business.

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Mr. E. Smith questioned putting the building on the property line and at the same time asking for a large variance from Hardin Street. If these people observed the rear setback, 25 feet, they would be practically sitting in Hardin Street, Mr. Smith observed. This is quite a departure from the Ordinance, he continued - no 25 ft. rear setback and 38 ft. instead of 50 ft. from the front.

Mr. Smith recalled that when this strip was rezoned, he asked the 7-Eleven people if they could build on this property without a variance and they said they could and now almost immediately they are asking a variance.

Mr. Wheaton said - because of the unique size and character of the lot and the surrounding area and because of the expense of development they need this. He noted that this wall would be used as one side of the building. He showed pictures of a similar development in Alexandria.

Mrs. Henderson said there was too much planned on this property.

Mr. Wheaton pointed out that 38 ft. was the maximum variance - mostly it is less.

It was agreed that the applicant could not buy property to the rear as that is committed.

Mrs. Henderson read a letter from Mr. J. R. Pearl, grandson of Mr. Hardin, who owns the property to the south. He said they intended to remodel the building on that property and the grandfather, Mr. Hardin, would live there. He objected to this variance, saying it would be detrimental to their property.

The highest and best use of land is not exploitation, Mr. E. Smith said, and this appears to be exploitation.

Since the person most affected (the owner of adjoining property) objects, Mr. E. Smith thought that the Board should give careful consideration to allowing a building to be put at the property line of property that will be lived in for probably a number of years. However, Mr. Smith pointed out, that property also has a future that is probably not residential.

Mr. Smith said it seems a little wrong that the purchaser of land tries to develop knowing that he cannot do so under the Zoning Ordinance and will have to get a variance to get the highest and best use of the land.

Mr. Dan Smith agreed - recalling that this land was only recently rezoned and the purchaser knew of the situation and the regulations. There are unusual circumstances as to the land, Mr. Smith continued, but the applicant knew that when he bought and it is not incumbent upon the Board to correct this situation. This applicant is asking a maximum variance - not a minimum.

Mr. Wheaton noted that this is an old lot which was chipped away by many things. The lot is extremely odd-shaped but it could be developed if a building could be put on the property line.



Southland Food Stores - Ctd.

He thought that is the only way it could be developed. He asked the Board to defer the case to view the property.

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Mr. Dan Smith said he believed the store would serve the area well but he objected to the recent zoning coming in almost immediately for the variance when it was known at the time of purchase that the land would need many variances. The applicant is asking the Board to correct a situation which would allow him a maximum use of the land - a thing that this Board is not set up to do.

Mr. E. Smith moved that the Board defer the case but along with the deferral the applicant should be well advised to have his architect see if he cannot revise these plans and use the property in a manner that would not require so many variances from the Zoning Ordinance. He moved that this application be deferred to September 10. Seconded, Dan Smith. Carried unanimously.

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- 4- LILLIAN VASILAS, to permit operation of a nursery school and kindergarten, approximately 400 feet south of Swamp Road #628 and approximately 1 mile west of Fort Hunt Road, Mt. Vernon District (R-12.5)

This school has been operating under a permit for four years, Mrs. Vasilas told the Board, under the name of Collingwood School, operated by Dorothy Murphy. Mrs. Vasilas is buying the school and it will be conducted under another name. No one lives in the building; it was built for a school, however, Mrs. Vasilas lives next door. Mrs. Murphy had 30 children. The building has two baths. This is day care and kindergarten, operating from 7:30 A.M. to 5:30 or 6:00 P.M. Mrs. Vasilas said she will employ three teachers for kindergarten and nursery school. She herself will take care of administration and the business end of the school. The school meets the requirements of the State and has been approved by the Health Department and the Fire Marshal. She will have a kitchen. The school will operate twelve months a year.

Mrs. Vasilas said she would have only five children now as many are away or are being taken care of at home during the summer but she has many applications for September.

It was stated that there had been no complaints from the Collingwood and no one was present objecting to this.

Mr. E. Smith moved that the applicant be granted a permit to operate a nursery school and kindergarten, approximately 400 feet south of Swamp Road, #628 and approximately one mile west of Ft. Hunt Road, Mt. Vernon District, with a maximum of thirty children, that the permit be granted to the applicant only and all other provisions of the Ordinance shall be met. This is a 12-months school for children aged from 2 to 6 years. The kindergarten is to be operated from 9:00 A.M. to 12:00. Seconded, Mr. Barnes.

Mrs. Vasilas said she could not operate with such a limitation - she wanted thirty children all day and no limitations to the half-day kindergarten.

Mr. Dan Smith pointed out that the State limits schools in accordance with the structure and the facilities here would not justify bringing in other children without limitation.

The motion remained unchanged. Carried unanimously.

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- 5- HOPE LUTHERAN CHURCH OF ANNANDALE, to permit operation of a kindergarten, Lot 62A, Frank Hannah, (4604 Ravensworth Road), Mason District (R-10)

Mr. Sanford Jones represented the applicant. This will be a kindergarten, operating from 9:30 A.M. to 12:00. Mr. Jones stated that they will use the facilities of the Church. This is not Church sponsored.

July 30, 1963

Hope Lutheran Church of Annandale - Ctd.

They wish to have a maximum of twenty-five children. Mr. Jones said he was a teacher in the Fairfax County schools but he will now devote full time to this school and will give piano lessons in the afternoon. This will be a one-session school, operating for nine months, for five year old children. They will provide no transportation - that will be up to the parents. Most of the children, Mr. Jones said, will be from the Annandale area.

Mr. E. Smith noted that they have adequate parking. He also said it pleased him to see the churches used in this manner. Schools so situated are far better than in homes. It makes a very practical and useful utilization of otherwise wasted space.

No one from the area objected.

Mr. Jones said the Fire Department and Health Department have approved this.

Mr. E. Smith questioned why the application was in the name of the church when he actually would operate the school.

Mr. Jones said the Zoning Office preferred it that way. His agreement with the Church is only for one year.

Mr. E. Smith moved that Sanford Jones be permitted to operate a kindergarten in Hope Lutheran Church, located on Lot 62A, Frank Hannah (4604 Ravensworth Road) Mason District, for no more than 25 children on a half-day basis. This is granted for a nine-months operation and is granted to the applicant only.

Mr. Dan Smith suggested that the Church be added to the granting - so if someone other than Mr. Jones should be the director of the school, the Church could make that change - being sure to bring the knowledge of that to the Board.

After further discussion the motion was changed to include Hope Lutheran Church as well as Sanford Jones with the requirement that if a change in the Director takes place from Mr. Jones, the Church will notify this Board.

Seconded, Mr. Dan Smith. Carried unanimously.

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DEFERRED CASES

1-

MRS. MYRTLE NEAL, to permit division of lot with less frontage than allowed by the Ordinance, on west side of Route 701, Sutton Road, approximately one-half mile south of Route 123, Providence District (RE-1)

Mr. Bacon appeared for the applicant who was also represented by her daughter.

Mr. Bacon said Mrs. Neal owns 3+ acres fronting on Five Oaks Road (also Sutton Road or Route 701). She wants to build two houses - one for herself and the other for her daughter. The lots will front on Route 701. She is asking a 25 ft. variance on each lot. It was noted that at the building setback line the width will be a little greater.

Mr. Barnes said the houses now on the property have been condemned and the only way to clean up this place is to take down the old structures and start all over with new buildings. There are shacks all over the place, he continued, and it is generally very bad.

The daughter said if they can build these houses they will tear down the other houses, do away with miscellaneous trailers and clean up the property.

Mr. Bacon said the Health Department would approve this. They will be very glad to clear out what is now on the property. Mrs. Neal has owned this property, Mr. Bacon said, for forty years.

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Mrs. Myrtle Neal - Ctd.

Mr. Bacon said also that they have arranged to have a man come and take away the old cars; he has agreed to do this for nothing.

There were no objections from the area.

Mr. Dan Smith made the following statements -- this is a case where the Board of Zoning Appeals can do a good job in granting a variance which will in the end improve housing conditions and clean up an unsightly condition and it can be policed. Living conditions on this property now are intolerable, Mr. Smith continued. There are no utilities and none of the structures could be made to meet the building code. These people say they will do away with the old buildings, the trailers and old cars. Granting a variance which will accomplish this change, Mr. Smith said, is justified.

Therefore Mr. Smith moved that the application of Mrs. Myrtle Neal to permit division of lot with less frontage than allowed by the Ordinance on west side of Route 701, Sutton Road, approximately one-half mile south of Route 123, Providence District be approved as applied for - this being a frontage for each lot of 125 ft. (It has been pointed out that the width of the lot will be a little greater at the setback line.) Mr. Smith continued - these are large lots, one-plus acre each, which is adequate for a very large house. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Jerome Chandler, attorney and Mr. Campbell from Arcoa, Inc. appeared before the Board in behalf of permits for U-Haul trailers on filling station lots.

Mr. Chandler said the County Inspectors have been telling filling station operators who have U-Haul rental trailers that they cannot have them on these lots. They have been unable to learn just what the County wants in the way of zoning and how and where they can locate their U-Haul business. They wish to operate on filling station lots.

Mrs. Henderson explained that permits to filling stations are granted for filling stations only and no other business, as defined in the Ordinance. If it is desired to have a U-Haul rental business, Mrs. Henderson said the company should locate on a separate commercial lot. This would be a use considered similar to a used car sales lot. U-Hauls are not mentioned specifically in the Ordinance but it is considered a use similar to used car sales. This is a separate business, Mrs. Henderson continued, and should be so handled.

Mr. Chandler said this was a recognized use on filling station lots all over the country. It is always a secondary use. It is considered a use incidental to the filling station. Mr. Chandler noted that filling stations sell many other things -- candy, cigarettes and soft drinks, etc.

But these things cannot be "parked", Mr. Dan Smith noted. They are vending machine products and never become a major part of the business. They are purely incidental. But trailer rental involves another business which is not allowed on land assigned under special permit for a filling station only. These incidental vending machines draw no traffic and are only small uses but coming and going and backing around on the filling station lots, ~~is~~ is a hazard to people trading at the filling stations. To operate in a densely populated area on lots that are already carrying a volume of business is not reasonable. Also, Mr. Smith continued, this Board is to some extent concerned with aesthetics and policing of any grouping of cars around a business establishment that might create a hazard. The framers of the Ordinance did not permit these things and they were wise.

Filling stations operate under a special use permit in all commercial categories, Mr. E. Smith said, except in C-G and in view of the special permit the Board can place many conditions on the granting of a filling station permit. Mr. Smith noted that most of the applicants on filling stations are the major oil companies and they are very conscious of the fact that these permits are granted under strict regulations. The County has had many difficulties in the past on this type of thing and now the Ordinance has been made specific in that the Board may place the restriction that a use can be granted for a filling station only. Mr. Smith said he had never

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July 30, 1963

" U-Haul"parking on filling station lots - Ctd.

heard the applicants complain about these restrictions during his term on this Board. We have many categories, Mr. Smith continued, and these rental lots are permitted in many categories. The situation for rental cars is no different from any other business; they can be granted with the proper zoning and with a proper permit. He thought they had no place on filling station lots.

Mr. Chandler said there had never been a question of a lack of safety in this business. He also noted that the major oil companies would agree to any restrictions on the granting of their permits for the reason that they do not operate the station. The "pinch" is on the lessee. The turnover in filling station operators is very high, Mr. Chandler said, but with the addition of U-Hauls the operators are in a much better position.

Mr. Chandler said they had tried going on a commercial lot on their own and found it did not work out. He said they had not had this difficulty -- that is, the prejudice against locating on filling station lots -- in other places.

Mr. Chandler discussed the situation of the U-Haul (McAtee) at Seven Corners. Mrs. Henderson noted that he is in trouble with the Zoning Ordinance.

Mr. E. Smith said this County may be the only jurisdiction that objects to this arrangement for U-Haul and if so, it pleased him. He had no objection to pioneering for a good cause.

Mr. Dan Smith suggested that the U-Haul Company would do well to get Mr. McAtee to clean up his place. No formal action was taken.

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Mr. Schumann asked the Board to hear from Mr. Petito, representative of Montgomery Ward, regarding a sign problem. A question under Section 30-108 has arisen, Mr. Schumann said, and he would ask the Board how the language of this section might practically be applied in this instance.

Mr. Petito said they wish to install a pylon sign 48 ft. high which would be 8 ft. more than the existing code.

When they first started construction at this site they planned a large retaining wall at the southeast corner and planned to mount the sign on top of the wall at the edge of the parking lot which would be 16 ft. above the service drive. Then they conceived the idea of putting the sign in the well at the entrance. They discussed this with Mr. Massey and Mr. Schumann. They put in the planter and planted shrubs. Then they planned to move the pylon from the parking lot to the well. It is attractive, having a fortress-like appearance. If the sign were on the parking lot the elevation to the top of the sign would be 56 ft. above the finished grade. Located in the well, measured from the base to the top it would not exceed the height limit but they need an extra 8 feet in height only because they wish to put the sign in the depressed area. The well would be 8 ft. lower and the total height would be 48 ft. instead of 40. If they put the sign on top of the wall they could ~~issue~~ <sup>get</sup> the permit.

Mrs. Henderson pointed out that the sign could be 40 ft. from the base to the top, according to the Ordinance.

Mr. Petito said they made the sign especially so it could be put up off the parking lot, in the planter well.

Mr. E. Smith recalled that the Ordinance had just been changed for these people. He was not happy to consider another increase.

Mr. Petito said they had gone over this with their engineers and they are of the opinion that it is better to locate the pylon on the lower level than on the parking lot. It is a large mass tied in with steel. It could not overturn and it would be far more effective in this location.

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Montgomery Ward sign - Ctd.

Mr. Schumann pointed out that the top of the sign would not be more than 40 ft. above the level of the parking lot.

But, Mr. E. Smith noted, the Ordinance means from the base of the pole to the top of the sign. If this were carried out to an extreme conclusion, Mr. E. Smith showed that an applicant could end up with a 65 ft. sign.

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Mr. Dan Smith thought the Board should be practical in the application of the sign ordinance. He saw nothing but a reasonable motive in this request and noted that in the end the sign would not be changed and the height would actually be less than if the sign were on the parking lot. He considered this a case ~~one~~ upon which the Board had the right to act based on the evidence presented. This would not increase the size nor the height of the sign. The sign as proposed would be better located, it would look more attractive and it could be better serviced because of the lower height.

Mr. E. Smith admitted that Mr. Dan Smith sounded reasonable and logical but he also admitted his own aversion to oversized signs and he considered the Ordinance too lenient.

The Ordinance says the sign may be 40 ft. high, Mrs. Henderson pointed out, and whether it is on the parking lot or dropped into the well the sign itself cannot be more than 40 ft. If this is allowed, Mrs. Henderson contended that the Board would in effect be increasing the height of the sign.

Mr. Everest said he was in favor of putting the 48 ft. sign in the planter so the overall height would ultimately be lower than they would have on the parking lot.

Mr. Petito said the sign 48 ft. high is being made.

This, Mrs. Henderson objected to, building the sign and then coming to this Board for permission to put it up.

The Board and Mr. Petito discussed this at length -- proper and adequate identification; are ~~these~~ <sup>THOSE</sup> unusual circumstances?; does the Board have the jurisdiction <sup>to vary the code</sup> to vary the sign ordinance? The answer to this was yes, if the spirit of the Ordinance is observed; agreed that this could be handled as a variance under the regular procedure, by formal application, advertising and public hearing.

Since these people want to open in September Mr. Dan Smith suggested that this should be expedited, if possible.

Mr. E. Smith moved that the Board inform the applicant that this Board does have the authority to consider granting a variance in a situation like this and if the applicant wishes to follow the procedure and to apply for a variance as set forth in the Ordinance, the Board will be glad to consider it in due course. Seconded, Mr. Dan Smith.

Voting yes on the motion: E. Smith, Dan Smith, Mr. Barnes and Mr. Everest.

Mrs. Henderson voted no, saying she did not think the code extended this Board this much leeway over the Ordinance and she considered this would come under that part of the Ordinance prohibiting this Board from granting a variance ~~ON SIGNS~~.

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Mr. Petito and Mr. Brown, store manager, discussed means of putting in the sign temporarily until after the hearing, by filling the well.

Mrs. Henderson stated that if they wish to put the sign in the well, and <sup>then fill the well</sup> stands 32 ft. above the well, that is all right. If the planter is so you can look down and see the base of the sign, that base is the point from which the sign is measured, which <sup>height can</sup> is not ~~more~~ more than 40 ft.

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Old St. Louis Church: Request to extend permit. These people were remodeling two classrooms and ran out of money. They are now in a position to go ahead but their time is running out.

Mr. E. Smith moved to extend the permit for six months. All other

Old St. Louis Church - Ctd.

provisions of the granting motion shall be unchanged. Seconded, Mr. Dan Smith. Carried unanimously.

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Springfield American Legion Post: Asked for extension of permit to complete site plan.

Mr. Dan Smith moved to grant a six months extension in order that the applicant may get his site plan approved. Seconded, Mr. E. Smith. Carried unanimously.

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The Board reaffirmed its policy on requirement of forms to be used in the matter of appeals to the Board of Zoning Appeals. Mrs. Henderson recalled that the Board had adopted as a policy the wording set forth in the proposed amendment regarding these forms and instructed the Zoning Administrator to reprint these requirements in such form that it may be given to each applicant desiring to come before this Board. This policy was originally adopted by this Board on March 12, 1963, stated as follows:

"Forms for appeals and applications to read as follows:

All appeals and applications made to the board of zoning appeals shall be in writing, on forms prescribed by the board and approved by the county executive. Each appeal or application shall fully set forth the circumstances of the case. It shall refer to the specific provision of this chapter that is involved, and shall exactly set forth, as the case may be, (1) the interpretation that is complained of on an allegation of error, or (2) the variance that is applied for and the grounds on which it is claimed that the same should be granted, or (3) the use for which the special permit is sought. The clerk of the board shall not receive, nor shall the board consider, any appeal or application that does not fully contain the information required herein. The board in its rules may prescribe further requirements with respect to the form and content of appeals and applications.

Every such application shall also be accompanied by three copies of a plot plan by a certified surveyor drawn to scale and showing the following information:

- (1) Boundaries of the subject property shown by bearings and distances of same;
- (2) Size, shape and location of all buildings or structures existing on the property;
- (3) Size, shape and location of all buildings or structures proposed to be erected or placed on the property in connection with the application for the use permit or variance;
- (4) Location and means of ingress and egress to and from the highway. "

Mr. E. Smith so moved the re-affirmation. Seconded, Mr. Dan Smith. Carried unanimously.

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It was noted that the DeLemos application has been withdrawn.

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Mrs. Henderson recalled a June 2, 1959 school permit to Mrs. Laughlin which included interpretative reading. They would now wish to have a children's theatre as a part of demonstration of the interpretative reading. It would not be a theatre as such - no admission charge - but would actually be called a children's theatre school. The word "school" would appear in all advertising. The Board agreed that this was satisfactory as long as this was not treated as a theatre per se.

The meeting adjourned.

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

September 11 Date 1963

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August 6, 1963

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, August 6, 1963 in the Board Room of the Fairfax County Courthouse, with all members present except Mr. Eugene Smith. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The meeting opened with a prayer by Mr. Barnes.

New Cases

- 1- Joseph Weese, to permit less frontage than allowed by the Ordinance, on south side of Popes Head Road, approximately 2.2 miles west of Route 123, Centreville District (RE-1)

Mr. Weese stated that he wants to build a house on the property. He owned three-fourths of an acre and when he tried to obtain a building permit he was told that he would need an acre of ground so he bought parcel A which contained enough land to make an acre. Now he finds that he needs more frontage and since his land is "L" shaped with the widest part across the back of the property, he does not know how he can get any more frontage. He needs 150 ft. and only has 129 ft.

The report from the Staff stated that these tracts were in violation of the Subdivision Control Ordinance and a plat approval will be required before a building permit can be issued.

Mr. Weese stated that both adjoining properties are built upon. His father lives next door to him on the same size lot but his house was built some time ago.

There was no opposition.

Mr. Barnes moved that this application be granted due to the fact that the applicant now owns an acre of land. According to the Staff report these tracts are in violation of the Subdivision Control Ordinance and a plat approval will be required before a building permit can be issued. The applicant shall abide by the Ordinance. Seconded, Mr. Dan Smith. Carried unanimously.

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- 2- SPRING MAR PRE-SCHOOL COOPERATIVE, to permit operation of a pre-school (44 children maximum), on east side of Backlick Road adjoining Edsall Park Elementary School, Springfield Christian Church property, Mason District (RE 0.5)

No representative was present. The Board decided to wait for five minutes before proceeding with the next case.

Mrs. William Leiher, Treasurer of the Spring Mar Assodation, stated that they plan a cooperative nursery and kindergarten, set up in the Springfield Christian Church for 3 to 5 year olds, three mornings a week, Monday, Wednesday and Friday from 9:00 to 12:00. They are requesting a maximum of 44 children. They will have a large room for each class. The church property was the only property available for this use in the area and they have a contract on a nine-month basis for one year only and will be allowed to renew it each year.

Mrs. Leiher stated that Mrs. Terry Gordon is President of the Cooperative and Mrs. Quill is teacher director of the School. The Board is responsible for the school; this is not a Church sponsored endeavor.

Mr. Dan Smith thought that one particular person should be responsible for the school and that way it would be easier for the Zoning Administrator to get in contact with them. He asked if there were any plans to operate on a five-day basis at any time within this year. The answer was no.

There was no opposition.

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Mr. Dan Smith moved to grant the application of the Spring-Mar School Cooperative for a maximum number of 44 children, that the permit be granted for a period of one year and may be renewed at the discretion

Spring Mar Pre-School Cooperative - Ctd.

of the Zoning Administrator if there are no changes in the number of children; this will be for three days a week - morning classes - age group 3 to 5 and the Spring Mar Pre-School Cooperative shall submit to the Zoning Administrator the names of the officers of the Co-op for the present school year and each succeeding year so the Zoning Administrator may have a record of the people controlling the school. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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3- GRASSHOPPER GREEN SCHOOL, INC. to permit operation of a nursery school and day care (60 children) Lot 3, Sec. 1-B and Lot 2, Sec. 1-A, Virginia Heights, Mason District (R-12.5)

Mrs. Frazer, the director, represented the School. She stated that this school has been operating for twenty-four years. They would start from as early as 7:00 a.m. to 6:00 in the evenings. They would have sixty pupils including the half-day children and all day children. This is not the complete school, only a portion of it. They are having to move from their present location and this is on a temporary basis since a permanent one has been hard to find. They have been able to secure this property on a year's lease. This probably will last longer than eighteen months. They will have control over the entire piece of property, a total of more than two acres. There is a partial fence but Mrs. Frazer said she proposes a chain link fence around the playground area. They have two - three station wagons with which to pick up the children and the parents can bring children also. If more parking is required, there is more space available. No one will live in the house -- it will be used exclusively for the school. It is a one-story dwelling. The property is served by water and sewer. Mrs. Frazer presented a letter from the fire marshal and petitions from two subdivisions affected by this application favoring her request.

There was no opposition.

Mr. Dan Smith moved that the application of Grasshopper Green School, Inc. be approved for a period of 12 months with an additional six months extension at the discretion of the Zoning Administrator. This is granted for a maximum number of 60 children, ages 2 - 7 and the permit shall be issued in the names of Grasshopper Green School, Inc. and Mrs. Frazer, and to the applicants only. All other provisions of the Ordinance pertaining to nursery schools shall be met. Seconded, Mr. Barnes. Carried unanimously.

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4- SPORTS MOTORS SERVICE, INC. to permit operation of a new car agency, Lots 11 and 12, Annandale Subdivision, Falls Church District (C-G)

Mr. J. Grant Wright represented the applicants. He stated that they are asking for a use permit to allow more cars to be parked outside than permitted by the Ordinance as a matter of right. Three cars can be placed inside the existing building but it is a tight squeeze. If this application is approved, the Sports Motors Service, Inc. has under contract the purchase of this property and will probably improve the building in the future. The road planned to come through will take a part of the property and at that time the applicants will be granted a part of LaFollette Avenue. This will be a new car agency, foreign compact cars made by the Dutch. Since the property is zoned C-G, Mr. Wright felt this was the best use which could be made of this property.

It was pointed out that this <sup>BUILDING</sup> ~~use~~ is non-conforming.

Mr. Wright said they were requesting a use permit that would be reviewed periodically, dependent upon the plans for Annandale. They would like to put all their cars outside the building and have none inside. Then they could take off the front of the building and move it back from the highway. No repairing will be done on the premises; this would be used for new car sales only. The road will probably remove



Sports Motors Service, Inc. - Ctd.

the building on the lot next to them.

Mr. Smith thought that removing any part of this structure would improve the sight distance.

Mr. Wright said they would be willing to do anything in relation to the Annandale Plan. Their total area is 9,166 sq. ft. This will be a branch of Sports Motors.

Mr. Curtin stated that the planned road is now on the priority list and should be built within two years. The road will take the entire tract included in this application.

Mr. Smith suggested that granting a one year permit might not interfere with the road plan.

Mr. Wright stated that the applicants lease from month to month with an option to purchase the land.

Mr. Smith suggested that the permit be granted for one year with the restriction that no improvement would be made on the property. They may tear out the front part of the building but do nothing which might increase the cost to the Highway Department. Therefore, Mr. Dan Smith moved that the application be approved for a period of one year. There shall be no extension of this business without the approval of this Board and no new construction shall be placed here. This is granted to Sports Motors Service, Inc. only. There shall be no preparation of new cars, servicing new or used cars in this location, but shall be a new car sales lot only to be used for a period of one year. This is tied to the plat as presented. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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5- Horace Ginn, to allow shed to remain closer to lot lines than allowed by the Ordinance, Lot 25, Block 24, Section 12, Belle Haven, (201 Windsor Road) Mt. Vernon District(R-10)

Mr. Stuppelworth, the contractor responsible for building the shed, stated that this was due to an oversight on his part. He did not obtain a building permit.

Mr. Ginn needed additional room for his four children so Mr. Stuppelworth said he enclosed the garage into a recreation room and made the present recreation room into a bedroom. This presented a storage problem so they went ahead and built a 12' x 9.94' shed in the back of the house as there was no other place it could be built. They have painted the shed with a prime coat of white. They plan to finish painting it if this application is granted.

Mr. Robert McCandlish, representing Mr. and Mrs. Roach who live on the north side of this property, stated that regardless of whose mistake this was the Board of Zoning Appeals has no authority to grant this variance according to the Ordinance.

Mr. Roach said they could see the entire side of this shed and thought it would not be very pretty a few years from now. They would like to see it torn down. Mr. Roach said his house was built in 1954 and Mr. Ginn put up his fence in 1957.

Mr. Banks represented the Belle Haven Citizens Association in opposition to the application, stating that the Executive Committee and Board of Directors of his Association passes a review on architecture and any improvements to homes in their area. This shed was not presented to them. They strive to prevent such violations as this whenever they can and they turn down an application that is in violation just as the Board of Appeals turns down applications.

Mr. Stuppelworth emphasized that this shed now painted with prime white would be painted light green and trees and shrubs would be planted so that it would no longer be visible from Mr. Roach's property. Mr. Ginn would not want to do anything to lower the value of anyone's property.

Horace Ginn - Ctd.

Mrs. Henderson felt that granting this would set a bad precedent for other similar situations which might arise all over the County.

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Mr. Dan Smith suggested that perhaps the Board should have a look at the property and see how many other sheds might be within 2 ft. of the line - garages, etc. before making a decision on this. Mrs. Henderson said she would have no objection to looking at the property but she felt that this should be turned down now as the Board has no authority to grant an application such as this.

Mr. Dan Smith moved that the application be deferred to September 10 in order that the Board may be allowed to look at the property. Seconded Mr. Everest. Carried - Mrs. Henderson did not vote.

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JANE T. CZECH, to permit operation of private school - first grade (10 children) Lot 18, Sec. 2, Tauxemont (#1 Shenandoah Rd.) Mt. Vernon District (RE 0.5)

Mrs. Czech stated that this school is not now in operation. She would like to operate a private first grade for ten children as there is a need for such a school in this area; she has been approached by parents regarding this school. She has been looking for property but in order to start this fall she would like to have this school in the family-room of her home. She has the fire marshal's letter concerning this. (Mr. Smith felt that the Board members should also receive a copy of the fire marshal's report in each of these applications.) Mrs. Czech said she would operate in the mornings from 9:00 - 12:00 and have children ranging in age from 5 to 7. This would be primarily for people living in the immediate area. Some children would walk to school while others were brought by their parents. She has been in pre-school child education for fourteen years.

There was no opposition.

Mr. Dan Smith moved that the application be approved for a maximum number of ten children for a period of one year. The permit may be renewed annually by the Zoning Administrator if there are no objections and no increase in the size of the school. There shall be no expansion without coming before this Board. Hours will be from 9:00 to 12:00 in the mornings. All other provisions of the Ordinance shall be met, including the parking setback. This is granted to the applicant only and for children ranging in age from five to seven years. Seconded, Mr. Barnes. Carried unanimously.

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FRANCONIA VOLUNTEER FIRE DEPARTMENT, INC., to permit erection and operation of a volunteer fire department and permit building closer to side property line than allowed by the Ordinance, Lot 2, Sec. 2, Franconia Hills, Lee District (R-17 and RE-1)

Mr. Williams, representing the Fire Department, did not have his letter from the Fire Commission stating that this is a needed facility; therefore Mrs. Henderson said the Board could not hear the case at this time. The Ordinance requires that the applicant have a letter from the Fire Commission.

Mr. Walter, President of the Fire Department, was present at this time.

Mr. Dan Smith moved that this application be deferred to September 10 meeting to give the applicant time to obtain the necessary letter from the Fire Commission. Seconded, Mr. Everest. Carried unanimously.

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DONNA LEE SCHOOL, to permit operation of kindergarten and all day care, (35 children) on W. side of an outlet road, 268 ft. S. of Rt. 236, Mason District (RE 0.5)

Mr. Albert Kassabian and Mrs. Gregg were present. They are presently

Donna Lee School - Ctd.

operating in Annandale on Maple Street. Mrs. Gregg has a school accommodating from 20 - 25 children and the lease at the present location will expire in September. She has purchased this property with the idea of living there and operating the kindergarten and day care center in this location. The school was organized in 1949 and has been in operation for six years. This area is particularly suited for this type operation because of its seclusion. Mrs. Gregg would like to have 35 children ranging in age from 2 1/2 through 6 yrs. The property is sewerred and has a well; it will be fenced and will meet Fire, Health and Welfare standards.

Mrs. Gregg presented letters from parents of children presently attending the school and also petitions from people in the immediate area concerning the operation of this school and stating that they do not object. Transportation will be furnished. Top enrollment last year was 25 and they expect 30 - 35 for the coming year.

Mr. Smith thought 35 the top number of children he would like to see approved on this half acre.

There was no opposition.

Mr. Dan Smith moved that the application of Donna Lee School be approved with a maximum of 35 children (this includes the 12 all day care children as restricted by the State permit); permit shall be issued to Donna Lee School and Mrs. Clifton C. Gregg, owner, for a period of one year and renewed annually by the Zoning Administrator at his discretion. Seconded, Mr. Barnes. Carried unanimously. Mrs. Gregg questioned the one year time limit. The Chairman explained that the Zoning Administrator could extend another year if there are no complaints. This is to keep a check on schools of this type. No appearance before this Board would be necessary for the Zoning Administrator to extend another year.

Mr. Smith suggested that Mrs. Gregg give thirty days notice prior to the expiration date of her permit and notice that she wishes to continue for the coming year. This time limit is no reflection on Mrs. Gregg's past. Most of the permits which have been issued have been for a period of one year. We have granted a lot of schools in the past few months and a study should be made to determine how many are still in operation.

The Board agreed that this should be done -- how many are operating? What is the maximum number of pupils enrolled and how many are actually attending?

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Mrs. Henderson stated that she was meeting with the Board of Supervisors on September 11 to suggest that they add "trailer and tool rentals" into the Ordinance under C-G zoning. She would like at that time to request the change in the definition of "gas station" to make it tighter. For example, she told of a gas station in the City of Falls Church where vegetables and garden statues were being sold and she suggested that possibly in the future they might start selling such things as bedspreads, etc. After further discussion the Board agreed that it might be a good idea to eliminate the word "primarily" in the definition of gas stations and possibly add "sale of automobile accessories or something similar.

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The meeting adjourned.

Walter E. Henderson  
Mrs. L. J. Henderson, Jr., Chairman

September 11, 1963  
Date

By Betty Haines

A special meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, August 27, 1963 at 2:00 P.M. in Room 234 of the County Courthouse. All members were present except Mrs. Henderson. Mr. Dan Smith presided in the absence of the Chairman.

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

(No recording was made of this meeting.)

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SAMUEL R. HOOK, TRUSTEE, to permit an apartment building under construction to remain 49.3 feet from rear property line, on west side of Spring Lane southerly adjacent to Glen Forest Elementary School, Mason District. (RM-2)

Mr. George Ford represented Mr. Hook explaining that they are asking a variance on the rear setback requirement of Mr. Hook, which is 50 ft. The building is in violation by some .7 foot. This occurred through an honest mistake on the part of their field party chief in checking out his work. He thought on the southwest corner he had more than the required 50 ft. and not realizing that the rear property line was converging on the building to the extent that it was, he erroneously let a part of the building go into the building line.

Mr. Dan Smith thought this a very small portion of the building in violation. He asked how many buildings were on the property. The answer was "two" but this concerns only one building.

Mr. Ford said the building is fairly well along at this time. He was not sure whether they were under roof but the last time he inspected the property they were up to the third story.

Mr. Dan Smith asked if Mr. Patton's organization did the surveying. Mr. Patton replied that they did the original site plan and also the field stake-out.

Mr. Dan Smith noted that all notices were in order.

Mr. Barnes asked when the mistake was discovered.

Mr. Patton said they discovered it in the course of making the building survey and notified the Zoning Office.

Mr. Eugene Smith said there is a section of the Ordinance that does anticipate this kind of mistake and he wondered if there was any objection to granting this variance.

Mrs. Arthur C. Parsons, adjoining property owner, said she has no objection to the granting of this variance.

Mr. Eugene Smith stated that in view of the fact that the adjoining property owner has no objection to granting the variance and Section 30-36, paragraph 4 of the Ordinance does provide for the granting of a variance in situations such as these, he has mixed feelings about this. He does not want the engineering and surveying fraternity in the County to get the idea that the Board will excuse their minor errors and he did not think this happened because cases of this nature are fairly rare with the Board. In view of the fact that this particular case, according to the testimony before the Board, resulted from an honest error of the surveyors, was not the fault of the owner, the error applies to roughly 8.6 ft. of the building and the building is well within the setback lines in the opposite corner, the deepest variance is .7 ft. which would not be visible to any person looking at the property; this meets the requirements of the Ordinance as set forth in Section 30-36, paragraph 4, he moved that Samuel Hook, Trustee, be permitted to allow the apartment building now under construction to remain 49.3 ft. from rear property line, on west side of Spring Lane southerly adjacent to Glen Forest Elementary School, Mason District as shown on the plat of Patton and Kelly, signed by George Ford, dated July 1963. All other provisions of the Ordinance to be met. Seconded Mr. Barnes. Carried unanimously. It was requested that the plat showing details as well as the other plat be made a permanent part of the record.

Meeting  
adjourned.

October 1963  
Date

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

By: Betty Haines

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 10, 1963 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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NEW CASES

- 1- ROBERT E. FISHER, to permit erection of porch 18.8 ft. from rear property line, Lot 102, Section 2, Broyhill Crest (1322 Wayne Drive), Falls Church District (R-12.5)

Mr. Fisher stated that they have a small home and would like to build a porch on the back. The lot is not deep enough to build a 10 ft. porch which they would like to build. They have a 29 ft. rear property line. There are no houses directly behind them.

Mr. E. Smith asked if the property behind Mr. Fisher's house was a portion of the Broyhill Crest Subdivision. Mr. Fisher said that it was. They live on a block where there are three houses and the property behind them is the back of homes on two streets bounding Mr. Fisher's property.

Mr. E. Smith noted that Mr. Fisher's lot appears to be level and is perfectly square; there is no great difference between this lot and others in the subdivision.

Mrs. Henderson suggested putting the porch on the side but Mr. Fisher said they have a patio on one side and are planning to put a carport on the other side. They wanted to put the porch on the back, a part of which would be made into a closet.

There was no opposition.

Mrs. Henderson said she did not see that there was any topographic situation to justify granting this application as there is nothing peculiar about this lot that does not pertain to other lots in the area.

Mr. E. Smith moved that the request of Mr. Robert E. Fisher, to permit erection of porch 18.8 ft. from rear property line, Lot 102, Section 2, Broyhill Crest, (1322 Wayne Drive) in Falls Church District be denied for the reason that it does not meet with the provisions of Section 30-36 of the Zoning Ordinance pertaining to the granting of variances by this Board. Seconded, Mr. Everest. Carried unanimously.

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- 2- WILFRED R. PIEPER, to permit erection of carport 9 ft. from side property line, Lot 4, Block 3, Section 3, Waynewood (314 Darton Drive), Mt. Vernon District (R-12.5)

Mr. Pieper stated that at present he has no car shelter and he would like to erect a carport. He has had contractors out to his property to determine the possibility of constructing a garage behind his home and found that it would be very costly due to the contour of the land and the drainage requirements. The property is a peculiar shaped piece of ground, quite high and is most unusable. It slopes off rapidly toward his house and there is a very definite drainage problem. The garage cost has been estimated at \$4,000 to \$5,000.

Mr. D. Smith asked why the 35 ft. length of this proposed carport? Mr. Pieper replied that he plans to make it a two-car carport if possible.

Mrs. Henderson asked if there were room in the front for a garage. Mr. Pieper said a garage in the front yard would be most objectionable to his neighbors. The carport he proposes would be the same design as other carports in the area.

Mr. Barnes asked how many houses have carports in the area? Mr. Pieper said almost every other house has one. It alternates between garages and carports. Mr. Everest thought about sixty per cent had either carports or garages.

There was no opposition.

Wilfred R. Pieper - Ctd.

Mr. E. Smith said it seemed to him that this case does substantially meet the provisions of the Ordinance and State statute regarding the granting of a variance by this Board. The lot is somewhat unusually shaped, being on a cul-de-sac, having five sides, an irregular shaped rear yard line, and the testimony is that a large number of houses in the area do have carports and garages. The size of the carport is 10.93 ft. which is pretty much the minimum that could be built which would provide an adequate usable structure for cars of today's width, so he therefore would move that Mr. Wilfred R. Pieper be permitted to erect a carport as applied for, provided that all other provisions of the Ordinance pertaining to carports be met. Seconded, Mr. Everest. Carried unanimously.

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3-

RICHARD H. STROUD, to permit erection of an addition to dwelling 10 ft. from side property line, Lot 2, Block 55, Section 14, Springfield (6002 Charlotte Street), Mason District (R-12.5)

Mr. Stroud showed photographs of his property. At the present time they feel their floor space is inadequate for their needs and they would like to add on a living room with a garage beneath. Mr. Stroud said he has occasion to entertain people from out of town and this extra space is needed. Their lot is very hilly, sloping downward from front to rear. It is such that it is almost an impossibility to put an addition on the rear. They now have 22 ft. minimum clearance to the north side lot line and at present under existing zoning they would be able to erect a 10 ft. wide addition which is not adequate - they would like to erect a 12 ft. addition. They have contacted neighbors and they have no objections. The neighbor across the street believes this will improve the neighborhood. Mr. Stroud presented a letter testifying to this effect.

There was no opposition.

Mrs. Henderson asked if this lot is any narrower than other lots on Charlotte Street - Mr. Stroud replied that his lot is 99 ft. in width in the front, one of the wider lots on the street.

Mr. E. Smith noted that the variance sought is actually not 2 ft. the entire length of the proposed addition but it is possibly only a little over 1 ft. Twelve feet in the front would meet the requirements.

Mr. Dan Smith said the request of Mr. Stroud seems to be a reasonable one due to the irregular shape of his lot and the topographic problem in the rear of the property. This would meet the requirements of Section 30-36 of the Ordinance. This does not seem to be a general problem throughout the area but one which is confined to this particular lot - therefore he would move that Mr. Richard H. Stroud be permitted to erect an addition to dwelling 10 ft. from side property line, Lot 2, Block 55, Section 14, Springfield (6002 Charlotte Street) Mason District as this would not be a detriment to the neighborhood or to the immediate neighbors. He pointed out also that this variance is not necessary for the entire length of this addition - the front meets the Ordinance requirements. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mrs. Henderson said she could not vote for this because she did not feel that this was a special circumstance. The applicant would not be deprived of a reasonable use of his property if this were denied.

Mr. Dan Smith said the statements made by the applicant about his personal life had nothing to do with his decision. The topographic problem was the only statement that concerned his motion.

All voted for the motion except Mrs. Henderson who voted against. Carried.

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4-

DONALD L. WALLACE, to divide lot with less frontage than allowed by the Ordinance, Lot 4, Forestville Estates (Springvale Road), Dranesville District (RE-2)

Mr. Wallace said he has five acres of land and wants to divide it into one two acre lot and one three acre lot. He has tried to buy land from

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Donald L. Wallace - Ctd.

Lot 5 to make enough frontage but this would interfere with the driveway on that property. There is no house on the property now. They would like to build on Lot 4B. Minimum lot size in this area is two acres. The lots have adequate percolation.

There was no opposition.

Mr. E. Smith said it seemed that subdivision of the five acres into one three acre and one two acre lot would be in substantial compliance with the intent of the Ordinance in setting up the two acre zone. One of the lots would comply with the 200 ft. frontage at the building restriction line but the two acre lot would not comply by about ten per cent - 178.3 ft. frontage. It seems that because of the fact that there are in this area similar lots that were developed under the old Subdivision and Zoning Ordinances, he thought this request a reasonable one and granting the variance would be in the spirit of the Ordinance so he therefore moved that Mr. Donald L. Wallace be permitted to divide his lot as applied for, shown on the plat of Greenhorne, O'Mara, Dewberry and Nealon, dated June 1963. Seconded, Mr. Everest. Carried unanimously.

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5- ERVIN M. RAINES, to permit carport to be enclosed closer to property lines than allowed by the Ordinance, Lot 19, Block N, Section 2, Parklawn (#1 Olympic Way) Mason District (R-12.5)

Mr. Raines said he wants to enclose the carport and make it into a summer porch. His neighbors have told him they would not object. He cannot build on the back or either side of his house as there is not enough room. The side closes to the property line is enclosed already.

Mrs. Henderson said this would strike her as being a situation not unique to this particular lot even though the house is placed in a peculiar position on this particular lot. Nearly all the houses <sup>on corner lots</sup> in Parklawn are placed nearly the same way and every other corner lot would be justified in making this request if this application were granted. Most of them don't have a carport in front.

Mr. E. Smith said the case does not meet the Ordinance requirements pertaining to granting variances as there are no unusual topographic situations existing on the property and he would be reluctant to vote for a variance in built up subdivisions of this type. Because this case does not meet the conditions of the Ordinance for granting a variance, nor of the State statute regarding same, he would move that the application of Ervin M. Raines to permit carport to be enclosed closer to property lines than allowed by the Ordinance, Lot 19, Block N, Section 2, Parklawn (#1 Olympic Way) in Mason District be denied. Seconded, Mr. Everest. Carried unanimously.

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6- MRS. DAVID H. BOYD, to permit operation of private school (20 - 40 children) on an outlet road approximately 400 ft. W. of Cedar Lane, outlet road continuation of Lockett Avenue, Providence District (RE-1)

Mr. Walter Fries, President of the Virginia Montessori Society, Inc. and Mr. Boyd were present. This is located on property in a very old subdivision owned by Mr. George Wedderburn. Mr. Fries stated that the purpose of the school would be to educate children between the ages of three and six. They have a very definite educational program, principles developed by Maria Montessori. They would like to start with 20 to 25 students and have slightly over this later on. They would have morning and afternoon sessions in the beginning, gradually developing a single session. The two three hour sessions to begin with would be from 8:30 a.m. to 11:30 a.m. and then from 12:00 noon to 3:00 p.m. The school year will correspond to the regular County school year and they have no intention of having a summer day camp. The Fire Department and Health Department have been contacted and there is only one minor item to be taken care of before the school is permitted. They have water but do not have sewer yet; this is expected to be brought in soon. Students will be brought by parents as no transportation will be furnished by the school.

September 10, 1963

Mrs. David H. Boyd - Ctd.

Mr. Fries said they would have one teacher who is a qualified primary teacher, and one assistant, someone mainly to answer the telephone. Two people would be the maximum number connected with the school. This system is already operating in Arlington, D. C. and Maryland.

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The property is being leased for the school and they feel that the application properly should have been made in the name of the Corporation (Virginia Montessori Society, Inc.) rather than in the name of Mrs. Boyd as she is only a director.

Mrs. Henderson thought this was one situation where the Board should keep track of who is running the school. Mr. Boyd said he was a registered agent for the Corporation and the Board could contact him if they wished, at 225 West Main Street in Fairfax. Mr. Fries is a director of the Corporation and also Layton J. Wilson of Ross Drive in Vienna. No one will be living in the house.

There was no opposition.

Mr. D. Smith moved that the application be granted to the Virginia Montessori Society, Inc. and Mrs. D. H. Boyd, director, and two other directors, that the names of the directors be made available to the Zoning Administrator, and that the application be approved for twenty-five children from 8:30 a.m. to 3:00 p.m. for a regular school year, children ages 3 to 6, and the application is granted to the Society and the present Board of Directors only. Any change in the directorship would warrant a change in the use permit itself. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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7-

H. WILLIAM TURNER, to permit operation of private school, nursery and kindergarten (678 Magnolia Avenue) Mason District (R-12.5)

Mr. Turner represented himself and Miss Shreve, his partner. They are both qualified teachers and they feel that they can start the children in quality education before they reach school age. They would like to use Miss Shreve's property which is one-half acre of land. They have a nice size room where the children will be taught, a good play area, and can transport the children or the children can be brought by parents. They have one vehicle and could provide two if the Board thinks it is necessary. They are asking for thirty to forty children, twenty in the morning session and fifteen to twenty in the afternoon session, depending on the need, of course. There would be no all day children. The first session would begin at 9:00 a.m. running to 12:00 noon and then from 12:30 to 3:30 p.m., for a normal school year. At present they have no plans for a summer day camp. They would like children four and five years of age. This is something which may grow and they may see a need to initiate six year olds in their first grade program. The total number of students to be enrolled the first year would be thirty or forty. Miss Shreve would continue to live on the property.

Mrs. Henderson questioned the possibility of Long Branch overflowing but Miss Shreve said they had not had any trouble since the basement had been completed.

Mr. Turner said the Health Department has no objection to the school. They have not contacted the Fire Marshal yet.

Mr. Johnson said the Board is familiar with the houses Stafford built in Country Club Hills -- this house is approximately 4 ft. larger all the way than the Stafford houses.

Mr. Turner said the play area would be on the left side of the house and would be fenced.

Mr. Smith (Dan) was concerned about the size of the lot - he thought in an area of this size probably fifteen students would be the maximum number which could be allowed. This would be a maximum of thirty students per day on a two-session basis. He was concerned about the number of small parcels of land people are trying to use for as many as forty students and he thought there might be a time when Mr. Turner would want to use the premises for forty children.



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H. William Turner - Ctd.

Mrs. Mary E. Pratt, living on Magnolia Drive, Secretary of the Long Branch Citizens Association and also a representative for Glen Acres, said she was representing herself, the Association and neighbors who have spoken to her in opposition.

Mr. E. Smith asked if the Association had had a public hearing to consider this matter and take action; Mrs. Pratt said there had not been a formal meeting, but so many of the members had told her they were opposed to this, however, the Board could strike the Citizens Association from being in opposition if they wished. On February 27, 1962 she said a similar application came before the Board for a school to be operated in a home on Munson Hill Road and her Association had opposed that application at the hearing. They are concerned about transportation being provided and creating more cars on their residential streets. They are concerned about overflowing of the creek. They feel that Glen Acres is a residential area and should be used for residential purposes only. They wondered if there were really a need for this school as there are already four others in the vicinity. She presented a petition from people in the area in opposition to the application.

Mrs. Henderson read a letter from Dr. Mastrotta of 6201 Glen Carlyn Road in favor of the school as he felt there was a need for this school.

Mr. Johnson stated that Mrs. Shreve's home is not in Glen Acres. The Shreves owned five acres of land until a short time ago when part of their land was sold to St. Anthony's.

Mr. Dan Smith said he was reluctant to grant permits for the operation of private nursery schools and kindergartens in residential areas that are being used and occupied as residences; he felt these operations were best conducted in churches or buildings devoted exclusively to their use.

Mr. Johnson asked if the Board would be in favor if no one lived in the house.

Mrs. Henderson said she could not vote on this today -- there seemed to be too many problems.

Mr. E. Smith suggested deferring to view the property before taking action and moved to defer decision until September 24. He noted that this completes the public hearing. Seconded, Mr. Everest. Carried unanimously.

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- 8- MRS. MELVIN M. MILLER, to permit operation of nursery school, Lot 16, Section 1, Potomac Hills (4720 Kellogg Drive) Dranesville District (RE-1)

Mrs. Henderson read a letter from the applicant requesting withdrawal. Mr. Barnes moved that the applicant be allowed to withdraw the application. Seconded, Mr. E. Smith and carried unanimously.

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- 9- THOMAS V. RORLS, to permit community recreation area, ball field, picnic area and recreation building, S. side of Rt. 859, approx. 1/4 mi. from Rt. 657, Centreville District (RE-1)

Mr. Rorls asked the Board to defer until next meeting (September 24) as there had been a death in his family and he had not sent the required notices. Mr. Gene Smith moved that this be deferred to September 24. Seconded, Mr. D. Smith. Carried unanimously.

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- 10- CEDAR CREST COUNTRY CLUB, to permit erection and operation of swimming pool and bath house, located approx. 1500 ft. W. of #621 on a private road, approx. 2 mi. N. of #29 and #211 - Centreville District (RE-1)

No representative was present. The Board agreed to hear this at the end of the agenda.

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September 10, 1963

11- AMERICAN OIL COMPANY, to permit erection of service station closer to rear line than allowed by Ordinance at intersection of U.S.#1 and Franklin St. Lee District (C-G)

Mr. L. R. Compton represented the applicant requesting to reduce the back yard setback requirements of the building which adjoins R-17 zoning. In this case, Mr. Compton said the property line runs far enough so the pump islands are back 75 ft. from the property line. They plan to put in a service road. The building sets back 120 ft. from the property line and the second pump island is 102 ft. 6 in.

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Mrs. Henderson asked if they were requesting a forty foot variance.

Mr. Compton explained that in order to put in the building and use the property they have to set back this far and have it catercorner to the road in order to catch the eye of drivers going past. If they were not required to pave the service road area and put in the median strip they would have adequate area without a variance. Because they are required to dedicate, they are being forced to go back farther. They would put up whatever screening is agreeable to the Board.

Mrs. Henderson asked if there was any topographic reason for this request. Mr. Compton answered no, but it would be a hardship on the oil company to put their building in an awkward position.

Mr. Paul DeLaney represented Mrs. Peters in opposition to the application.

Mr. E. Smith was concerned about the extent of this variance (80%) which seemed excessive to him. The applicant had not made a case, he felt, that this is a minimum variance necessary; also there are a great many other uses which could be made of this C-G land so that denial of a variance would not deprive the applicant of reasonable use of his property. The applicant has stated that there are no topographic reasons for granting this variance, therefore this case does not meet the requirements of the Ordinance or State statute regarding variances. Mr. Smith moved that the application of American Oil Company, to permit erection of service station closer to rear line than allowed by the Ordinance, intersection of U.S.#1 and Franklin Street (Lee District) be denied. Seconded, Mr. Everest. Carried unanimously.

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12- JANE GOLL, to permit extension of private school, kindergarten and first grade, second and third grades, from 100 children to approximately 150, N. side of Columbia Pike, approx. 800 ft. E. of Moss Drive, Falls Church District (RE 0.5)

Mrs. Goll said they would like to add a third grade and two additional first grades. They had 100 children last year and now have applications for fifty more.

The Zoning Administrator said he had had no complaints about this school.

Mrs. Henderson noted that the letter from Mrs. Goll indicates they are using only five rooms of the eleven available. The Children bring their lunches. Mrs. Goll said the neighbors have no objection.

HERE AT ST. ALBANS CHURCH.

Mrs. Henderson read a letter from Rev. Frizell stating that on Sundays their parking lot usually accommodates from 150 to 200 cars.

There was no opposition.

Mr. E. Smith said he believed church properties are ideal for the conducting of these private schools. He was in favor because of lessened impact on the community and it seems to be a rather frugal use of space that otherwise would be unused for five days of the week. He moved that Mrs. Goll be granted extension of the school presently conducted on the St. Albans Church property, total number of students not to exceed 150. Seconded, Mr. Everest. Carried unanimously.

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13-

CASSIUS C. CARTER, to permit division of property with less frontage than allowed by the Ordinance, on east side of Beulah Road, approx. 900 ft. S. of Hayfield Road, Lee District (RE-1)

Mr. Herb Aman said he was buying this property on which to build homes. This is the frontage of a gravel pit that was never used.

Mrs. Henderson said on Lot 1 it would appear that the building line would be less than 150 ft. Mr. Aman said at the building line which is 50 ft. back the front footage would be 141 ft. wide approximately. That is so there will have to be around 9 ft. variance on each lot. There is more than proper square footage on each lot. The property across the road is sub-standard housing on half acre lots. These lots can be changed around so they would come out to an actual 9 ft. variance on each lot, which is less than seven per cent.

Mr. Aman said he plans to build solid brick ramblers which would upgrade the community. The houses would sell for \$16,950 and would have two baths and three bedrooms.

Mr. E. Smith said across the street the area is subdivided into lots with an average frontage of approximately 100 ft. He did not believe that in granting this variance it would do anything violent to this particular neighborhood. He was in favor of anything the Board could do to result in new housing being constructed in this area which would upgrade the general community. He therefore moved that Cassius C. Carter be granted a permit to divide property with less frontage than allowed by the Ordinance, on the east side of Beulah Road, approximately 900 ft. south of Hayfield Road on Lee District as shown on the plat of Patton and Kelly dated August 22, 1963, signed by George E. Ford and marked "Proposed Subdivision of the Land of Carter-Sorber Properties, Inc." All other provisions of the Ordinance shall be met. It is understood that the variance will be approximately 9 ft. at the building setback line. Seconded, Mr. D. Smith and carried unanimously.

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The Board adjourned for lunch.

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14-

RALPH D. ROCKS, to permit operation of a beauty parlor, barber shop, perfumery, news stand, coffee shop, drug store, florist, valet shop, delicatessen and uses similar to the above, River Towers Apartments, (Wakefield Drive between Ft. Hunt Road and Mt. Vernon Boulevard), Mt. Vernon District (RM-2)

Mr. William Moncure represented the applicant. He stated that at the present time they propose to put in a beauty salon and in addition they have been contacted by the Seven-Eleven operation and they would like to locate here. He offered a petition signed by many of the tenants in River Towers apartments in favor of granting the application. These would be very limited services, he explained, for the convenience of the tenants only. There are about forty or fifty apartments in this project for senior citizens many of whom would enjoy being able to walk downstairs and buy necessary items since they do not drive or do not have a car. Belleview shopping center is approximately a quarter mile away, too far to walk and carry many groceries. Mr. Moncure called attention to the Ordinance, the section regarding limited commercial facilities within multi-family dwellings...for the convenience of people living in the project... He gave Munson Hill Towers and Ravenwood Towers as examples where the Board had seen fit to grant this type of thing. He stated that there were a number of witnesses and tenants who have signed the petition favoring this application present.

Mrs. Petari spoke in favor of the application and Mrs. Jenny, resident manager of the apartments, said she had had a number of tenants come to her favoring the application.

The question was brought up -- is Seven-Eleven considered a delicatessen?

Mr. Penaro who would operate the beauty salon was present and stated that his shop would have only six chairs.

A question was raised regarding the drug store. Mr. Moncure said that under Virginia law a registered pharmacist must be present at all times

Ralph D. Rocks - Ctd.

and it would not be feasible for a large operation to locate here. They don't propose a drug store at all.

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Mr. Dan Smith was concerned about people in the area going into the Seven-Eleven shopping until 11 o'clock.

Mr. Penaro was asked about the beauty salon. He said they would have eight to ten driers, four styling chairs, and three wet booths. He would own and operate the salon himself and they would need about 800 to 850 sq. ft. of space. He has salons in Alexandria and McLean. Outside advertising would not be necessary for a building this large could support four or five operators. It would be to their advantage to advertise but this would not be something which they would insist upon. Their hours would be from 9:00 to 6:00 through Thursday, and open till 9:00 on Friday. There would be no appointments after 9:00 p.m.

Mr. Fagelson represented the merchants of Belleview shopping center in opposition. He said basically they believe that the whole purpose of the type of service mentioned in the Ordinance as mentioned by Mr. Eugene Smith is that it is a service type operation, not a true commercial operation. One of the things most important is that there be no advertising. He suggested that this operation in the apartment building would add a burden of traffic on West Wakefield Drive and Potomac Avenue which are strictly residential streets. The only justification for this use permit has to be need and Mr. Fagelson said he did not see that Mr. Moncure and the River Towers people had argued need. They had argued convenience and he felt that need and convenience were two different things. Every effort should be made to cut down the possibility of a commercial development there which is not based on any need. If there is going to be a Seven-Eleven or so-called delicatessen, he felt that delivery trucks would be running up and down Potomac Avenue and West Wakefield Drive and he felt that truck traffic would affect the welfare of all the people living on those streets. He asked that the Board deny the application, or, if it is granted -- tie it down as tightly as possible.

A group of merchants opposing this application were present and Mr. Fagelson asked them to stand.

Mr. Dan Smith said that when the framers of the Ordinance permitted this particular use in this category they had convenience in mind and he believed that convenience and necessity walk hand in hand in this respect. The fact that they made this provision in the Ordinance in order for convenience to the people made him feel that he would have to disagree with Mr. Fagelson.

Mr. Wise, representing Westgrove Citizens Association, was present in opposition. He read a letter from Mr. Varner opposing this application. The precedent is what they are against, Mr. Wise stated, and the Seven-Eleven is one thing they would strenuously object to.

Mr. Moncure said the County has seen fit to permit people to have these conveniences and he had followed the River Towers case from the very beginning. This was a permit which was granted by Fairfax County but the citizens in the area fought it through the courts. Commercial use was not permitted at the time of the rezoning, and that was the reason no mention of these commercial uses was made at the time. He felt that Westgrove was present just to be objecting, that there is no direct connection between Westgrove and this project. This limited commercial use would not affect them. Again he emphasized that this was only for the convenience of their tenants. He said he regretted the merchants opposing this as it is a very simple operation. This is the only building they plan to have any commercial activity in, it would not be practical to have any more. So far, the beauty shop is the only one that has been leased.

Mr. E. Smith said that the limited commercial activities which framers of the Ordinance had in mind would not be competitive with any adjoining commercial area. Also the fact that they can have no outside advertising would keep people outside of the area from knowing these things existed.

Ralph D. Rocks - Ctd.

If the Board should grant a blanket permit to operate <sup>5</sup>these many types of uses, Mr. E. Smith continued, in this apartment building, then it would be entirely feasible that the entire first floor of the building could be used for a commercial use. This, of course, he said he knew that no member of the Board intends to do. There is one tenant, the beauty shop, as of right now and he felt he would rather allow these uses as the specific tenants came up and explained their plans even though this might impose undue burden upon the owners and the Board. The other way of handling this would be to grant the use permit for the beauty shop in the area designated in the plans and also grant a permit for this variety of uses provided that in aggregate they would not exceed the square footage also shown in these plans. It seemed unlikely to him that this could possibly have any commercial impact that would prove a detriment to those who are in opposition. There is no reason ~~not~~ to think that a small delicatessen could not also have a news stand, combining some of the uses.

Mr. Dan Smith was concerned about granting the permit for this many uses; he felt they could bring in Seven-Eleven to use up the whole space. He thought the best thing is to have each come in for a specific area.

Mr. Moncure said they could take out several of these uses -- the barber shop, florist and perfumery. He suggested giving them the other uses and limit the space to 1150 sq. ft.

Mrs. Henderson suggested limiting the area of the use permit to the space shown on the plat, 1200 sq. ft., on the area shown, no one use to exceed 600 sq. ft. and then there could be no one big operator but several small ones.

Mr. D. Smith thought that Seven-Eleven would be happy to have 1200 sq. ft. of display and selling area, they could have all these uses there except the barber shop, and he wasn't even sure they wouldn't have that.

Mrs. Henderson suggested granting a use permit for 1200 sq. ft. subject to approval by the Board of the uses to be made of it; it would be only for the uses listed here but it would be up to the Board to determine the scope.

Mr. Rocks stated that the most practical things were a valet shop and delicatessen. They did not want outside advertising as they did not want outside people running around their apartment project.

Mr. E. Smith moved that the application of Ralph D. Rocks to operate a beauty shop in building #2 of River Towers apartments on Wakefield Drive in an area so designated on the ground floor plan of River Towers apartments, River Towers, Inc., prepared by Donald H. Draper, A.I.A., submitted in connection with this application, be granted, and the Board would further grant Mr. Rocks a permit to operate a valet shop, delicatessen, news stand and coffee shop in an area not to exceed 1200 sq. ft. in the aggregate, also shown on the previously referred to floor plan, provided that this Board approve a detailed layout and description of the other commercial uses, that is - other than the beauty shop, prior to the issuance of the permit. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest and carried unanimously.

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15- RALPH D. ROCKS, to permit operation of a non-profit club, River Towers Club in River Towers Apartments, (Wakefield Drive between Ft. Hunt Rd. and Mt. Vernon Blvd.) Mt. Vernon District (RM-2)

Mr. Moncure said he filed this application under Community uses, Section 31-137 of the Ordinance. There has been a request by citizens in the building for the use of some sort of social club. This would be on the first floor of building #1, one apartment to start with. If they wished to expand they could come before the Board later. They pay \$200 month for a 900 sq. ft. area. This club would be operated on a paid membership basis.

Mr. D. Smith suggested if there was an organization interested, they should lay the framework, form the club and then come to the Board and ask for the permit. It should be granted to the organization rather than the apartment project.

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Ralph D. Rocks - Ctd.

Judge Stark, a tenant at River Towers spoke in favor of the application and said many others living there want this club.

Mr. Smith thought that a recreational facility owned and operated by the apartment owners as a convenience, recreational facilities such as a community room on the top floor in connection with the swimming pool, which would be under control of the apartment owners would probably be something which would be permitted anyway but to authorize private clubs to operate in rented quarters in high rise apartments is something he would have to think about.

Mr. Moncure said Mr. Schumann had suggested that he file this application.

Mr. E. Smith moved that this be deferred for six months to allow interested parties as indicated on this petition to form a group. Seconded, Mr. Dan Smith. Mr. Moncure requested that this be changed to three months. The Board agreed to defer to December 10. Carried unanimously.

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DEFERRED CASES

- 1- HORACE GINN, to allow shed to remain closer to lot lines than allowed by the Ordinance, Lot 25, Block 24, Section 12, Belle Haven (201 Windsor Road), Mt. Vernon District (R-10)

Mrs. Henderson read a letter from Mr. Ginn requesting withdrawal of the application. Mr. E. Smith so moved. Seconded, Mr. Dan Smith. Mrs. Henderson suggested that the Board allow 30 days for this to comply to the Ordinance. Mr. Smith accepted that as part of his motion, that the shed must be torn down before the end of thirty days. Carried unanimously.

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- 2- WILLIAM J. RECHIN, to permit an addition to dwelling to remain 8 ft. from side property line, Lot 7, Block 15, Sec. 7, North Springfield (5413 Littleford Street) Mason District (R-12.5)

No one was present. Mrs. Henderson read a letter asking deferral. She suggested notifying the applicant that if he or his representative does not appear at the next hearing the application will automatically be denied and the violation will have to be cleared. Mr. Dan Smith moved to defer the application to September 24 and if the applicant or his agent is not present the case will be denied and the violation shall be cleared. Seconded, Mr. E. Smith. Carried unanimously.

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- 3- SOUTHLAND FOOD STORES(7-Eleven) to permit erection of a building closer to side property line, rear line and 38 ft. from Hardin St., Mason District (C-N)

Mr. Thorpe Richard represented the applicant and presented new plats which showed that they had moved the building over and cut down the parking. They have proposed a 7-Eleven Store and one other to be rented.

Mr. D. Smith said this did not look any more desirable to him than the previous one. The size of the stores was still the same.

The variance whether for one store or two would be the same, Mr. Richard noted, for front and rear requirements. The matter was discussed with the Planning Commission and Mr. Schumann said that no matter what the zoning, this property would require variances one way or another.

Mrs. Henderson thought this would be too much on the property. She suggested just putting the 7-Eleven store on there but Mr. Richard said his clients would rather have some ancillary service with it. They felt they were not overloading the property because it is next to a fairly large apartment project.

Mr. E. Smith said there is plenty of shopping in the Bailey's area. Mr. Richard agreed but said that no one would walk to it since it means

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Southland Food Stores - Ctd.

ducking in and out of heavy traffic in order to get there. The apartment dwellers next to the proposed 7-Eleven would be the basic customers and they could walk there.

Mrs. Henderson asked if they had considered renting this land to Melpar for parking purposes. The answer was no, that the return from having a commercial use here will be more than subletting for parking. These stores would serve a basic purpose.

Mr. James R. Pearl said he had not been contacted by anyone as to what was going on the property and his first objection was to them being closer to his property line. He also objected because Hardin Street is already a thoroughfare and this would add to the traffic there. He thought that if the store is allowed to go here, they should provide more parking than what is shown.

Mrs. Henderson informed Mr. Pearl that the building has been removed from his line to the proper setback.

Mr. Barnes suggested deferring this to find out whether or not 7-Eleven would go along without the other store.

Mr. E. Smith moved that this application be denied. Seconded, Mr. Dan Smith. All voted for denial except Mr. Barnes who voted against the motion. Carried.

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- 4- FRANCONIA VOLUNTEER FIRE DEPARTMENT, INC., to permit erection and operation of a volunteer fire department and permit building closer to side property line than allowed by the Ordinance, Lot 2, Section 2, Franconia Hills, Lee District (R-17 and RE-1)

This had been deferred for a letter from the Fire Commission. Mrs. Henderson read the letter requesting that the application be granted.

The representative from the Fire Department said they would tear down the rear of the building immediately, leaving the front portion until the new fire house was completed; then it too would be torn down. They are anticipating widening of Franconia Road.

Mr. D. Smith said there was a great need for this fire house.

No opposition was present.

Mr. E. Smith moved that a permit be granted to Franconia Volunteer Fire Department, Inc. to permit erection and operation of a volunteer fire department and permit building closer to side property line than allowed by the Ordinance, Lot 2, Section 2, Franconia Hills, Lee District. Seconded, Mr. D. Smith. Carried unanimously.

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Mrs. Henderson called the case of Marguerite V. Schumann but the representative was out of the room so she called the next case:

- 10- CEDAR CREST COUNTRY CLUB, to permit erection and operation of a swimming pool and bath house, located approximately 1500 ft. W. of #621 on a private road approx. 2 miles N. of #29 and 211, Centreville District (RE-1)

Mr. LaSalle, President of the Club, said they wish to have a swimming pool and bath house and would have a membership of possibly 200. There is room for about 700 automobiles. This is located where Sudley Mansion used to be.

There was no opposition.

Mr. E. Smith moved that Cedar Crest Country Club be permitted to erect and operate a swimming pool and bath house, property located approximately 1500 ft. W. of #621 on a private road approximately 2 miles north of #29-211, Centreville District. This will amend the original use permit to include a swimming pool and bath house. This will be approved as shown on the plat of Cedar Crest Country Club prepared by Associated Engineers, December 22, 1958 and all other provisions of the ordinance shall be met. Seconded, Mr. Everest and carried unanimously.

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MARGUERITE V. SCHUMANN, to permit operation of a private school in portion of the building for a period of not longer than six months, Lot 17, Block L, Section 4, Mosby Woods (309 Confederate Lane) Providence District (R-12.5)

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Mr. Hansbarger represented the applicant. In answer to a question by Mrs. Henderson, Mr. Hansbarger said Mrs. Schumann now has one school in operation and permits for two others, neither of which have been constructed yet. One the Board granted is in court and that is to be decided the first part of October. One was recently granted off Braddock Road and will be constructed when that subdivision is constructed. This will be temporary for six months and the reason is to take care of people who are interested in sending their children to Mrs. Schumann's school until the one in court is cleared up. At that time the one she now operates on Cedar Lane plus the one ~~we~~ <sup>they</sup> are asking for now would be closed and go into this new school. The Schumanns are living in the top part of the house. The Fire Marshal has given his approval for the school. After everything is cleared up in court there will be only two schools.

Mr. Dan Smith wondered if it would be possible to build this school and clear this up in only six months. He thought getting site plan approval in six months would be a problem. He suggested granting for a school year.

Mr. E. Smith asked how many children would go to school here. Mr. Hansbarger said no more than forty because there is not enough room for any more. They would like to have two half day sessions, a total of forty students aged three to seven.

There was no opposition.

Mr. Dan Smith moved that the application of Marguerite Schumann for a private school in portion of the building at 309 Confederate Lane, Mosby Woods, be granted for nine months, current school year ending in June, for a total of forty students, two half day sessions, children aged three to seven. It is understood that this is a temporary operation to sustain school operation until such time as they can clear up the one now in court and construct the building. The present school will then be closed and eventually there will be two existing school operations by this individual. Seconded, Mr. Barnes. Mrs. Henderson said it had occurred to her that maybe they could not increase the period since it was advertised as six months; probably they should grant it as applied for and then an extension could be granted by the Zoning Administrator if needed, not to exceed three months.

Mr. Smith changed his motion to read six months with the extension of three months from the Zoning Administrator if needed. Carried unanimously.

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Mr. Chilton said he had a question of interpretation on setback. Plat was recorded in 1916 setting up several lots in Mackall's Addition to McLean. There is a 14 ft. alley around the entire subdivision. The question has been raised by the developer with respect to setback from this alley - would you consider this an alley or a street? Mr. E. Smith said he would consider this an unimproved alley. The Board agreed.

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Powhatan Lodge - Mr. Ghents said he is employed as administrator of the group. He presented photographs of the Lodge. "There are two matters that have delayed our land construction," he explained, "we submitted the final plans to FHA on June 12 and had engaged a construction specialist to do the take off as required by FHA. On June 22 we tried to contact him but were unable to do so. The latter part of June we found that he was on active military duty and he was unable to complete the take off. This required finding another consultant acceptable to FHA and in July we found one. The take off was completed July 23. The latter part of July FHA informed us that due to the type of building they wanted test borings around 100 ft. of the perimeter -- this required 20 test borings instead of three. This was completed on July 28. We have submitted to our contractors specifications and plans for construction, to be in by the first of October. We have submitted <sup>plans</sup> to seven equipment



September 10, 1963

Powhatan Lodge - Ctd.

firms and their proposals should be in this month. The banking firm was contacted about this delay and it will take from thirty to sixty days for them to complete their closing of financial papers, etc. Our site plan was approved August 5, and there was a \$13,000 bond needed to complete the required improvements, <sup>and</sup> the assessed \$2500 pro rata share of down stream drainage problem. We have bids coming in for construction in October and also for equipment supplies and should be well underway by February 28."

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Mr. E. Smith moved to grant extension to February 28 in view of the evidence that progress is being made. Seconded, Dan Smith and carried unanimously.

Mrs. Henderson read part of the last paragraph in a letter from Bruce Lambert saying they would assure the Board that investors in this home are anxious to complete it after having \$200,000 tied up in this project for over a year.

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McLean Swimming and Tennis Association - Mr. Woodson said that under State charter they are set up for 350 members. They want 400 so now they have to go back to the State for a new charter. The Board minutes did not state how many members were approved by this Board and Mrs. Henderson said if the Board did not set a number, all they have to do is get the State charter changed. Mr. Woodson said there have been no complaints from the area.

Mr. D. Smith moved that the permit of McLean Swimming and Tennis Association be amended to read "maximum number of 400-family membership." Seconded, Mr. E. Smith and carried unanimously.

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George Dodd Gravel operation - Mr. D. Smith moved that the Zoning Administrator be instructed to extend <sup>the permit for an</sup> additional one year under the same conditions. Seconded, Mr. E. Smith. Carried unanimously.

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The Suburbia -- is it a trailer or is it a house? It comes in on wheels and is put on a foundation. Mrs. Henderson said she would consider this a house and Mr. D. Smith agreed, if it is properly located and constructed on a building lot it is a house. This means constructing on a foundation as a permanent dwelling. It does meet FHA specifications.

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Mrs. Henderson said she had been receiving correspondence from complainers to Hazelton Laboratories regarding dogs barking but since the 20th of August there have been no complaints. The dogs responsible for the barking are now being kept inside and apparently dogs coming in to the laboratories from now on will be "debarked".

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Meeting adjourned at 5:10 P.M.

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

October 1, 1963

Date

By: Betty Haines

September 24, 1963

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 24, 1963 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. Barnes.

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Mr. Dan Smith took the Chair in Mrs. Henderson's absence.

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JULIAN R. NINDE, to permit erection of garage 8 ft. behind dwelling and 2 ft. from rear property line, Lot 2, Woolfenden property (#2 Hamilton Street), Falls Church District (R-10)

Mr. Julian R. Ninde asked for a variance to the Zoning Ordinance enabling him to erect a 26'x26' garage, for personal use, 8 ft. from his home.

Mr. Woodson stated that the Ordinance requires a setback of 12 ft. behind the house in a R-10 district. Mr. Ninde's request meets the side and rear yard setback requirements.

In reply to Mr. Eugene Smith's question of the necessity of a 26'x26' garage, Mr. Ninde answered that the 1963 model cars are 20 ft. long and if his garage measured 22'x 22' which would alleviate the necessity of a variance, he would not have adequate room for the storage of other items. He would be willing to cut down the width of the garage but not the length.

Mr. H. L. Hunter spoke in opposition as spokesman for several Hamilton Street residents. He produced a petition signed by seven families on Hamilton Street protesting the size of this garage. Mr. Hunter submitted the petition for inclusion with the papers of this appeal to the Board. The families had no idea what the garage was to be constructed of and they felt a garage of this size would not fit into the neighborhood.

When Mr. Ninde was questioned as to whether or not he could put the garage some place else, he replied that he would have to re-route his driveway and cut down a shade tree. He asked the Board the purpose of having to place the garage 12 ft. from the house.

Mrs. Henderson said that this ordinance was to prevent future connection between the two buildings.

Mr. E. Smith stated that there was no undue hardship or unusual circumstances in this case and he moved that the application be denied. Seconded, by Mr. Everest and carried by a vote of four, Mrs. Henderson abstaining because she was not present for the full hearing.

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Mrs. Henderson resumed the Chair.

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HILDA B. ABRAHAMS, to permit operation of a nursery school, approx. 15 children, Lot 1, Sec. 12, Hollin Hills (1257 Rebecca Drive) R-17.

Mrs. Abrahams submitted a report containing several letters from neighbors in favor of the nursery school, pictures of her home, etc. She stated that she would like to hold a small nursery for approximately 18 children, ages 3 to 4, for three hours in the morning, five days a week, in the lower floor of her home. This would be based on a normal school year. She might wish to have summer art classes again as she did this previous year without realizing that she needed a use permit for this activity. There will be two people operating the school.

Mrs. Abrahams said that there was a great need for this children's day school, that the mothers now took turns in each other's homes supervising play activities for the children.

September 24, 1963

Hilda B. Abrahams - Ctd.

The school will not serve lunches nor be responsible for transportation. Mrs. Abrahams has not operated a school before but has worked with YWCA and acted as substitute teacher in Fairfax County.

Their home is situated so that the top floor is level with the front yard and the yard slopes down to the back leaving a porch underneath the home that they will close in. This will be the area for play, etc. The children cannot be seen from the front of the home and the people next door do not object. There are no other homes on the other side of and behind her home. The fire marshal and health department have inspected the premises and stated their requirements. Mrs. Abrahams said there were people present in favor of the nursery school.

Mr. P. M. Giesey, neighbor and friend of Mrs. Abrahams, was in favor of the school and spoke highly of Mrs. Abrahams.

Mrs. Orleans said she was very anxious for her children to attend this nursery school and further stated that there were several adequate schools in the area but they were filled up, indicating that there is a need.

Mrs. Woodard who lived next door submitted a letter to the Board. She stated that there had been no noise and she had seen no more children than normal during Mrs. Abrahams' summer art classes and that she had no objection to this school being operated next door.

Mr. Orleans submitted a letter taking issue with a paragraph from the Executive Board of the Civic Association's letter stating their position to the Zoning Appeals Board. He explained his letter briefly.

Opposition:

Mr. Treeman spoke in opposition for the immediate neighbors. His reasons for opposition were as follows: The establishment of a nursery school would change the character of the neighborhood; this is a commercial enterprise; the value of property might be changed; he would not purchase a home near a nursery school because of the noise; the Executive Board of Holland Hills is less than enthusiastic and recommended that a year be permitted, but no more; he further stated that Mrs. Woodard did not own her home adjacent to Mrs. Abrahams, but rented, and that the owners of the home had reservations about the nursery.

Mrs. Kitchell spoke against the nursery school for the same reasons previously stated.

Mr. James Lansburgh said no one felt the nursery school was a bad idea, the question is whether it is a good idea in a residential area. He was a realtor and would be very happy to try and find a suitable location for the nursery. Mrs. Lansburgh expressed the same feelings, adding that this would be an excellent nursery school and she hoped they could find a suitable location for it.

Mrs. Abrahams in rebuttal said she had talked to several neighbors before formal application who now opposed this and they were agreeable at that time. Mrs. Abrahams said she would be very happy to turn her profits over towards a community center. She would welcome any prospective home buyers to visit her school at any time, and that there would be no offensive nuisance.

Mr. E. Smith said there was need for schools of this type, but they can best be conducted in community buildings. There was opposition to this school and the Board had a responsibility to protect residential communities. Mr. Smith moved that the application of Mrs. Hilda B. Abrahams to permit operation of a nursery school be denied. Motion seconded by Mr. Everest and carried unanimously.

Mrs. Henderson and Mr. D. Smith expressed the same views as Mr. E. Smith and hoped that Mrs. Abrahams could find a suitable location for her school.

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September 24, 1963

BRADDOCK BAPTIST CHURCH, to permit operation of a kindergarten in existing church building, (approximately 35 children), Lots 27, 28, 29 and 30, 1st Addition to Fairland, (6110 Braddock Road), Mason District (RE 0.5)

Mr. Binns, Pastor of Braddock Baptist Church, submitted the necessary notices to the Board.

Mr. Binns stated that they were asking permission to sponsor a kindergarten in the church for 35 students aged 5 years old as a public service. They have employed one teacher and are presently seeking another. The hours will be from 8:45 to 11:45 under a normal school year operation with parents providing transportation.

Mr. Dan Smith stated that he felt this a very good use for church property and a service to the community.

Mr. E. Smith moved that Braddock Baptist Church be permitted to operate a kindergarten in the existing church building for 35 children with all other provisions of the Ordinance being met. The motion was seconded by Mr. D. Smith and carried unanimously.

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WILLIAM B. COUCH, to permit erection of a carport 46.6 ft. from Village Drive, Lot 23, Sec. 1, Lee High Village (1006 Village Drive) Centreville District (RE-1)

Mr. Couch stated that the carport had to be erected on the left side of the home as the septic field was to the right. The proposed carport would be even with the front stoop.

Mr. Dan Smith observed that Mr. Couch would need a 6.4 ft. variance for his carport instead of a 3.4 ft. variance as the roof would overhang 3 ft. more. He also stated that prior to 1958 Mr. Couch would have been permitted to build a carport without requesting a variance, and as there was no opposition, and as his application meets all requirements of the variance section of the Ordinance and will not be detrimental to the surrounding neighborhood, he moved that Mr. W. B. Couch be permitted to erect a carport 43.6 ft. from Village Drive, Lot 23, Section 1, Lee High Village (1006 Village Drive), Centreville District (RE-1). Seconded, Mr. T. Barnes and carried unanimously.

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LORTON VOLUNTEER FIRE DEPARTMENT, to permit erection of additions to fire house and allow closer to Pohick River Drive, Lots 10, 11 and 12, Pohick River Pines, Lee District (RE-1)

Mr. McCollum represented the Fire Department, stating that the Fire Commission and Planning Commission have given their approval to this addition. They wish to put in an additional structure 38.6 ft. from Pohick River Drive, requiring a variance of 11.4 ft. This structure will be a control room, office for chief, and bunk room. At present the operator cannot sleep in the control room at night. Their records are not as centralized as they should be due to inadequate office space. Mr. McCollum pointed out that Lorton Fire Department has doubled its fire calls and ambulance service since 1957 and there was a need for expansion for equipment and other facilities. On the other side of the fire department they plan to add a two-story structure consisting of ambulance bays and complete first aid room.

There was no opposition.

Mr. Dan Smith stated that the department reasons for a variance were very good and met with the variance section of the Ordinance; this is a service rendered to the community and in the interest of community welfare it should be approved. He moved that the application of Lorton Volunteer Fire Department, to permit erection of additions to fire house and allow closer to Pohick River Drive, Lots 10, 11 and 12, Pohick River Pines, Lee District, be approved. Mr. Barnes seconded the motion. Motion carried by a vote of ~~three~~ <sup>four</sup>, Mr. E. Smith voting "Nay", stating that there is an acre and a half of ground available and he felt they could rearrange the building in such a way as to eliminate the necessity of a variance.

Mr. E. Smith left the room.

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H. WILLIAM TURNER, to permit operation of a private school, nursery and kindergarten (678 Magnolia Avenue) Mason District (R-12.5)

In a letter addressed to the Board Mr. Turner requested that his application to permit operation of a nursery school be withdrawn.

Mr. T. Barnes moved that this application be withdrawn. The motion was seconded by Mr. Everest and carried with all present voting in favor of the motion, Mr. E. Smith having left the room.

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THOMAS V. RORLS, to permit community recreation area, ball field, picnic area and recreation building, on south side of Route 859, approximately 1/4 mile from Route 657, Centreville District (RE-1)

Mr. Tom Rorls stated that he had five acres of land that he wished to use as a community recreation center. He had talked to several neighbors in the area and they had helped him with the recreation center. He did not know he needed to get a use permit until he had almost finished.

The center includes a ball field, picnic area and recreation center. All buildings and parking areas conform to the Code.

Mr. D. Smith stated that this center was certainly needed and he felt it to be a fine gesture on the part of Mr. Rorls.

There was no opposition.

Mr. D. Smith moved that the application of Mr. T. V. Rorls to permit community recreation area, ball field, picnic area and recreation building, south side of Route 859, approximately 1/4 mile from Route 657, Centreville District be granted. (Granted in accordance with plat submitted dated July 31, 1963.) Mr. T. Barnes seconded the motion, with all present voting in favor, Mr. E. Smith being out of the room.

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WILLIAM J. RECHIN, to permit an addition to dwelling to remain 8 ft. from side property line, Lot 7, Block 15, Section 7, North Springfield (5413 Littleford Street) Mason District (R-12.5)

Mr. Rechin stated that he had added a storage room to his home three years ago. He did not get a building permit for it because he did not realize he needed one. He hoped that he would not have to tear it down as it would distract from the appearance of his home. He submitted a petition signed by seven neighbors stating they have no objection to this storage room remaining. He stated that it was concealed by poplar trees, is in good repair. He has lived there for six years and when he tried to obtain a building permit for a new addition, this violation to the Zoning Ordinance came to light. He will continue to keep this addition in good repair if it is allowed to remain and he hoped that the Board would see fit to give him a 4 ft. variance in order for him to keep the storage room in the same location.

There was no opposition.

Mr. Anderson, his immediate neighbor, stated that he would prefer to see the storage room remain in its present location. He felt this was an improvement to the property.

Mr. Dan Smith said he did not condone this type of violation; however, it is in harmony with the residential dwellings and he believed it is serving a worthwhile purpose. If Mr. Rechin had to place it in the rear of the lot it would not be well aesthetic-wise and to have it moved would serve no useful purpose; therefore he would move that the application be approved, stating that when the house was built the storage room could have been constructed. Mr. D. Smith said this was not intended to set a precedent as each variance should be considered on its own merits. Seconded, Mr. Everest. Motion carried by a vote of three with Mrs. Henderson voting "Nay" and Mr. E. Smith being out of the room when this action was taken.

Mrs. Henderson stated that her reason for voting against the motion was that there is an alternate location for this storage room.

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September 24, 1963

Coastal Broadcasters, Inc.: Mr. Edward Sheppard submitted the following letter to the Board stating his reasons for requesting an extension of time for their use permit:

"156 Elden Street  
Herndon, Virginia  
10 September 1963

Mr. J. O. Woodson, Zoning Administrator  
Fairfax County Courthouse  
Fairfax, Virginia

Dear Mr. Woodson:

On 9 October, 1962, Coastal Broadcasters, Inc. was granted a use permit for the construction of radio towers on land located on Virginia Highway 695, just outside Herndon, Virginia.

At the time the permit was requested, Coastal Broadcasters, Inc. had an application for a radio station pending before the Federal Communications Commission, which had been filed in September 1960. It was anticipated that the Commission would render its decision during the early part of 1963, as an initial hearing was scheduled during the month of December 1962.

A part of the hearing was completed during March of this year, but the remaining engineering aspects have not been resolved. The hearing has been plagued by postponement for various reasons, the most recent resulting in further delay from 9 September until 19 September 1963.

The many delays before the Commission have been caused by other parties to the hearing and Coastal Broadcasters, Inc. has, in some instances, opposed such postponement requests, to no avail. At this time, it is impossible to predict when the final decision will be announced.

In view of the foregoing, we have not been able to utilize the permission granted us, and it is respectfully requested that Coastal Broadcasters, Inc. be granted an indefinite extension of its use permit, issued on 9 October 1962.

Should further information be desired, the undersigned may be reached between 8:30 a.m. and 5:00 p.m. at Oxford 7-2793, all other times at 703-437-1192.

Sincerely yours,

(S) Edward H. Sheppard  
President  
Coastal Broadcasters, Inc."

Mr. Sheppard said he hoped that they would be on the air by June of 1964 and therefore requested an extension of time for one year.

Mr. Dan Smith moved that Coastal Broadcasters, Inc. be extended for a period of one year due to the difficulties encountered in receiving FCC approval. Mr. Barnes seconded the motion and the motion carried with all members present voting "Aye", Mr. E. Smith being absent from the room when this action was taken.

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At this time the Moose Lodge was asked to give reason why the Board should not revoke their use permit due to their violation of the covenant by opening Scoville Street.

Mr. Wright represented the Moose Lodge and stated that they had tried to get together with the Sunset Manor Civic Association to work out an agreement with regard to opening Scoville Street and that they had never been able to meet with the Association; therefore they could not come to a conclusion as to what Sunset Manor Association would agree to. Scoville Street was opened on a temporary basis only for the convention and now it is closed. Mr. Wright submitted a picture of a smashed window of an automobile encountered upon entering Moose Lodge through Oak Street.

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The governor of the Lodge reported that there had been three cases of broken windows and three cases of stones being thrown at cars entering Moose Lodge by Oakland Street. They had reported cases of vandalism to the police.

There have been several cases of cars having to stop to remove old bedsprings, etc. on Oakland Street so as to let the cars get through.

Mrs. Henderson stated that she had checked with the police and they have no record of these vandalisms being reported.

Mr. Leathers of Moose Lodge stated that they had been robbed of \$4,400 and all their vending machines had been broken into. The police had been called a minimum of eight, possibly ten times to clear the right of way debris on Oakland Street.

Mr. Wright said it was not unusual for the police to have no written report. All calls coming in are taped but they all aren't written down. He further stated that since they had not been able to get together with the Association that they had taken an unofficial poll of neighbors' feelings with regard to Scoville Street as soon as objections formalized.

Mr. Dan Smith said the Moose Lodge had taken it upon themselves to directly violate the use permit in defiance of the Board.

Mr. Wright said that the permanent barricade had been closed.

Mrs. Henderson noted that the buffer had been torn down.

Mr. Leathers stated that in order to put in screening they would have to tear up the barricade anyway. The road is being designed according to suggestions by the State Highway Department and they have started on the screening.

Mr. Mark Sandground spoke for the Sunset Manor Civic Association, stating that after the road was opened without a permit, within 48 hours a car came out of the Moose Lodge and ran into an adjacent property owner's car and a child was almost struck down by a car coming out of Scoville Street, proving that the opening of Scoville Street is a definite traffic hazard.

Mr. Sandground also stated that the Civic Association had met with the governor of the Lodge with regard to Scoville Street. There have been two Sunset Manor Association meetings since June where they discussed the opening of Scoville Street but there was no Moose representative at the meeting.

Mr. Lowdemore of Sunset Manor said his car was struck while parked out on the street and it was a hit and run case.

Mr. Leathers stated that it was not a member of the Moose Lodge driving the car.

Mrs. Gonzabus, 5801 Danny's Lane, saw a car go through to the Moose Lodge and almost strike a child.

Mr. Regan of 5836 Danny's Lane said he counted nineteen cars in one day that did not stop at the stop sign and all were going to the Moose Lodge.

Mr. Brinson, president of Sunset Manor Civic Association, stated that they gave the Moose Lodge an opportunity to be heard in May and the people restated their position that they wanted the covenant that had been drawn up between Moose Lodge and the Civic Association, <sup>and</sup> made part of the site plan, to remain as it was when it was written. The people felt there was no need to have a meeting after May because the compromises had already been made. They had a meeting in August with the State Director of the Moose Lodge and several lodge members and the Association set up a committee of 24 people and these men met with the Moose Lodge. On September 17 this committee had a meeting and discussed all the aspects. Seventeen members voted that the Committee not go back to the Association to ask that Scoville Street be opened.

Mr. Brinson went on to say that there is considerable noise and the Association felt that a sergeant of arms would help cut down on this. The dust situation is very bad and there is no screening up yet. They do now have a barricade up since they found out the Association was going to protest this.

Moose Lodge - Continued

Mr. Lynn of Sunset Manor said he had bought a home after reading the covenant. He spoke of the cars being parked on the streets during the convention, lighting from the area being annoying, noise and dust being uncontrollable.

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Mrs. Ryan of Sunset Manor said she was a very light sleeper and on two occasions she was awakened due to loud talking and banging of car doors, etc.

Mr. Wright stated that there would be noise whether Scoville Street were opened or not. He said that the lights were annoying and they could do something about shielding them.

Mr. D. Smith said that the people should call the Lodge if they cannot tolerate the noise at night. He asked Mr. Leathers what the closing hours were and he replied 1:00 a.m. on Weekdays - 2:00 a.m. on Saturdays and 12:00 Midnight on Sundays after which Mr. Dan Smith said they might have to look into shortening the closing hours.

Mr. Leathers stated that they had only opened Scoville Street during the convention for ten days.

Mr. Dan Smith said they should not have opened Scoville Street without first coming to the Board for permission.

Mr. Leathers said he thought they could open the street as the State had said they could.

Mrs. Henderson said that Scoville Street should be barricaded and that screening be put in immediately and all other ordinance requirements be complied with immediately and that the lights be adjusted.

Mr. Dan Smith said that they should get the blacktopping down as they had promised to do earlier and see that the streets are dustproofed and the police should look into vandalism.

Mr. Leathers said that Oakland Street was not a public road and therefore the police could not patrol it and people do not come into Oakland Street because they fear for their lives.

Mrs. Henderson suggested that the Moose Lodge call on the people of Oakland Street. She also stated that Oakland Street was being accepted into the secondary system of highways.

Mr. Leathers stated that they are starting on the apartments in that vicinity and Moose Lodge would like to work out some kind of agreement with the apartments so that they could drive through there.

Mr. Chilton said that would take the traffic off Oakland Street and it would go onto Magnolia Lane.

Mrs. Henderson said that she wanted the Moose to report back to the Board on October 22 and report their progress as to paving, screening, talking to residents of Springdale and noise.

Mr. Dan Smith added that Scoville Street should be barricaded so that it is impossible to drive through.

Mr. T. Barnes suggested that the Lodge throw a party for the residents of Springdale to promote better understanding. The Board members agreed that this would be a fine idea.

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Mr. Sheppard from the Merrifield Improvement Association asked the Board's opinion on a site plan for a new community building, being built on the same place where the old one had been. The Highway Department has taken part of the frontage and Mr. Sheppard's question was whether or not he would be allowed a variance under the ordinance for setback requirements on all sides of his property or just the front. After some discussion it was the Board's decision that the variance to the setback requirements applied only to the front of the lot. With regard to the parking lot having to be 25 ft. from the side line, the Board decided that this was a non-conforming use and they did not have to apply to the Board of Zoning Appeals.

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September 24, 1963

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A letter was submitted to the Board from Mrs. Clara P. Leiher, Treasurer of Spring Mar Pre-School Cooperative Association stating that Mr. Robert Brown is taking the place of Mrs. Marie Gordon as president, and Mrs. Lee Greeneisen is taking the place of Mrs. Lucy Petridge as vice-president.

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Sleepy Hollow Recreation Association wished to know if they could add two tennis courts and the Board decided that as long as they comply with the setbacks approved in the original application they could add the tennis courts.

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The Board/asked its opinion concerning Rose Hill apartments for which two gentlemen wanted to get separate loans dividing the apartments into separate lots, but if the apartments were divided as planned the dividing line would not leave a 50 ft. setback from the apartments required by the Ordinance. The Board decided that the gentlemen would have to ask for a variance to the 50 ft. setback requirement.

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The meeting was adjourned.

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

November 21, 1963  
Date

By: Linda Munday

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The meeting of the Board of Zoning Appeals was held on October 8, 1963 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

TOMMY B. ECONOMOUS, to permit carport to remain 28.6 ft. from side property line, Lots 25,26,27, and 28, Block L, Kings Manor (245 Kensington Road), Dranesville District (R-12.5)

Mr. Economous went into a lengthy discussion of the background of his building. He worked with the building inspector first, presented his blueprints which he said contained this carport and it was always his intention to have the carport but for some reason when the first plat was submitted and subsequent plats, none of them showed the carport.

Mr. Economous went into a long dissertation on his ten year effort to get this home which he has built himself. He got his permits all along. He excavated in accordance with his plans but for some reason the carport was always omitted on his plats. He did not put the house back farther on the lot because of the slope in the ground but he always intended to include the carport although he did not allow for the carport setback.

The Board members discussed this at length with Mr. Economous in an effort to trace the sequence of events. He evidently did discuss his plans and present his blueprints with the carport but from the very first, no carport showed on the plans. The room immediately back of the carport, it was noted, has large garage doors and is of a garage size. However, Mr. Economous said he did not intend that for a garage - it was kind of a store room and workshop. It was noted also on the plat that a detached garage is located back on the lot. This, Mr. Economous said was difficult to get into because of the topography. He was using that for a tool shed and storage instead of a garage.

In the location of the house, Mr. Economous said, not knowing the carport was not on the plat, he thought the setback included his entire structure. But it developed that only the basic house was on his plats. He did not know how this omission occurred.

Mr. E. Smith said that while he was sympathetic with the problems, he saw no justification to grant this variance. The problems are all of Mr. Economous' own making - the plats and sketches showed only the house with the 40 ft. setback - the carport does not appear on any plats. This is a substantial encroachment, Mr. Smith continued. With such a background of performance and no justification, this would really be tantamount to this Board legalizing a violation of the County's Ordinance. Mistakes do occur, Mr. Smith agreed, particularly in staking out houses; but this is not the case here - the carport was simply added on. The entire 16 ft. length of the carport encroaches into the setback line. He moved to deny the case. Seconded, Mr. Dan Smith.

Mrs. Henderson concurred in the motion, noting that there are provisions in the Ordinance whereby the Board can handle mistakes of a certain nature but ignorance of the law is no excuse.

Mr. Dan Smith said he was well aware of the effort Mr. Economous has gone to in getting this house. He has a building permit for the house with a room which appears to be a garage and a permit for a detached garage in the back - apparently he realized the need to have building permits, yet he had no permit for the carport. This is either an oversight or a deliberate violation, in either case the Board has no justification in granting it. The man is not deprived of full use of his property; he has a separate garage and storage space.

The Board agreed to give Mr. Economous thirty days in which to remove this carport.

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October 8, 1963

CHARLES AWRET, to allow dwelling to remain 23.6 ft. from rear property line, Lot 152, Section 3, Pohick Estates (DeVries Ct.) Lee District R-12.5

Mr. Fred Wilburn represented the applicant. This error occurred in the course of staking out over 100 houses in this subdivision, Mr. Wilburn said. The lot is odd shaped and faces a cul-de-sac. Part of the roof of the overhang is in violation, actually 23.6 ft. at one corner of the house. The house could have been turned slightly to fit on the lot but in the location on this lot it was turned just enough to cause this small violation. This was computed at the stakeout. They were misled also by the neighbor's fence which they found in a final check was not on his property line. In a final recheck of all the lines and setbacks the incorrectly located fence was brought to light and the violation was evident. Two other houses were in a similar situation but they were able to straighten them out. This violation occurs only at the corner and for a very short distance as the walls of the house veer away from the property line. Mr. Wilburn said they have built about 250 houses in this subdivision and this is their only error.

Mr. Senelo who lives on Lot 116 objected to allowing this variance, not necessarily because it adversely affected him but because he thought everyone should be made to conform strictly to the Ordinance. If one variance is allowed he could foresee many others which could be injurious. He noted the last case which the Board refused and thought this should have the same treatment. There was a question on this when the footings were laid out and the mistake should have been found then, he added.

Mrs. Henderson said the Ordinance did give the Board the right to consider mistakes - she thought this case quite different from the last.

Mr. Dan Smith observed that mistakes are apt to occur on cul-de-sacs where the lots have an irregular shape and it is difficult to compute. He thought this error slight.

Mr. E. Smith moved to grant the request of Charles Awret to allow dwelling to remain 23.6 ft. from rear property line, Lot 152, Section 3, Pohick Estates (DeVries Ct.) Lee District providing all other conditions of the Ordinance shall be met. This case does meet Section 30-36 of the Ordinance which permits the Board to grant variances under these conditions.

Mr. Smith noted that the Board has very few of these "mistake" cases. They might have perhaps from twelve to twenty a year. This is an area of a great deal of new construction and is a good record on the part of the engineers. Granting this is only a matter of a few inches at one corner. Looking at the property one could not possibly see the violation and it does not adversely affect the general layout of the development and this would not in anyway impair the intent of the Ordinance. Seconded, Mr. Everest. Carried unanimously.

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JAMES D. REDD, to permit dwelling to remain closer to side property lines than allowed by the Ordinance, Lot 1, Section 1, Randall Subdivision (on Rollins Drive) Mt. Vernon District (R-10)

Mr. J. Pollard represented the applicant. When this lot was staked out, Mr. Pollard said, there were no permanent corners to work from - they set the stakes for each house at the time of building. The owner of the adjacent lot came to him at the time he was staking this house out and asked if he would set his house back the same as the other houses in the subdivision. Mr. Redd agreed to do this - he located his house back 20 ft. farther than required. In doing that he followed the stakes which were set on the street. The street angled slightly - this he did not know, but it twisted the house just enough to cause a violation at two corners, one front and one back on the opposite side of the house.

There were no objections from the area.

In the application of James D. Redd to permit dwelling to remain closer to side property lines than allowed by the Ordinance, Lot 1, Section 1, Randall Subdivision, Mr. Dan Smith moved that the application be approved as sought. As explained by the applicant's representative,

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this case complies with Section 30-36 paragraph 4 which gives the Board the authority to grant variances in mistakes under <sup>circumstances</sup> circumstances. It is noted that the variance in front is 1.2 and in the rear 6 inches. Seconded, Mr. Barnes. Carried unanimously.

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CLIFTON APPLE, to permit dwelling closer to side property lines than allowed by the Ordinance, Lot 1, Farrar Addition to Spring Valley (Spring Valley Drive) Mason District (RE 0.5)

(It was noted that the name is Apple, not Appleton and the property is in Mason District.)

Mr. Apple said he bought the property after having been assured by the seller that he could bring his building to within 15 ft. of the side lines. He then had the house designed to fit the lot using the 15 ft. side setbacks. Mr. Apple agreed that it was a stupid error not to have checked his setbacks with the County but the lot appeared to fit the house they wanted and he took the word of the salesperson. He tried to buy additional land <sup>and</sup> it would diminish the adjoining lot to the point of a violation. These people do not object - in fact, Mr. Apple added, none of his neighbors object. They would like to see the house go in. This would be one-story structure in front and two-story in back; it is an attractive plan, Mr. Apple continued, and a beautiful lot. The house would be especially suited to this lot.

Mr. Dan Smith said the Board appreciates the position of the applicant but he could see no justification for this in the Ordinance, based on the design of the house. He noted also that this is a 70 ft. house, too much house for the lot.

Mr. Apple noted the signatures of his neighbors stating that they do not object to this.

Mr. Dan Smith moved that the application of Clifton Apple to permit dwelling closer to side property lines than allowed by the Ordinance, Lot 1, Farrar Addn. to Spring Valley (Spring Valley Drive) Mason District be denied as the applicant has failed to show hardship as found in the "hardship" section of the Ordinance under which this application was made. The applicant can still make a reasonable use of his land without this variance. It is unfortunate that he was misinformed by the seller of the lot. He moved that the application be denied. Seconded, Mr. Barnes. Carried unanimously.

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SIBARCO CORPORATION (Atlantic Refining Company), to permit pump islands 25 ft. from right of way line of Castle Place, property at Castle Place and Route 7, at Seven Corners, Mason District (C-G)

Mr. H. W. Price represented the applicant. Mr. Price pointed out that the setback from the original property line would be approximately 95 ft. The 24 ft. taking by the Highway Department has been accomplished leaving a setback of approximately 69 ft. from the present property line.

The Board discussed the additional congestion on Route 7 but in view of the fact that this is a permitted use and other lots in the immediate area would no doubt come in for entrances to Route 7, there was no reason to question this. Mr. Chilton said he had no doubt but that the Highway Department would approve the two entrances shown on this plat.

It was noted that the set back from Castle Road is 53 ft. - a 56 ft. road is provided for.

No one in the area objected.

Mr. E. Smith moved that Sibarco Corporation be permitted to locate pump islands 25 ft. from the right of way line of Castle Place and Route 7, Seven Corners, Mason District as shown on plat of Springfield Surveys dated June 14, 1963 submitted with this case, with the provision that all other requirements of the Ordinance shall be met. It is also a provision of this motion that this is granted for a filling station only. Seconded, Mr. Smith. Carried unanimously.

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October 8, 1963

LEWINSVILLE PRESBYTERIAN CHURCH, TRUSTEES, to permit operation of a nursery school and kindergarten in the educational building, (approx. 40 children), at the NW corner of Chain Bridge Rd. and Great Falls Rd. Dranesville District (R-12.5)

Reverend Boyd and Mrs. Andrews appeared for the applicant. Mrs. Andrews discussed the case, stating that this is a cooperative school. It started about three years ago and they did not know that a permit was required. Attendance is not limited to church members only; the control of the school is under a committee, most of whom are church members, and the school is on church property. They would operate from 9:00 to 12:00 five days a week for nine months in the year, nursery school and kindergarten. They would have children from four to six years of age. They will furnish no transportation. They expect about forty children.

Mr. Dan Smith suggested that Mr. Boyd be listed as one of the responsible parties to this - in order that he might act as contact for the Zoning Office. If Mr. Boyd leaves the organization he should notify the Zoning Office.

No one objected to the use.

Mr. E. Smith moved that the Lewinsville Presbyterian Church be permitted to operate a nursery school and kindergarten in the educational building at the northwest corner of Chain Bridge Road and Great Falls Road in Dranesville District, not to exceed fifty children. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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GUNSTON HALL SCHOOL, to permit operation of a kindergarten and through fourth grades, southwest corner of U.S.#1 and Rt. 611, Pohick Church Property, Lee District (RE-1)

Mr. A. Slater Lamond represented the applicant. He showed plats giving location of the school which would be in the parish hall of Pohick Church, a very adequate building. Mr. Lamond said these people operated last year without a permit, not knowing it was required. When he went on to the Board, just recently, he filed for a permit. They plan to have approximately 19 in kindergarten; 10 in first grade; and two in the second - a total of 31 children. They will add third and fourth grades.

Mr. Lamond said this is an old school having been founded in 1892 by the two George Masons. Mr. Mason named the school after his home. The school operated for fifty years on Florida Avenue, Mr. Lamond continued. He handed the Board a listing of the Board of Directors.

Mr. Lamond said they will have eight classrooms - 3332 sq. ft. of space. This is adequate for what they plan - two more grades, with twenty in each grade. This would be a total of about one hundred children.

Mr. Lamond said he would bring pictures for the files, showing the building, the play yard and parking, which is entirely adequate. They have two parking areas - one 1600 sq. ft. and the other 10,000 sq. ft., all paved. They will pick up a few children; most will be brought by parents.

No one from the area objected.

Mr. Lamond presented the Board with the following letter:

August 31, 1963

Fairfax County Board of Zoning Appeals  
Fairfax Courthouse, Virginia

Gentlemen:

Gunston Hall, Incorporated, plans to operate a school during the coming school year in the Parish House of Pohick Church, Lorton, Virginia. This school has operated for several years under the name of Pohick Kindergarten. The space is that used for Pohick Sunday School on Sundays.

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Gunston Hall, Incorporated, is a non-profit educational institution chartered by the State of Virginia in 1913. Its actual existence as a school dates from 1892. The present Board of Governors consists of the following:

Mr. Scott P. Crampton, Hallowing Point, Lorton, Va. -  
President  
Mr. Slater Lamond, Alexandria, Virginia - Vice President.  
Mr. John W. Hazard, Hallowing Point, Lorton, Virginia -  
Secretary-Treasurer  
Mr. Josiah Ferris, Route 2, Lorton, Virginia  
Rear Admiral Richard B. Black, Rippon Lodge, Woodbridge,  
Virginia  
The REverend Mr. Albert N. Jones, Rector of Pohick Church,  
Lorton, Virginia  
Mr. Stephen Hartwell, Hallowing Point, Lorton, Virginia.

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It has been brought to the attention of the Board of Governors by one of its members, Mr. Slater Lamond, that in order to comply with the Fairfax County ordinances, the school should apply for a use permit. Therefore we do hereby <sup>Apply</sup> for a use permit to operate a school from kindergarten through the fourth grade, such school to be conducted on the premises of Pohick Church. Accompanying this request are three certified plat surveys of the property to be used.

In behalf of the Board of Governors let me express my appreciation for your attention to this application.

Respectfully,

Secretary-Treasurer"

In view of this letter Mr. Dan Smith moved that Gunston Hall School, Inc. be granted a permit for kindergarten through the fourth grade for a maximum of 100 children. This permit is to run from year to year with automatic renewal by the zoning office, it being understood that the lease to the school runs automatically with the lease between the church and Mr. A. Slater Lamond, acting for the Board of Directors of the school. If Mr. Lamond should resign his position on the Board or shall leave the Board he should notify the Zoning Office of his replacement. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MRS. PAULINE MCRORBIE, to permit operation of a beauty shop in home as a home occupation, Lot 99, Section 3, Lee High Village (1212 Briggs Road) Centreville District (RE-1)

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Mrs./Robie said this will be a small operation. She is hoping to work in a limited way to be home with her children, and to contribute some to their income. She probably would not have more than three or four customers a day. This will be operated particularly for the neighbors. The nearest beauty shop is two miles away. Mrs. McRobie presented a statement from ten people in the area saying they have no objections to this. The shop will be conducted in her basement. It has been approved by the Health Department. The Board of Supervisors have waived site plan requirements.

In the application of Mrs. Pauline McRobie, Mr. Dan Smith moved that the application be approved as applied for with the understanding that this is a home occupation to be operated by the applicant only. All other provisions of the ordinance pertaining to home occupations shall be met. This is granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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October 8, 1963

ALONZO HURLEY, to permit lot with less width and less area than allowed by the Ordinance, Lot 2, property of Rose Hurley's Heirs, (on Wolftrap Road), Providence District (RE-1)

Mr. Bob Hurst represented the applicant. He told the Board that the Health Department has condemned the applicant's house and that it will be demolished. He would like to replace the dwelling but finds he cannot do so because he is in a one acre zoned area and he does not have that much land. His land is divided into small lots which are recorded. This land was divided before the Ordinance but they were not recorded until 1950 after the Ordinance was adopted. This brings the property under Subdivision Control

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Mr. Chilton said the lots (to avoid coming under Subdivision Control) should have been recorded before September 1947. The plat is dated before that date but was not recorded. The ground has passed percolation tests. Mr. Chilton further stated that the plat does not provide for any road dedication and if such a dedication were made it would further reduce the size of the lots. The Board of Supervisors could waive the dedication entirely if they chose.

Mr. Hurst said this was a critical situation for the applicant as he has no place to go. He showed the plans for the new house, a 24' x 24' structure. Mr. Hurley would have to have a new water supply.

In a case like this, Mr. E. Smith said he thought the Board had jurisdiction to act and that it should apply plain human judgment taking into consideration the alternatives. The house is condemned, this man is willing to build a new house - the old one does not conform and is not safe. We could get a safe house on a reasonable lot. This does not meet any of the requirements of the Ordinance but we will have an improvement over what is here now, Mr. Smith said.

Mr. Dan Smith pointed out that there are probably many other similar cases in the County - land subdivided and unrecorded. This lot could have been recorded at one time but for an unknown reason it was not done until 1950. We can improve the situation here and improve the living conditions of these people. This property has been in the hands of these people for many years and they want to stay here. It will improve rather than be detrimental to the neighborhood. Mr. T. Barnes agreed.

No one from the area objected.

In view of the stated conditions surrounding this property, Mr. Dan Smith moved that Alonzo Hurley be permitted to have a lot with less width and area than allowed by the Ordinance, Lot 2, property of Rose Hurley's heirs (Wolftrap Road). This is an action within the scope of this Board, Mr. Smith added. Seconded, Mr. Barnes. Carried unanimously.

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F. F. HENSEN & J. A. MAYER, to permit dwelling to remain closer to side property line than allowed by the Ordinance, property on W. side of Kirby Road southerly adjacent to Ranleigh Subdivision, Dranesville District (RE-1)

Mr. Douglas Mackall represented the applicant. He gave the background of the case stating that Mr. Hensen had started this house in 1942. He has done all the work himself, all the rock has come from the property. The house is not finished yet. When he got his building permit in 1942 the setback was 15 ft. for the house and he could have an ancillary building 10 ft. from the property line. Now he wants to get a loan and finish the house but the loan survey plat shows they are too close to the line according to the present ordinance. He also has a topographic problem. The house is 140 ft. wide and is unfinished inside. No one has ever lived in the house, Mr. Mackall said, they really did not know if the place is non-conforming. It has been going on for so long a time - now after all these years the owner wants to get the loan and complete the house.

If a man can work on a house for twenty years, Mr. Dan Smith said he thought he deserved consideration by this Board. This is certainly an unusual situation, Mr. Smith went on to say, a situation that would probably never arise again, working twenty years after getting a building permit. This variance is one that would have been allowed had this man completed this construction within the year of the permit. This violating structure is only a greenhouse used only for growing plants and flowers. Mr. Smith moved that the application be approved as applied for as it meets the variance section of the Ordinance. Seconded, Mr. E. Smith. Carried unanimously.

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October 8, 1963

POTOMAC BROADCASTING CORPORATION, to permit erection of two towers 155 ft. high, on rear of Joseph Baker property approx. 2490 ft. north of Buckman Road, Lee District (R-12.5)

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Mr. Howard Hayes, Vice President and Mr. Lindberg, President of the Corporation were present. These two 155 ft. towers will be used to increase the amount of signal for WPIK, Mr. Hayes said, in order to meet their need, increasing output for the communities served which involves the entire metropolitan area. They have ample ground to take care of the towers on their own ground should they fall.

No one from the area objected.

Mr. E. Smith moved that Potomac Broadcasting Corporation be permitted to erect two 155 ft. towers high on rear of Joseph Baker property approximately 2490 ft. north of Buckman Road, Lee District as shown on the plat of Springfield Surveys dated August 6, 1963, provided all other conditions of the Ordinance shall be met. Seconded, Mr. Everest.

Mr. Dan Smith suggested amending the original application to include these two towers. After discussion this was not found to be practical since the two hearings and the two cases would be in the files.

Motion without amendment carried unanimously.

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ARNOLD HEFT, to permit division of property and allow buildings closer to property line than allowed by the Ordinance, Parcel D, Rose Hill Farm (on Rose Hill Drive) Lee District (RM-2)

Mr. Frank Everest disqualified himself to participate in this case.

The division of this property is a request of the investors and the variance is asked to take care of any future contingency. If the property is divided as shown on the plat the <sup>two</sup> buildings four and 5 and 15 will be too close to the property line. In case of a fire or other disaster they would be considered non-conforming and could not come in for a building permit. This would be the only problem, otherwise the buildings remain just as they are. These people wish to comply without having to go through S.E.C.

Mr. Smith noted that a mortgage line or trust line is not a division of the property but if they acquire title to the property then it would be.

Mr. Chilton said if they divide this as proposed a new play area would have to be put in.

Mr. Dan Smith suggested deferring this for two weeks to work out a play, and parking area.

This is a problem the Board may get from time to time, Mr. Smith said, on apartments. The most common method of ownership of apartments is now like this. People should do their layouts in sections and that would solve the section lines. This has merit, Mr. Smith said, and should be considered on its merits, but he added the hope that the Board would not have a deluge of such cases. He thought time was an important factor here. Basically the project will be built as it is now outlined, Mr. Smith explained, and no one could be adversely affected.

Mr. Dan Smith thought this an unusual situation which should be deferred and thought over.

We would be creating two pieces of property, Mrs. Henderson said, but we are legalizing a setback that does not meet the Zoning Ordinance and there should be other things on the site plan.

Mr. E. Smith asked Mr. Chilton if he could tell the Board by the next meeting if each parcel meets RM-2 requirements. Mr. Chilton said he could.

If these two parcels are conforming in all other things except the setback line from the new artificial line, Mr. E. Smith pointed out, then the case has merit. It could be granted subject to these things.



Application of ARNOLD HEFT - Continued

Mr. E. Smith moved that the applicant be permitted to divide the property and allow buildings closer to property line than allowed by the Ordinance. This approval shall be contingent upon the applicant submitting to the Zoning Administrator a certified plat which shows the new division line and the distances from all of the affected buildings to the division line and that the new plat will be in substantial conformity to the plat submitted to the Board at the time of this hearing and further that the Planning Engineer determine that each of the resultant parcels conform in all other respects to the requirements of the Ordinance for the RM-2 zone. Seconded, Mr. Dan Smith. Carried, Mrs. Henderson, Mr. Dan Smith, Mr. E. Smith and Mrs. Barnes voting in favor of the motion. Mr. Everest abstained.

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Mr. Jack Chilton asked for an interpretation from the Board regarding location of road at Americana-Fairfax.

Mr. W. C. Burrage was present asking the Board if they considered the lot in question a corner lot since it does not abut the street, there being a 10 ft. strip between the road and the lot. The Board did not consider this a corner lot; from the definition in the Ordinance but did agree that the road would have to be 40 ft. from the house, because of the hazards caused by traffic in an area where there will be many children, in order to meet the intent of the Ordinance.

Mr. Dan Smith said the Board should uphold the decision of the Planning Engineer. There is a buffer strip adjacent to the road 10 ft. wide which creates a hazard to children. There would be a great deal of through traffic here and certainly a 40 ft. setback would be more in keeping with the general welfare of the area than to allow the 22 ft. setback as proposed.

Mr. Burrage said the applicant would put up screening and a barricade fence along that part that is developed - this would take in four lots. This would not take in the entire road.

The intent of the Ordinance is to keep dwellings a certain distance from roads, Mrs. Henderson said, and no road should come so close as suggested here. The intent of the Ordinance is to separate traffic from structures. This is necessary for people to enjoy well being and to protect their safety. Mr. Smith said, the distance here is a big factor therefore Mr. Dan Smith said he would uphold the decision of the Planning Engineer.

Mr. Dan Smith moved to uphold the decision of the Planning Engineer in this case to place the road not at the 22 ft. distance that the applicant proposes but would require a 40 ft. setback which would meet the intent of the Ordinance. This separation of traffic and structure is for the safety and benefit of the people occupying these structures. It is the intent of the Ordinance to separate roads from dwellings so it will provide some buffer from noise, dust and fumes, and give safety protection. His motion was to uphold the Planning Engineer to have this road placed with a 40 ft. setback rather than as proposed by the applicant, which would meet the intent of the Ordinance. Seconded, Mr. Barnes. Those voting for the motion were: Mr. Dan Smith, Mr. T. Barnes and Mrs. Henderson. Mr. Everest voted against the motion.

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OLD VIRGINIA CITY - Mr. Tom Rothrock represented Old Virginia City. He recalled that Western Amusements, trading as Virginia Frontiers, Inc. got a permit last year to continue this operation. They operated this summer and they had many problems. Now everything has been sold and the operation is at the "break-even" point. All assets have been sold to Virginia Frontiers, Inc. and they wish to transfer the name of the use permit to these people.

Mrs. Henderson suggested that these people should present in writing the names of the new people operating the project and list out just what they intend to do, then the Board can consider the permit. She recalled the long series of difficulties with these people.

Mr. Bernard Cohen said these people are not purchasers, but everything else is the same as it was. They only want a use permit to operate the same thing that has been operating.

October 8, 1963

Old Virginia City - Continued

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Mr. E. Smith said he agreed with Mrs. Henderson and in view of the confused situation the Board probably should cancel out the whole thing. Under any circumstances the Board should have these people give a detailed report in writing - the new applicants who will operate this, their names and business background and a statement as to the type of operation they intend to conduct. The Board does not want another situation like the last time, just to say they are taking over from other people. The Board should have a definite statement from the new owners, written memo showing what they propose so this Board can get started properly with the new group.

Mr. Dan Smith said he had thought this a good thing in the beginning and he worked for it but too many unfortunate things have happened. Mr. Smith said he thought there should be an entirely new application filed by the new owners and under their new name. The Board should have a list of the new owners, their business background and their addresses, and a listing of what they intend to operate here. The Board agreed with this.

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Spring-Mar School - Mr. Woodson said they have asked to have their permit amended from three days a week to five days a week. The Board agreed to this. Mr. Dan Smith so moved and Mr. Barnes seconded the motion which carried unanimously.

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Wells Antique Shop - The motion granting this was that the Board should view the property at this time. Mr. Woodson said there have been no complaints. The Board agreed to view the property.

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Mr. Woodson read a letter from Mr. Klinge regarding commercial parking in a residential district. The use requested would be allowed in I-P, I-L, I-G and C-G.

Mr. E. Smith said he would take an amendment to the Board of Supervisors which might include Mr. Klingel's proposals.

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Mr. Woodson discussed the Joe Starry garage and filling station where a junk yard is being conducted. The Board authorized Mr. Woodson to notify Mr. Starry to clean up the junk. It was noted that the permit granted to Mr. Starry included only the filling station and repair shop.

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The meeting adjourned.

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

November 21, 1963  
Date

By: Katheryne Lawson

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 22, 1963 at 10:00 A.M. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Dan Smith.

GRAHAM C. & ANNE H. BEACHUM, to permit dwelling to be built closer to side line than allowed by the Ordinance, SW corner of Oriole Avenue and Ridgeway Drive, Lee District (RE-1)

No one was present to support the application. Mr. Dan Smith moved to put the case at the end of the Agenda. Seconded, Mr. Everest. Carried unanimously.

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RICHARD E. NOLAN, to permit carport closer to side line than allowed by the Ordinance, Lot 15, Block E, Section 5, Dunn Loring Woods (1820 Wesleyan Street) Providence District (R-12.5)

Mr. Nolan said he could get a 9 ft. carport and keep within the required setbacks. That would be satisfactory for him at the present because he has a small car but he might not always have a small car and he may wish to sell the property some day and someone might need a larger carport. He also said a 9 ft. carport would look chopped off and out of proportion. He was told when he bought the property that he could put the carport on. Mr. Nolan also noted that the lot widens out toward the rear and the violation would be reduced at the rear. Many others in the subdivision (which is a new development) do not have carports because they do not have room.

Mrs. Henderson saw nothing unusual in this case, peculiar to this particular property - nothing that would justify the Board granting the variance. She noted that the structure could be located in the rear of the house without a variance.

Mr. Dan Smith thought a 10 ft. carport would be usable.

It is abundantly clear, Mr. E. Smith said, that there is no hardship in this case. This is a relatively new development where the houses have been planned recently. This house is like many others in the subdivision that do not have carports and it does not appear that Mr. Nolan would be denied a reasonable use of his land if this variance were refused. It does not meet the hardship requirement in the Ordinance imposed upon this Board for granting a variance. To start granting variances of this kind in a new subdivision would break down the zoning in this area. In older areas where there are problems with non-conforming lots such variances are more reasonable but Mr. Smith added, certainly not in this new development.

Mr. Dan Smith said he agreed basically with Mr. E. Smith but he could see some merit to this case. The lot is irregular in shape, the variance at the rear of the carport would be very slight and the man was told that he could put this carport on when he bought the property. He is asking too much, Mr. Smith pointed out, but a 10 ft. carport would not be unreasonable and it would adequately serve his purposes. Mr. Smith also noted that the house was put forward on the lot because of Route 66 along the rear. The house could have been located back farther on the lot and the carport would conform because of the widening out of the lot toward the rear.

No one from the area objected.

does not  
Eugene Kessler who lives in the immediate area said he favored the Board granting this.

In view of the facts presented in this case, it appears that the application does not meet the requirements set forth in the Virginia Code nor in the Fairfax Zoning Ordinance, Mr. E. Smith said, regarding variances. He therefore moved to deny the case. Seconded, Mr. Everest.

Those voting in favor of the motion were: Messrs. Smith, Everest, Barnes, and Mrs. Henderson. Mr. Dan Smith voted against the motion.

Mrs. Henderson noted that there is an alternate location on the property where a carport could be located without a variance.

October 22, 1963

EUGENE F. KESSLER, to permit erection of a carport 13.45 ft. from side property line, Lot 9, Section 2, Broyhill Langley Estates (536 Dead Run Drive), Dranesville District (RE 0.5)

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Mr. Kessler said he has two cars, two boats, three children and a wife. (Four in the family drive) He needs a two-car carport. This is a two-car neighborhood, Mr. Kessler went on to say, practically everyone has two cars and two-car garages or carports going up all over the place. This is his permanent home and he needs this size structure. He would not ask for this if there were any objections. There are none. This would improve his house and the neighborhood. The fact that he can build only a one-car carport within the Ordinance requirements is his hardship. A tandem carport would be impractical and would not look right.

Mr. E. Smith read from the Virginia Code 15.968.9 regarding such variances. He noted that many houses in the area are without carports and to refuse this variance was not approaching confiscation of the man's property.

Mrs. Henderson noted that a 14 ft. carport could be built without a variance.

Mr. Dan Smith said he thought this was a very different case from the last one - that one had an irregular shaped lot; Route 66 in the rear; and the man was told he could have a carport. This man can have a fair sized carport without a variance.

No one from the area objected.

Mr. E. Smith stated that in view of the fact that this applicant has not presented evidence that would indicate that this case meets the requirements of the variance section of the Ordinance, he would move to deny the case. Seconded, Seconded, Mr. Everest. Carried unanimously.

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W. A. BAKER & ASSOCIATES, to permit division of lot with less frontage at the building setback line than allowed by the Ordinance, proposed Lot 1, ElNido, Dranesville District (R-12.5)

Mr. Hugh Cregger represented the applicant. He said they have 68,128 sq. ft. zoned R-12.5 bounded on all sides by streets. This piece of property has been cut down by easements for streets and the 40 ft. setbacks on all sides. No service drive will be required on Old Dominion Drive because of the curve in the road which will be straightened out in time. There is an existing structure on the property, Mr. Cregger pointed out, and they wish to divide the lots so as not to violate the setbacks of that building. They will get five lots under the present plan, one of which will be only 6 ft. short on one frontage. They would have a 99 ft. frontage instead of 105 ft. - corner lot. They could practically make this conform by drawing a very jagged line but they do not consider that good planning and the variance is very small. All of these lots meet the square footage requirements.

Mrs. Henderson suggested dividing this into four lots.

Mr. Cregger said they have already lost a great amount of area because of the four roads and not to build on this property would deprive the owner of a reasonable use of his land. There are not many such situations in the County, Mr. Cregger pointed out. This is a fair and equitable division of the land and is in no way detrimental to the area.

No one from the area objected.

In the application of W. A. Baker & Associates to permit division of lot with less frontage at the building setback line than allowed by the Ordinance, Proposed Lot 1, Resub. Block 1, El Nido, Dranesville District, Mr. Dan Smith moved that the application be approved in accordance with the plat submitted by Rogers Brothers, Surveyors, dated August 1963, to be initialed by the Chairman of the Board and by a representative of the applicant.

This application has unusual circumstances, Mr. Smith continued, both with relation to the land and to the surrounding area. There are very few situations in the County like this - such a situation does not apply generally to land. The request is reasonable. There is a possibility of jogging the lot line and being able to use the lot without a variance but that is

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W. A. BAKER & ASSOCIATES - Continued

not practical. The situation here was created by the property being entirely bounded by streets. Sewerage is available. There are none objecting to this and it would appear that there will be no detrimental effects to the surrounding area and the applicant will have a reasonable use of his land rather than a partial use. Seconded, Mr. Barnes. Carried unanimously.

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DANIEL C. BEARD, to permit operation of an antique shop, on south side of Lee Highway, approximately 1000 ft. E. of Rocky Run, Centreville District (RE-1)

Mr. Grant Wright said he represented the applicant and it was noted in the beginning that this was filed under Group VI and it probably should have been filed under Group IX.

Mr. Wright said Mr. Beard is leasing the property from the owner, Thomas Crouch in Arlington. He will live in the big old house on the property and conduct the antique business and an interior decorating business in his off hours. He is a decorator working at Julius Lansburgh's six days a week; his wife will operate the shop mostly. This will include the entire 43 acres. Mr. Beard said he would also have a small art gallery. This decorating business is his own private business apart from the store where he works. It would be very limited, mostly by phone orders. No display of fabrics will be used here.

Mr. Dan Smith said there is an active use permit now on this property for a riding academy. Mr. Wright said the riding academy is no longer in existence. The man's permit has another month or two to go but he has reneged on his lease and has been put off the property. He could not continue with the permit even if he wished to do so.

Mr. Dan Smith thought this a good place for an antique shop but he questioned the decorating business and thought the Board should have something more definite on the riding academy permit.

Mr. Wright said this meets all requirements under Group IX. There will be no structural alteration to the house, Mr. Wright said, only remodeling and cleaning up and repairs. Mr. Beard said he was now living in the house.

Mr. Dan Smith thought this should be confined to the antique business and no decorating business. He wished to defer this to clear up the present use permit and to check up on other details on this. He thought the Board should view the property.

Mr. Wright contended that the use permit was granted to the man and not to the land and the individual to whom the permit was granted is now gone.

No one from the area objected.

In view of Mr. Dan Smith's feelings on this, Mr. E. Smith moved to defer the case to November 12 to allow time for the Zoning Administrator to check into the status of the existing use permit on the property. Seconded, Mr. Dan Smith. Carried unanimously.

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SIBARCO CORP. (Atlantic Refining Co.) to permit erection of pump islands 25 ft. from U. S. #1 and Fordson Rd., property on W. side of U. S. #1 approx. 300 ft. S. of intersection of U.S.#1 and Fordson Rd., Lee District (C-G)

Mr. H. W. Price represented the applicant. He said the future dedication for widening of U.S.#1 has been agreed upon with the County and the Board of Supervisors to be dedicated at such time as required and at that time the pump islands will be moved back to the 50 ft. line at the expense of the company.

Mrs. Henderson pointed out that if the pump islands are now placed 25 ft. from the right of way the building should be back 75 ft. The plat showed the building to be back 50 ft.

SIBARCO CORPORATION - Continued

Mr. Chilton said the Board of Supervisors had granted a variance subject to future dedication on Route 1. Mr. Chilton continued - saying that if the dedication had been made the building need not be set back the 75 ft. This has not been dedicated as of this date.

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Mr. E. Smith noted that this is now based upon the present width of Route 1. He did not consider that the plat conforms to the Ordinance. But this dedication will take place in the future, Mr. Chilton said. Mr. Price said they had agreed to a 35 ft. dedication.

The Board discussed this at length, Mr. Price contending that both the buildings and the pump islands could set back 50 ft. which could be done now. They are simply wanting to set the pump islands 25 ft. from the right of way until such time as widening takes place. Mr. E. Smith was of the opinion that this was not in accordance with the amended ordinance. He asked to defer the case to clear this up with the Staff.

Mr. E. Smith moved to defer the case until the Board can get together with the Staff and explore the question that has been raised. Seconded, Mr. Everest. Carried unanimously.

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VANDA KLOPFENSTEIN, to permit operation of a beauty shop in home, Lot 9, Section 1, Langley Manor, (421 Churchill Rd.) Dranesville District, (RE-1)

Mr. Robert Best represented the applicant. A question arose about proper notification, however, ten or twelve people were present on this case. The Chairman ruled that sufficient notification had been given.

Mr. Best said Mrs. Klopfenstein is a licensed beauty operator who wishes to start a small beauty shop in the basement of her home. It would be a one chair affair - she would be the only operator. She would have no commercial sign and no advertising. There would be no need for additional parking as practically all the customers would walk. They will ask the Board of Supervisors to waive the site plan.

Mrs. Klopfenstein said she would be open for business from 8:30 a.m. to 7:00 p.m. five days a week; she wishes to be home with her children who are school age.

Mr. Klopfenstein said she had not really started a beauty shop in her home but had been doing the hair of several neighbors and friends.

The Board advised Mrs. Klopfenstein that while she may not appear to need parking spaces, this is a specific requirement of the Ordinance, to provide off-street parking 25 ft. from the property lines. While people may live near who use the shop it was agreed by Board members that people are not in the habit of walking even a couple of blocks and especially in bad weather. Under any circumstances the Board said they have no authority to waive the parking requirements and it appeared that the applicant would have a difficult time in providing these spaces.

Mrs. Glad, who lives adjoining in the rear, said she had no objection to this and she thought the parking would be no problem. The work Mrs. Klopfenstein has been doing has not interfered with her. There have been cars parked in her driveway. Several people on adjoining lots did not object to this use.

Mr. Best said her home operations have been very limited - she has had no intention of carrying on a business.

A second lady spoke in favor of the shop. There were seven present favoring the permit.

Opposition:

Mr. Bob Diamond represented himself and neighbors. He said their real point was the parking; he noted that it is very clear in the ordinance that off-street parking must be provided and Mr. Diamond said he did not see how they could provide it. It is not reasonable to think that any substantial number of people would walk.

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VANDA KLOPFENSTEIN - Continued

Mr. Diamond continued, saying that this Board cannot rightfully act on this case because there are covenants on the ground setting forth that only residential use can be developed on this property - no business, and this Board cannot impair this covenant.

Mr. E. Smith said the covenant may or may not apply and all the people in this area had the right to try to enforce the covenant but deed restrictions are not the concern of this Board - private covenants have no bearing on this Board or any County Board. This is a matter for the people to enforce their covenants.

Mrs. Henderson agreed.

Mr. Diamond said these people cannot meet the requirements. He pointed out that this is near a school and if this small business is allowed it will grow and other similar businesses will creep in. Children coming and going will be in danger from cars arriving and leaving this shop.

There is no necessity for this shop, Mr. Diamond continued, the McLean Shopping Center is within one mile where there is adequate room for the applicant to locate - there are many other beauty shops already in operation.

Mr. Gilbert Lockree objected to bringing business into a new community; it would establish a precedent for other use permits. He noted that the six beauty shops in McLean area pay business taxes in a commercial zone and he considered this unfair competition.

Colonel Shumacker, owner of the home adjoining, is opposed also, Mr. Lockree said. He presented a petition signed by people in the immediate area. The petition said that this was contrary to the interests of the neighborhood and an encroachment on a residential area. 63 names were signed to the petition.

Asked if these people really understood that this is a use permit and not a rezoning, the Colonel said they did.

About nine persons were present in opposition.

Mr. Henry Johnson, who was not from the immediate area, said he had contacted twelve neighbors in their area and asked if they would want this type of thing in their area. They all said no, and signed a petition against this. Mr. Johnson said they were joining together with other citizens associations to oppose this in principle. They would oppose this in any other residential area. They believe this would downgrade any subdivision. Such a use is not necessary nor needed here and it would adversely affect the McLean business center economy. When businesses of this kind creep in, Mr. Johnson said, it is a decline of the neighborhood. He could conceive of such a use going into an older neighborhood where the area is deteriorating but that is not happening here. To grant this would encourage activities entirely out of character with the area, it would be a dangerous precedent for <sup>the</sup> future <sup>and</sup> such approvals ~~and~~ would deteriorate the neighborhood.

Mr. Dan Smith said he was concerned about citizens associations banding together and opposing applications wherever they may be. He pointed out that the ordinance specifically permits this use in a residential area when it is applied for as a home occupation. If this is wrong in the Ordinance, then, Mr. Smith continued, the recourse of the people is for the Board of Supervisors to change the Ordinance, rather than to object across the board to anyone who makes such an application. The only people really affected here, Mr. Smith continued, are those living within one block of the applicant. The others are objecting per se - not to this application. To have citizens associations from various sections coming in with objections is out of order. Rather than attack a request for a use permit these people should attack the Ordinance and take it to the Board of Supervisors.

Mrs. Henderson disagreed with Mr. Smith.

Mr. Johnson said he was not attacking the Ordinance because there probably are some declining neighborhoods in which this would not be objectionable.

VANDA KLOPFENSTEIN - Continued

Mrs. McKenzie objected to this particular case, stating that she had seen four cars in the yard and on the street at one time, customers. She objected also to the fact that Mrs. Klopfenstein has been operating without a permit. This is very dangerous for children going to school with cars backing in and out. Mrs. McKenzie said she had carried around a petition and found people almost unanimously against this. She objected also for reasons previously stated.

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Mr. Dan Smith noted that if this is granted the applicant would have to comply with parking requirements.

Mrs. Gray, living three houses away, objected. She was apprehensive that this would be detrimental to their home investment. Such an encroachment as this may lead to other undesirable uses which would depreciate the area.

Mr. Charles Tabler, President of McLean Business and Professional Citizens Association, said he was opposed to any business going in outside the McLean business area. It is unfair competition with individuals who invest in high priced ground, high taxes, high rents, and all the things that go along with conducting a business in a business district.

Mr. Best read a letter from Mrs. Judith Smith relating the story of an opposing petition which was presented at her door.

Mrs. Klopfenstein said she had talked with her neighbors before bringing up this application and had found no objections. She had talked with Mrs. Lockree. She felt that many things had been said about the use which were not true and that people did not explain the application when they induced people to sign opposing petitions.

Mr. Best said this comes within the statute and they will provide the required parking. He charged that a scare campaign had been waged against this permit.

Mr. Dan Smith agreed that many petitions are circulated through subdivisions without properly explaining the character of the use. He could not agree that people three or four blocks away would be affected by this. Also, he objected to people from other areas and other citizens associations opposing this without proof of the harm this would really do. Mr. Smith recalled that the Board had granted many of these shops in homes. This, however, is a difficult situation for the Board since there are people here both favoring and opposing this permit. He realized also that this would take business away from the McLean commercial area.

Mr. E. Smith said he had mixed feelings about this.

Mrs. Henderson said this is a permitted use, but the Board is always very careful where they grant such permits. She discussed the financial advantage of these shops when they are near commercial areas. She questioned also how many really want this and feel that it is necessary in this area.

Mr. E. Smith said there are many such operations that do not affect the orderly growth and development of a neighborhood, but in this case it would appear that a parking and traffic problem will result, at least even with the small operation Mrs. Klopfenstein has been conducting, the parking has been difficult. If the Board is to legalize this operation it is reasonable to expect that the business will increase. This is a very small lot and the Board would require at least three off-street parking places. This would be difficult to accomplish. The only feasible way, probably, would be to build a driveway to the back and pave a large area - this would to some extent change the characteristics of the area, yet this could not be safely permitted without off-street parking. He moved to deny the case. Seconded, Mr. Everest.

Those voting in favor of the motion to deny: Mr. Smith, Mr. Everest, Mr. Barnes and Mrs. Henderson. Mr. Dan Smith voted no. Motion carried.

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The Board recessed for lunch.



Mr. Dan Smith did not return to the meeting.

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WALLACE W. WEYANT, to permit an addition to dwelling to remain closer to street line than allowed by the Ordinance, Lot 15, Block 37, Section 10, Springfield (7308 Exmore St.) Mason District (R-12.5)

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Mr. Weyant said he has five children. To give them extra room for their activities he enclosed the carport. He did not get a building permit. After starting on the inside he called the electrician and found he needed a permit and also discovered that he was too close to the property line. He noted that many others had done this same thing but he did not know that they were farther back from the front line. The enclosure projects only to the end of the front overhang. All the external work is done and it would be very difficult to take the front wall out - it would look very bad and the side windows would be off center and the room would be so small they would have to move cabinets and shelves in order to make it usable. When the inspector came out he said the work was satisfactory but for him not to continue with the front part of the room because of the violation. Mr. Weyant said he had done all the work himself. He realized that had he gotten a permit this would not have happened.

No one in the area objected.

We have a situation here which clearly indicates an honest error, Mr. E. Smith said. There is a section in the code that specifically deals with errors relating to errors by surveyors - this, however, does not fall within that category, but he continued, in this circumstance the applicant is also entitled to some consideration. He has made a handsome improvement to his dwelling and the encroachment into the front setback is extremely small, so minor that it would not be noticed. The alternative before this Board would be to require that the structure conform with the Ordinance which would be a great hardship to the applicant - therefore Mr. Smith moved to permit the addition to remain closer to street on Lot 15, Block 37, Sec. 10, Springfield as applied for. Seconded, Mr. Everest.

Those voting for the motion: Mr. E. Smith, Mr. Everest and Mr. Barnes. Mrs. Henderson voted no, as she did not think this meets the variance requirements in the Ordinance and there is no topographic condition, nor does it meet the "mistake" section which requires that a building permit be obtained. Motion carried.

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EDWARD E. GALLAHUE, to permit erection of an addition to dwelling 35 ft. from Alexandria Avenue, Lot 12, Section 2, Tauxemont (#2 Shenandoah Road) Mt. Vernon District (RE 0.5)

Colonel Gallahue told the Board that his home was badly burned and now in reconstructing the building he wishes to make an addition to the house. The building restrictions and the topography of his lot are such that the only reasonable location for this addition is on the end of the house where the new structure would encroach on the side property line. The Colonel showed pictures of the house as it is, in its burned condition. He would remove the partially destroyed wall and put on the addition - a dining room and basement. The ground rises considerably in back of the house making it impractical to build in that direction. Colonel Gallahue stated that the lot is large - a full half acre but the house is placed catecorner on the lot which makes it impossible to have any normal addition without a variance. As it is placed, only about half of the addition would be encroaching.

People in the area are enthusiastic about this addition, the Colonel said, many of them have made additions to their homes and many have been granted variances, because of the unusual angle of the houses and the shape of the lots.

No one from the area objected.

Mr. E. Smith said it does appear that something of an unusual topographic problems does exist here related to the slope of the ground and the lot is somewhat irregular. This is an old subdivision where the original

EDWARD E. GALLAHUE - Continued

houses were small and as the section became more populated and convenient for living the properties have been added to and upgraded by different owners. This has been the prevailing pattern rather than the exception, Mr. Smith continued, and many of the homes have become very handsome. Mr. Smith said he believed that this case does substantially meet the section of the Ordinance relating to variances and that it substantially meets the State Code. This is a reasonable use of the land - it would upgrade the property and make it in keeping with other property in the area. There is no objection to this and the applicant has obtained the signatures of many neighbors showing no opposition and in fact, indicating their support. It would appear that this would not detract from the area. Mr. Smith moved that Colonel Edward E. Gallahue be permitted to erect an addition to dwelling 35 ft. from Alexandria Ave., Lot 12, Section 2, Tauksent, (#2 Shenandoah Rd.) Mt. Vernon District, as shown on the plat by Wesley Ridgeway dated April 10, 1962 and revised October 2, 1963. This grants a variance of 15 ft., no closer to the right of way of Alexandria Avenue than 35 ft. Seconded, Mr. Everest. Carried unanimously.

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Progress Report - Moose Lodge: Mr. Grant Wright and Mr. Cecil Leathers appeared for the Lodge. Mr. Wright said that the parking and fencing are the two questions. The parking lot is in. As to the fence, people in the area complained of the noise and lights - to reduce the impact of these things they offered to put up a privacy fence instead of the chain link fence. They met with representatives of Moose and offered this change to them. They took the suggestion back to members of their Association and just now they have learned that the Association has rejected the privacy fence - they want the chain link fence and planting. They will install both of these. When this is done they will have complied with the site plan in everything except the drainage which might run into many months.

Mr. Leathers discussed their meeting with the Sunset Manor people. He said the lights have been changed and now face onto the building and they are prepared to comply with everything as required.

Mr. Brinson from Sunset Manor spoke describing their meeting with the Lodge people which meeting he said was a failure. The Lodge proposed moving the parking nearer to the homes and the wood fence and no landscaping and they wanted to leave the roadway cut into the screened bank.

They (Sunset Manor) want the road put back as it was, Mr. Brinson said, and they want the site plan complied with. They want the chain link fence and evergreen planting as agreed upon.

Mr. Brinson complained about the noise late on Saturday night - screaming, crying and horn blowing.

These people said they would landscape and make this place compatible with the area, Mr. Brinson went on - they have not done this. The place looks shabby and some of the trees they have planted are dying - there are old stumps and trash around; it is a messy looking setup. They request that the permit for this lodge be revoked until they comply with the site plan and that their closing hours be set at midnight.

Mr. Leathers said they would landscape - they are only waiting for wood, what to do about the fence.

Mr. E. Smith objected strenuously to their having opened the road which they were not supposed to do. These people should be required to restore the grade to what it was on the original site plan, he said - the opening of that road is indefensible. "Why do these people have an occupancy permit?" Mr. Smith asked. "They have not complied." The use permit should be revoked until they comply in every respect, he added.

Mr. Leathers said they could not possibly comply in every respect - the sewer will not be here for two years and they cannot get an occupancy permit until that is in.

Mr. Wright said there is also a drainage problem that will not be corrected for a long time.

MOOSE LODGE - Continued

Mr. E. Smith still contended that the use permit should be denied these people until they comply. That, he said, is the only assurance the County has that these people will ever comply. The fence, planting, restoration of the grade and completion of the parking area, which Mr. Brinson said was not yet done, are all spelled out in the site plan, Mrs. Henderson noted.

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The only thing that cannot be done to complete requirements is to hook up to the storm sewer, Mr. Smith stated. Mr. Leathers said that was correct.

to  
Further discussion followed - Mr. Smith objected again/the opening of the road without a permit from the Board. Mr. Leathers said they had a permit from the State and did not know they needed one from the Board.

Mr. Chilton said part of the parking area has been done but this is not in accordance with the site plan. They have not taken care of Scoville Street as required.

Mr. E. Smith moved that the Board revoke the permit of Arlington Moose Lodge #1315 use permit for use of this property until such time as the Board is informed by the Planning Engineer that all of the improvements contemplated in the site plan except the storm sewer have been completed. Seconded, Mr. Everest.

Mrs. Henderson referred to the Ordinance, page 491, Section 30-37 provisions for revoking a permit.

Mr. Smith changed his motion to state that the Board take whatever action necessary to legally revoke this permit. Seconded, Mr. Everest. Carried unanimously.

It was suggested that the Lodge would probably seek a hearing before the Board on November 12. (Notify Registered Agent)

Mr. Mullen, State Officer, spoke.

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Mr. Wells came before the Board asking a waiver of the requirement to furnish the County with a certified plat. The Board refused to grant this waiver.

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GRAHAM C. & ANNE H. BEACHUM, to permit dwelling to be built closer to side line than allowed by the Ordinance, SW corner of Oriole Avenue and Ridgeway Drive, Lee District (RE-1)

Mr. Beachum, brother of the applicant, said this was his own mistake. He shifted the foundation wall without realizing it. The building was staked out at 20 ft. but in the shifting it got about 10 inches too close to the property line. The building permit showed a 20 ft. setback. Mr. Beachum said what actually happened was that he set the foundation on the outside of the wall instead of on the inside. The house is completed and ready to move into. Mr. Beachum said he had a wall check but he kept on working, to finish the house.

Mr. Beachum said he sent out the letters of notification but did not send them registered and therefore had no proof of this notification. Even though this case has some merit under the "mistake" section, the Board has no proof of notification to property owners, Mr. E. Smith said, and he therefore moved to defer action until the next regular meeting for the applicant to present proper proof of notification. Seconded Mr. Everest. Carried unanimously. (Deferred to November 12, 1963.)

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Mrs. Henderson suggested that Mr. Beachum try to buy a sliver of land adjoining his property which would make his building conform. Mr. Smith asked that Mr. Beachum bring the Board a report on the results of this attempt.

October 22, 1963

## Thorpe Richards - SEVEN ELEVEN STORES

Mr. Richards asked reconsideration of the decision on this case in view of the fact that he has new evidence to present.

According to their present plans the retaining wall will not be needed and the difference in elevation will be graded out. Also, they originally applied for two buildings and the Board thought that was too much on the property but by removing the retaining wall there will be more room on the property. They now plan to have only one building and the variance will only be on the rear yard. If the Board would consider this for re-hearing, Mr. Richards said they would present a certified plat at that hearing.

Mr. E. Smith moved that the Board rehear the case and that the applicant notify the same property owners whom he notified in the original case. Seconded, Mr. Everest. Carried unanimously. Hearing to be November 12. The property will also be reposted.

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Mr. Chilton asked for an interpretation of trailer park lot markers - noting page 535 of the Ordinance, Section 30-87.

The Board agreed that some kind of marker should be on the ground to identify the four corners of each lot and that each lot should be numbered with the lot number clearly in evidence - by a stake or in a manner to identify each lot by number.

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Mr. Chilton called to the attention of the Board a situation where an entire lot is zoned C-G. The Board of Supervisors gave the applicant a trailer park use on all of the lot except a 150 ft. strip. This strip could be used for any normal C-G operation, yet it is not included within the trailer park permit. Can this strip be used for parking for the trailers or uses pertinent to the trailer park?

The Board agreed that this was a matter for the Board of Supervisors to clarify. No action was taken.

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Mr. Woodson asked the Board to hear Mrs. Hancock regarding the business of training and renting dogs. There appears to be no place in the Ordinance to cover this operation, Mr. Woodson said. He asked the Board's opinion - would the Ordinance cover this or is an amendment necessary?

Mrs. Hancock came before the Board stating that she and her husband are in the business of training and renting dogs. These dogs are rented to people for guard or sentinel duty at night for protection of property. They wish to install this project on property they have bought and they wish to have their office on the premises.

After a detailed discussion with Mrs. Hancock the Board decided it would be necessary to amend the Ordinance to take care of rentals within the definition of kennels.

Mr. Schumann said he would ask the Board of Supervisors that the ordinance be amended to include the words "or rent" under definition of kennels, noting that this amendment is recommended by the Board of Zoning Appeals.

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The Board again took up the Sibarco situation deferred earlier on the agenda to discuss with the Staff. Mr. E. Smith moved to reconsider the motion to defer the case. Seconded, Mr. Everest. Carried unanimously.

## Corporation

Mr. E. Smith moved to grant Sibarco/a permit to erect pump islands 25 ft. from U.S.#1 and Fordson Rd., property on west side of U.S.#1, approx. 300 ft. S. of intersection of U.S.#1 and Fordson Road, as shown on the plat prepared by Edward Holland dated 9-13-63. This is granted because of the unusual shape of this lot which has a frontage on both Fordson Rd. and U.S.#1 and the resulting setbacks from those two roads which makes a variance necessary. This granting allows the building to be built and located as shown on the previously mentioned plat, allowing the pump islands 25 ft. from both U.S.#1 and Fordson Road.

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October 22, 1963

SIBARCO CORPORATION - Continued

Because of the future dedication along U.S.#1 the building shall be allowed to remain as shown on the plat and is not required to be 75 ft. from the right of way. Seconded, Mr. Everest. Carried unanimously.

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The meeting adjourned.  
Katheryne Lawson, Clerk

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

November 21, 1963  
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 12, 1963 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present (except Mr. Dan Smith was not present at the opening of the meeting) and Mrs. L. J. Henderson, Jr., Chairman presided.

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

WAYNE M. SIMPSON, to permit erection of an addition to dwelling 45 ft. from Dudrow Road, Lot 5, Shirley Springs, Lee District (RE-1)

Mr. Simpson said his house has only two bedrooms and he needs this addition for a sewing room and bedroom. He cannot put this on the rear as they have a small storage shed there and also the entrance to the basement is on the rear. It would mean tearing out the entire wall of the house to put a door through and making a usable addition. On the opposite side of the house are the two bedrooms and the drainfield. The septic tank is at the end of the house. However, Mr. E. Smith noted that if the septic is more than 12 ft. from the house the addition could go there. Mr. Simpson answered that putting the addition on that side would mean going through the bedrooms and also he could not use the concrete slab which is on the side he wishes to use. He noted that Dudrow Road has not been opened.

In answer to questions Mr. Simpson said the storage shed is about 3 ft. from the rear of the house. This the Board suggested could be moved to give full space for the addition without a variance.

No one from the area objected.

Mr. E. Smith moved that the application of W. M. Simpson to permit erection of an addition to dwelling 45 ft. from Dudrow Road, Lot 5, Shirley Springs, Lee District be denied because there is an alternate location for this addition and the application as presented does not meet the requirements under the Ordinance to permit the Board to grant a variance. Seconded, Mr. Everest. Carried unanimously.

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HENRY MILLER, to permit erection of an addition to dwelling 9.14 ft. from side property line, Lot 54, Block 25, Section 15, Virginia Hills, (#2 Sandlin Court) Lee District (R-12.5)

This extension as planned, Mr. Miller said, would come to within 9 ft. of the neighbor's property line. The exterior would be the same as the exterior of the existing house. This addition would enlarge the kitchen and add to the dining space. The house is small and there are five in the family. He could put the addition in the rear, Mr. ~~Simpson~~ <sup>Miller</sup> said, but it would cost from \$800 to \$1,000 more. There is an outside door to the basement and the lot slopes down.

Mr. E. Smith noted that a 9 ft. addition could go on without a variance. That, Mr. Miller said would not be worthwhile - the room would be too narrow to be usable.

<sup>MILLER</sup> Mr. Simpson also noted that the adjoining property owner would sell him a strip of land but that too would cost too much. He pointed out that the land slopes up on this side and his neighbor could not put an addition on his house. He could buy three feet from the neighbor.

No one from the area objected.

In the case of Henry Miller to permit erection of an addition to dwelling 9.14 ft. from side property line, Lot 54, Block 25, Sec. 15, Virginia Hills, Mr. E. Smith moved that the application be denied because it does not meet the requirements set forth in the Virginia Code and the Fairfax County Zoning Ordinance regarding the granting of a variance. The applicant has testified that he can get additional land from his neighbor which would make this addition conform. There is no testimony that a topographic situation exists - therefore a variance is not justified. Seconded, Mr. Everest. Carried unanimously.

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Mr. Dan Smith came into the room.

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E. NEIL & RUTH N. ROGERS, to permit operation of nursery school and kindergarten, on S. side of Rt. 123 across from Five Oaks Subdivision, Providence District (RE-1)

Mr. Rogers pointed out his location, the zoning and uses in the area, particularly noting the Cardinal School, Gooding Upholstery, stores, animal hospital and apartment zoning. He had talked with Mr. Bowman of the Health Department, Mr. Rogers said, and this property meets their qualifications. Thirteen parking spaces are available. They plan to have from thirty to fifty children. While there is no criteria in the County for schools of this kind and there is no definite square footage required, they will have 1,500 sq. ft - thirty sq. ft. per child. Mr. Rogers showed pictures of his facilities pointing out that they have one half acre in the rear for play area. The swimming pool now on the property will have to be remodeled if they use it. He also pointed out that there are many trees on the property which would shield the activities.

Mr. Rogers presented Mr. Fred Kessler, expert appraiser, and gave his qualifications in detail.

Mr. Kessler, broker and appraiser, said he had been engaged in real estate appraising for 18 years and had done a great deal of appraising in this area. He said he knew this property well, although he has no personal interest in it. It has a 200 ft. frontage by 300 ft. depth.

While it is often said and thought that an activity of this kind would depreciate nearby property, Mr. Kessler said, that is not so in this case. Property on Route 123 from McLean to the city of Fairfax takes its highest and best use from two angles. The changing use in this area toward commercial is very evident. The usages that have taken place have given the single home area a potential for commercial usages that change the highest and best use to something of a commercial nature. Such an activity as this would tend to increase rather than depress values. Mr. Kessler said he was not urging that all property fronting on #123 from McLean to Fairfax should be commercial but rather that the potential is there and in many areas such as this commercial or service uses are the highest and best use of the land.

Mr. Gene Smith said he did not agree that this stretch of highway necessarily had a commercial potential. He pointed out that there are many four lane major highways still with homes and there is no reason for them to change. Such a philosophy would result in strip commercial zoning of the worst sort, Mr. Smith continued, and when you think of every major busy highway in the County becoming strip commercial, it is not in the best interests of the County nor of the neighborhood.

Mr. Rogers said the area per child he is planning is better than that provided in public schools. The children would be from four to six years, school hours from 8:00 a.m. to 5:00 p.m. - 9:00 to 12:00 would be kindergarten, 12:30 to 5:00 could be play time. They would also keep nursery children all day for five days a week. There would be no summer camp. No one will live in the house, the building will be used entirely for the school, as it is. They plan no additions. If it appears that they need it they will provide bus service.

Mrs. Rogers will run the school as supervisor - they (Mr. and Mrs. Rogers) will be responsible for the school. Mr. Rogers will be there as often as necessary. This is future insurance for his wife, Mr. Rogers said, if anything happened to him. They will employ competent teachers. They will use a consultant in the beginning. Mr. Rogers said Mr. Thorburn from Christian School would be the consultant. This project will be largely modeled after Mr. Thorburn's school.

Mr. Thorburn said they do not have a nursery school - they start with kindergarten. They have purchased land in the County and will have a school with kindergarten through twelfth grade.

Mr. Thorburn told of his own school - the great increase, and particularly the demand in this area for a school of this kind for young children.

Mr. Thorburn presented two of the children from his school to demonstrate their methods of teaching - the same methods that will be used in the Rogers School. Both children were exceedingly well advanced, Mr. Thorburn praised the Rogers as people of integrity and ability and predicted that they would run a school which would fill a great need for specialized education.

E. Neil and Ruth N. Rogers - Continued

David Drayton told of meeting the Rogers and his support for the type of project planned here. He had been asked to sign a petition against the school but upon investigation found that the whole project merited support. Mr. Drayton discussed the neighborhood and the commercial and semi-commercial uses stating that this use was not incompatible with those which are already operating.

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Mr. Rogers introduced his wife who will have charge of the school.

Opposition:

Alan T. Raines who lives immediately adjoining circulated the opposing petition.

Ralph Carlton said this school would reduce home values and jeopardize residential investments. It would encroach upon the peaceful life of the area and change the established character. He objected to the large amount of black-topping for thirteen wars which would destroy the beauty of the front yard. This would bring noise and nuisance - fifty children crying and playing every day.

Mr. Carlton gave a detailed traffic count on Route 123 showing the heavy traffic and stating this already is a hazardous road and such a project would bring accident threats to children. He also objected for reasons already brought out.

Mr. Dan Smith asked if real estate appraisers had actually shown that this would devaluate property.

Mr. Raines said the very nature of this use would adversely affect other property.

Charles Connelly said they felt that this was one of the repercussions from the recent apartment zoning on the Willie property. The neighborhood is being degraded.

Mr. Elliott questioned the use of the septic field, which the Board agreed would have to be approved by the Health Department.

Mr. Rogers said the contract has been let for widening Route 123 into the Town of Vienna for four lanes and funds allocated for widening of Nutley Road to the intersection with Route 66. He showed pictures of the Cardinal School area which has not changed since the coming of that school. He said they would blacktop only the amount of land necessary to take care of their required parking.

Mr. E. Smith moved to defer decision on this case until November 26 to view the property and the neighborhood. Public hearing closed. Seconded, Mr. Dan Smith. Carried unanimously.

Recess for 10 minutes.

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SHELL OIL COMPANY, to permit erection of pump islands 30 ft. from right of way line, Part Parcel B, Fenwick Park, (corner of Lee Hwy. and Lawrence Drive), Falls Church District (C-G)

Mr. Grant Wright represented the applicant. Mr. Wright pointed out the uses and the zoning in the area. He noted that this would be built with the new "ranch style" architecture. There will be no pump islands on Lawrence Drive. The building is set back farther than required.

There were no objections from the area.

Mr. Smith moved that the application of Shell Oil Company be approved as applied for. Seconded, Mr. Dan Smith. Carried unanimously.

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BENJAMIN E. & MARION W. NICKSON, to permit erection of addition to dwelling closer to Martha Jane St. than allowed by the Ordinance, Lot 5, Hansborough (109 Earnestine Street), Dranesville District (R-12.5)



Benjamin E. & Marion W. Nickson - Continued

Mrs. Nickson came before the Board presenting pictures of the addition as proposed and also presenting a petition from her neighbors approving this application.

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They plan a family room with a bedroom over the family room. The house is on a corner lot but Martha Jane Street dead ends with their property, Mrs. Nickson said, and any variance on this street would affect no one except themselves and the neighbor across Martha Jane who has no objection. The setback required is 40 ft. They would encroach into that yard by 11 ft.

Mrs. Nickson said all the houses in this neighborhood run between \$5,000 to \$12,000 more than their house and they would like to bring their home more nearly into conformity with the surrounding houses. Their house is a little box-like structure which would be greatly improved by this new wing. She did not know if Martha Jane Street would ever be put through but it appeared not. The neighborhood is very pleased to have this addition go on. If they put the addition on the back it would do nothing for the appearance of the house and they could put on only a few feet in the rear. Mrs. Nickson also pointed out that the house is not setting properly on the lot. They have three bedrooms now but one is used for a den.

Mr. Dan Smith pointed out that there would be ample room on the lot if the house were placed properly on the property.

Mrs. Nickson said they have employed an architect and were ready to go with this thinking they had room on this side. There are no sidewalks and they have mowed the yard all the way to the roadway thinking that was their property. When the drawings were completed they checked again with the setbacks and found this would be in violation. The dead end street is used for parking and on back are woods and the ground is low, probably unusable. There is some thought that that land may be purchased by the County for a park. She noted that the people across the street are setting 37 ft. from their line - their house is also setting at an angle. (Mrs. Henderson observed that they too may want an addition.)

No one from the area objected.

Only the placement of the house on the lot is the reason for this variance, Mr. Dan Smith said, and this is quite a variance - while it would not be detrimental, no hardship is shown. This is a very small house, not in keeping with the neighborhood, Mr. Smith continued, and the house located at an angle presents a difficult question. He suggested deferring the case to view the property as he thought the case had merit.

Mr. E. Smith said he saw no reason to view the property - this is a very unusual situation - a small house set badly on the lot.

Mr. Dan Smith moved to defer the case for two weeks to view the property. No second.

There are some unusual circumstances here, Mr. E. Smith said - the fact that this house is improperly located on the lot and the requested variance is on a dead end street which begins and ends with this property creates a problem which is not prevalent in other subdivisions with this zoning in the County and the addition which the applicant proposes would upgrade her property and make it more in keeping from the coast or economic standpoint with other houses in the area and there would be a resultant increase in tax revenue to the County. Granting this variance would tend to improve the neighborhood, it would be in substantial conformity with the intent of the Ordinance, therefore, Mr. Smith moved that the variance be granted as applied for. Seconded, Mr. Dan Smith. Motion carried. Voting for the motion to grant: Mr. E. Smith, Mr. Dan Smith, Mr. Everest and Mr. Barnes. Mrs. Henderson voted no. Motion carried.

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GRAHAM C. & ANNE H. BEACHUM, to permit dwelling to be built closer to side line than allowed by the Ordinance, Lot 199, Sec. 3, Springvale, Lee District (RE-1)

Colonel Beachum appeared before the Board. This is under construction,

Graham C. &amp; Anne H. Beachum - Continued

the Colonel said. It was an error in location. The footings were measured properly but the cinderblock footing walls were laid on the outside of the measurement line instead of the inside of the line. That is the extent of the violation - approximately 10 inches.

No one in the area objected.

They cannot buy a strip of land from the adjoining neighbor Colonel Beachum said, as that would place that lot in violation. This error was discovered in the intermediate check as the original footings location was correct.

The variance requested is .59 on one corner and .188 on the other, Mr. E. Smith noted, and this violation did occur as an error in layout out the foundation. This would come under Sec. 30-36, par. 4 to which it conforms, therefore, Mr. Smith moved that the application be granted. Seconded, Mr. Everest. Carried unanimously.

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DANIEL C. BEARD, to permit operation of an antique shop, on S. side of Lee Hwy., approx. 1,000 ft. E. of Rocky Run, Centreville District (RE-1)

Mr. Dan Smith said he had checked on the riding academy permit and found that it had been revoked. Mr. Sheldon from whom the riding stable operator had leased has stated that the permit is revoked.

Mr. Dan Smith and Mr. Barnes said they had been to the property and found no one at home. However, Mr. Beard said he was living in the house.

Mr. Dan Smith was concerned about the decorating business to be carried on here. He thought this business to be Mr. Beard's main concern - his main reason for getting a business foothold here out in the County. The people in the neighborhood don't realize this, Mr. Smith said. We now have on this boulevard, Mr. Smith continued, two antique shops very close to this. There are several dog kennels and several other uses under use permits. If the Board continues to grant use permits the highway will be as bad as U. S. #1. This man has no interest in this use except to establish this business in connection with his business in the District. If one gets a use permit in an area like this, Mr. Smith went on to say, he should be available and at the business. To establish a business of this kind here is not compatible and it does not meet the intent of the permit section of the Ordinance. The antique shops and dog kennels now operating with their signs and now with more signs and an interior decorating business are not within the intent of the Ordinance.

Mr. Wright, representing Mr. Beard, said the interior decorating business would not be operated as a business; it would really be only in a consultant capacity. People would make their contact mostly by telephone. There would actually be no business conducted as such. It would not be operated outside of the house.

Mr. Dan Smith said this Board has no jurisdiction to grant an antique shop to one who has no real interest in that business.

Mr. Beard said he spends a great deal of time in the District away from his family. He wants to have a business in which he can be home more and work out of his home and slow down his pace. The interior decorating business would not enter into this - he has more interest in the antique business - interior decorating is certainly not his primary interest in being here. Mr. Beard said he knows a great deal about antiques and has a real interest in them. He wants to turn this into an antique shop.

This should be mostly a home occupation, Mr. Dan Smith said - these permits are not granted as a full fledged business. This operation is designed to give permits to people who own property and live there and who operate as a home occupation; it is not set up to be developed as a business in the true sense. Mr. Smith vigorously objected to continuing to clutter this highway with more signs and more businesses.

Mrs. Henderson pointed out also that the applicant could use only the one house and not the other buildings and only one small sign and no outside display.

Due to the inexperience of the applicant as far as antiques are concerned and considering the detriment to the area and the intent of the applicant to operate an interior decorating business in connection with his antique

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DANIEL C. BEARD - Continued

operations and because he will be away during the day and as previously stated; there are many use permits on this highway and many are greatly concerned about the cluttering of this highway; this does not appear to be a proper use in conjunction with all the other uses and the applicant has stated he is interested in antiques only from the business standpoint, Mr. <sup>Dan</sup>Smith moved to deny the case. Seconded, Mr. Barnes. Carried unanimously.

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SOUTHLAND FOOD STORES (7-ELEVEN STORES) Hardin Street REHEARING

Mr. Thorpe Richards, representing the applicants, presented new plats showing the location of the one building. He said they have discussed this with adjoining property owners and now have taken out the wall and are now having only the one building with a 25 ft. side setback and with screening at the rear against the parking lot. Mr. Nassiff asked that they not build on the rear lot line as the building would be too close to the parked cars. They will move the building away from the rear line and ask for a 25 ft. variance on the rear and this would require a 5 ft. variance on the northeast corner instead of the 4 ft. variance.

Mr. Fitzgerald represented Mr. Nassiff, the rear property owner. Mr. Nassiff is not opposed to the variance, Mr. Fitzgerald said, but he does not want the building right on the line. This would restrict parking as the cars could not park right up to and against the building. This would actually restrict parking on the Nassiff property. If they would move the building away from the rear line a short distance it would be all right. They wish to have it so the parked cars can come up to the line and not bump into a building.

Mr. Dan Smith suggested an 18 inch setback for the building which would not require too much of a variance in front. This was the first suggestion of the Board, Mr. Smith recalled, but the applicant was squeezing too much on this small piece of property and asking too much of a variance.

Mr. E. Smith said there was no question in the minds of the Planning Commission and Board of Supervisors in zoning this property that it would require a variance but their thought was that it should be the minimum amount of variance that would allow a reasonable use of the land. As the application is now worked out this variance is reasonable.

No one from the area objected.

Mr. Dan Smith moved that the application of Southland Food Stores (7-Eleven) in their rehearing be granted as applied for, except with the change in location of the building, to have an 80x30 ft. store building set two feet off the rear property line. All other provisions of the Ordinance shall be met. This will increase the variance on the front. Seconded, Mr. Everest.

Mr. E. Smith offered the amendment to provide that this granting be tied to the last plat presented certified by George Korte with the understanding that this Board is granting this variance for this one building and for no other building that may be built here.

Mr. Dan Smith accepted the amendment - this is to be for <sup>one</sup> store and no other retail stores shall be constructed on this lot. This will be 44 ft. from the front property line. The plat to which this granting is tied is dated October 15, 1963 and amended November 4, 1963. The building shown on the plat 80x30 ft. This is to take care of the entire business operation on this lot. Seconded, Mr. Everest. Carried unanimously.

(Mr. Richards initialed the plat.)

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MOOSE LODGE - Revocation of Permit:

Mr. Fitzgerald represented the officers of the Lodge stating that he

Moose Lodge - Revocation of Permit - Continued

had only very recently gotten into this case and has agreed to represent these people only if they conform to their use permit. They are in a position now to carry out the requirements of the permit, Mr. Fitzgerald said, and comply completely. The grading has been done and that will have to be completed before the screening and fencing can be installed. This should be completed, Mr. Fitzgerald estimated, within three weeks. The illegally cut road will be filled in and graded. Everything called for in the permit and the site plan can now be done. This will be done within three weeks, weather permitting. Completion of the storm sewer work will cause some delay. Part of the storm sewer goes across the parking lot. Rather than to put that blacktopping in and tear it out for the storm sewer, that will be held up. People in the neighborhood agree that this is all right and other problems with the neighborhood will be worked out. The lights have been corrected, Mr. Fitzgerald continued, and the noise will be taken care of.

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The reason he made the motion to revoke this permit, Mr. E. Smith said, was because he wants these people to do what they should do. Their actions in delaying the completion of this work and their opening the street in violation of the permit are marks of bad faith. Mr. Smith said he believed this the only alternative to allowing any organization to fail to live up to an agreement with the County. He saw no objection to deferring action on the revocation for three weeks to see if these things are done but these things should be done quickly and expediently.

Mr. Fitzgerald agreed and said he was here for the very purpose of straightening up these things.

Mrs. Henderson asked Mr. Fitzgerald to "ride herd" on these people; this has been going on for a long time and the Board has been very patient.

Mr. Fitzgerald said he would advise them-that is all he could do.- and if they do not perform then they will lose their permit. The only valid excuse for delay now, Mr. Fitzgerald said, is the weather. He hoped the Board could rely on the good faith of these people.

Mr. E. Smith moved that action on the revocation of this use permit be deferred until the Dec. 17 meeting in order to enable the permit holders to comply with the terms of the permit and the site plan.

It may be possible that the storm sewer line will not be completed within this time and the black topping of a part of the parking lot may not be possible to complete. The Board recognizes this. Seconded, Mr. Dan Smith. Carried unanimously.

Mr. Smith said this Board had been more than patient.

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Mr. Brinson gave a report from Sunset Manor which stated that the supplemental agreement has taken care of the noise, dust, maintenance, etc. The Lodge has agreed to provide dust control - sod and maintenance. They have also agreed to take care of the noise.

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The Board granted a six months extension to Robert Gill, Birch Subdivision. Motion to extend by Mr. E. Smith and seconded, Mr. Barnes. Carried unanimously.

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Texaco - Telegraph Road and Burgandy Road - asked to extend their permit. Mr. E. Smith moved to extend their permit for one year. Seconded, Mr. Dan Smith. This is due to unusual circumstances in the completion of the Highway Department's operations. Carried unanimously.

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Mr. E. Smith told of General Kastner's appearance before the Planning Commission complaining about Kena Temple's violation of their use permit and site plan and objecting strenuously to the fact that the County does not have the tools to enforce their regulations. Mr. Smith had told the General he would look into this.

The Board discussed the unattractive building put up by these people,

November 12, 1963

Kena Temple - Continued

the fact that the building was put up without a building permit, they have not put in a service road, no site plan approval, access to Karen Drive, the Board of Zoning Appeals was to have approved any building to be constructed and these people have cut through an entirely new road. All these things the Board agreed, were in violation.

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Mr. E. Smith moved that the Board take whatever action necessary to revoke this permit.

Dan Smith stated that the County does have the tools to enforce these permits.

Mr. Woodson said the Building Inspector's office has been notified. The Planning Engineer has responsibility for site plan approval. It was noted that the building is of cinderblock, not brick as required in the motion.

These people are in violation of the permit granted by this Board, Mr. E. Smith said - the Planning Engineer and the Building Inspector both should move to correct their violations along with this Board. Mr. Frank Everest seconded the motion to revoke.

The Board asked that a letter of revocation be sent to Kena Temple quoting the motion in accordance with Section 30-37 paragraph (b) of the Ordinance. Carried unanimously.

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Mrs. Henderson announced that the filling station amendment was passed by the Board of Supervisors with minor changes.

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Mr. Woodson asked - Is speech therapy a profession? The Board's answer was "yes".

Note: Trash on property on mortuary on Route 7. Mr. Woodson said the owner was being contacted and the trash would be cleaned up within a few days.

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The meeting adjourned.  
Katheryne Lawson, Secretary

Mary K. Henderson  
Mrs. L. J. Henderson, Jr., Chairman  
January 28, 1964  
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 26, 1963 in the Board Room of the County Courthouse at 10:00 a.m. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer tribute offered by the Chairman in memory of the late President Kennedy.

FAIRFAX COUNTY WATER AUTHORITY, to permit erection, operation and maintenance of elevated storage tank, property located adjacent to Fairview Subdivision and the Beacon Field Apartments. Lee District

Mr. William Bauknight represented the applicant. He presented a full statement detailing use of the property, the needs for additional storage facilities and the status of the joint use program with Alexandria Water Company.

The elevated tank will have a maximum capacity of 750,000 gallons, 80 ft. in diameter and 125 ft. high. The Fairfax Water Authority and the Alexandria Water Company cannot provide adequate water service for this area (shown on map presented with the case), Mr. Bauknight said. Fairfax is now serving about one half the needs from its underground supplies and one-half from purchase from Alexandria. The future needs will depend upon purchase from Alexandria. To provide the service additional storage facilities are needed.

This tank location is near the center of the high density demand, it can utilize the existing distribution mains in the most advantageous manner and this is the highest point. This will be used for Fairfax Water Authority service area or in the event of satisfactory arrangements, for the joint use of both service areas of the Authority and the Alexandria Water Company.

The tank is so located that it could fall on the property - the area will be adequately fenced, and an easement is being acquired for access.

Mr. Corbalis for the Authority and Mr. Blankenship for Alexandria Water Company were both present.

In the application of Fairfax County Water Authority to permit erection, operation and maintenance of elevated storage tank, located adjacent to Fairview Subdivision and the Beacon Field apartments, Mr. Dan Smith moved that the application be approved as applied for and in accordance with the plat submitted with the case showing an area 330'x330' square. This area will be fenced and screened in accordance with the site plan requirements. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Mr. E. Smith was not yet present at the meeting. Mr. Dan Smith, Mr. Barnes, Mr. Everest and Mrs. Henderson voted for the motion. Carried.

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The Planning Commission recommended to approve the above.

Mr. E. Smith took his place at the Board table.

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THE ALEXANDRIA WATER COMPANY, to permit construction of an underground pumping station and related facilities, property located on E. side of Fordson Rd., North of Lockheed Blvd. at Hybla Valley, Lee District

Mr. Hugo Blankenship represented the applicant. Mr. LaFranke was also present to discuss the case with the Board. Mr. LaFranke said this would be the same type of installation as that granted at their last hearing at King's Park. He showed photographs of that. This property is surrounded by C-G zoning, he went on to say. It will be entirely underground except for about eighteen inches. They find no objection to this, Mr. LaFranke said, because for the past four or five years people in this service area have suffered from low water pressure. He showed the extent of the area and the route taken to the elevated tank. They have made application to the Highway Department for the 16" main in view of widening of U. S. #1.

Alexandria Water Company - Continued

This installation produces no noise, Mr. LaFranke continued, and is not considered objectionable in any way. They can fence the area if the people wish. They will have two pumps to insure continuous service. They have room for a third.

No one objected to this and the Planning Commission recommended to approve.

Mr. E. Smith moved that the application of Alexandria Water Company to permit construction of an underground pumping station and related facilities, property located on east side of Fordson Road, north of Lockheed Boulevard at Hybla Valley be approved as applied for in accordance with the plat submitted with the case. Seconded, Mr. Everest. Carried unanimously.

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THE ALEXANDRIA WATER COMPANY, to permit a water pumping station and a related underground storage tank, outlot B, Sleepy Hollow Run Subdivision, on Sleepy Hollow Road, Mason District, R-12.5

Mr. Blankenship and Mr. LaFranke represented the applicant. Mr. LaFranke showed photographs of the site. This will be underground with a 6,000 gallon booster tank. They installed a special line to serve the homes on high ground during the summer peak. The present facilities were not designed to take care of the high ground, therefore these people will be on a special booster station which necessitates taking other people off. To do this it will be necessary to put in this pumping station. This will serve about 200 homes. They are coordinating their construction with relation to the construction of homes in this area. There are three tanks in this general area, Mr. LaFranke continued, but they cannot serve this high ground in summer.

Mrs. Henderson asked why 25 feet from Sleepy Hollow Road instead of 40 feet?

Mr. LaFranke said their King's Park station was set back 25 feet because the structure itself was only eighteen inches high. They wish to do the same thing here. No tank is involved. However, they could move it back, Mr. Franke said, almost to the VEPCO line if the County wished. They could then get the 40 ft. setback.

Opposition: Mr. Perry Thomas, who owns lot 40 adjoining, presented a statement which he said was not entirely in opposition, but it did make certain suggestions: That this is completely underground. King's Park is 24 inches above ground and the area is kept in a very messy manner. If it cannot be made lower they would like to have the concrete painted green for the area above ground. The electric meters at King's Park are unsightly. They asked that that also be placed underground.

The entrance door is facing Lot 40. Could that be changed? They would like this structure to be placed away from Lot 40. They asked for fencing and planting to improve the appearance of the landscaping. They realize that this has to be located here, Mr. Thomas said, but they want it well maintained.

Mr. Dan Smith said the structure would have to come that far out of the ground to meet requirements on this kind of facility. However, he thought it could be completely screened, including the meter box which is a small metal box standing about 5 ft. high. It could not be put underground, he added, because of the moisture.

Mr. LaFranke said they could take care of these things and could move the entrance to the other side.

Mr. John Gore who owns lot 115 agreed with Mr. Thomas' statements. Because this is in the middle of a residential district he thought everything should be done to make this inobtrusive. He also questioned whether or not the road which stops at this property and if carried on would go through this property should not be considered in the light of future development. (Ravenwood Lane)

Mr. Chilton said this is a lot of record and it was not intended to run this road on through.

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Alexandria Water Company - Continued

Mr. Gore said he would like to see the structure moved to the north and west. Their greatest concern is, he added, that this will be well shrubbed and taken care of.

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Mr. Dan Smith thought the screening could be very effective and that perhaps green paint would not be necessary in view of the fact that the paint fades and it never matches the tree coloring.

Mrs. Henderson suggested planting ivy and azaleas.

Mr. LaFranke agreed to attractive planting which he said they have done in Alexandria.

Mr. E. Smith moved that Alexandria Water Company be permitted to install a pumping station and related underground facilities, outlet B, Sleepy Hollow Run Subdivision, on Sleepy Hollow Road, Mason District (R-12.5) provided all other provisions of the Ordinance shall be met which includes the required setback. In meeting the 40 ft. setback and in setting off Sleepy Hollow Road it should be kept as far away from Lot 40 as possible. This shall be suitably screened and maintained according to County standards except that the board fence shall not be required but the County requirements for planting will be considered sufficient. Also the shrubs need not be 6 ft. high. The planting shall consist of ivy or azaleas (evergreen). If after discussing the planting with the County Soil Scientist this does not appear satisfactory the applicant shall come back to this Board and the Board will suggest something more. The azaleas should be set on 3 ft. centers. The tank shall be reversed and kept away from Lot 40, screened by evergreen azaleas. Seconded, Mr. D. Smith. Carried unanimously. These things shall be shown on the site plan, Mrs. Henderson noted.

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THE ALEXANDRIA WATER COMPANY, to permit erection of an additional water pumping station, approx. 400 ft. W. of Route 123 and north of Occoquan Creek, Lee District (RE-1)

Mr. Blankenship and Mr. LaFranke represented the applicant. Mrs. Henderson noted that this application should read "permit the station to remain" since it is already installed.

Mr. LaFranke said this was built without a permit. It was the fault of the Company.

It was noted that there are many other structures on this property without a building permit. Mr. Dan Smith thought the application should be amended to include all the other buildings and tanks on the property, rather than have a number of applications to cover these structures.

Mr. LaFranke said there was a conflict between the company and the contractor about who would get the building permit. As a result no one got it.

The County should have a plat showing all facilities on the property and which particular property we are talking about. The case should be deferred, Mrs. Henderson said, for adequate plats. The plat should show what the original use permit included and what has been added since.

Mr. LaFranke agreed.

Mr. E. Smith moved that the application be deferred until January 14, 1964 for adequate plats. Seconded, Mr. Everest. Carried unanimously. The new plat should show everything that is on the property and what the original permit showed.

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CLARENCE W. GOSNELL, INC., to permit dwelling 38.70 ft. from Buckboard Drive, Lot 1, Block 3, Riverside Gardens, Mt. Vernon District (R-12.5)

Mr. Gosnell had been called away unexpectedly and asked to have this deferred. Mr. E. Smith moved to defer to December 17, 1963. Seconded, Mr. Everest. Carried unanimously.

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INTERSTATE LAND CORPORATION, to permit dwelling to be built 38.5 ft. from



Interstate Land Corporation - Continued

street property line, Lot 241, Block E, Sec. 2, Monticello Woods (6432 Deepford Street) Lee District (R-12.5)

Mr. Lester Johnson represented the applicant, saying he had not notified property owners since Mr. Yeonas owns all the land around this lot.

After a lengthy discussion in which it was brought out that there are certainly people living some place on adjoining land or someone owns land some place adjacent who should be notified.

Mr. E. Smith moved to defer the case to December 17, 1963 to enable the applicant to notify adjacent property owners in the vicinity in accordance with County requirements. Seconded, Mr. Everest. Carried unanimously. (Notify people as near as possible and notify the School Board.)

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A. M. CORDES, to permit porch to remain 36 ft. from front property line, Lot 11, Block 68, Section 22, North Springfield, (5708 Heming Avenue) Mason District (R-12.5)

Mr. Cordes appeared before the Board. Mr. Cordes said he had planned last July to put on a carport and his wife wanted a walkway to the carport. He discussed this with building permit office and the person there said to call it a carport. However, it did include the covered front porch.

His wife came down to the Zoning Office for a copy of the original certified plat. No mention was made of the new construction. They probably thought the carport was going on the slab. That was true, Mr. Cordes said, but the new construction was also extending in front and behind. He made up the copies and submitted them and filled in the complete set of forms which are on file in the Building Inspector's office. He showed the side view of the plans, how it looked in front, the roof line, etc. This was all submitted to the Building Inspector and the Zoning Office, the plans were approved. But this was always spoken of to the Zoning Office as a carport as first suggested by the Building Inspector.

Mr. Woodson said the Building Permit showed a 40 ft. setback and a 12 ft. side setback.

Mr. Cordes showed the plats and drawings which he presented to the Zoning Office which did not show the porch. Mr. Cordes said they have a 5 ft. overhang. The eaves go out beyond the walkway by about 2 ft. They have added about 5 ft. to their house.

Mrs. Henderson said there is nothing exceptional about the house or lot that would justify granting this - many others could have the same situation.

Mr. Dan Smith said he was thinking of this under Section 4 - the "mistake" section. He thought the Board could probably give some consideration to this application. There is no responsibility on the offices of the Building Inspector and the Zoning Office, he said, they have both performed satisfactorily but due to the misunderstanding and because this man's wife was handling some of these things between the Building Inspector's office and the Zoning Office and this misunderstanding has occurred the Board should give some consideration.

Apparently neither Mr. or Mrs. Cordes read their building permit, Mrs. Henderson noted.

The applicant did get a building permit, Mr. Dan Smith recalled, and made every effort to conform, the construction of the carport and porch further out than they should have been is wrong but there was a mistake, and not to allow this structure to remain would cause considerable hardship to remove the violation.

The Chairman read a letter from the adjoining property owner who considered this an improvement to the neighborhood.

There were no objections from the area; in fact, all approved who were notified of this.

How could the Board deny many others coming in with a similar request, Mrs. Henderson asked.

A. M. Cordes - Continued

Each case would be handled on its merits, Mr. Smith answered. This was a mistake which can very well happen when construction work is done without a contractor. In this case this man tried in every way to comply with the code evidenced by the fact that a building permit was issued. The variance would not impair the intent of the Ordinance nor would it be detrimental to property owners in the immediate neighborhood. It would be very difficult for this man to comply with the Ordinance. This is a case where ~~by~~ <sup>INCREASED</sup> ~~wide~~ <sup>USE</sup> ~~use~~ <sup>OF</sup> ~~language~~ <sup>AS</sup> ~~as~~ <sup>WRITTEN</sup> ~~as~~ <sup>IN</sup> ~~written~~ <sup>THE</sup> ~~in~~ <sup>THE</sup> ~~the~~ <sup>ORDINANCE,</sup> ~~considering~~ <sup>ALL</sup> ~~all~~ <sup>THE</sup> ~~the~~ <sup>CIRCUMSTANCES,</sup> ~~this~~ <sup>ONE</sup> ~~this~~ <sup>OF</sup> ~~man~~ <sup>THE</sup> ~~did~~ <sup>NOT</sup> ~~not~~ <sup>CONSTRUCT</sup> ~~construct~~ <sup>THIS</sup> ~~this~~ <sup>TO</sup> ~~to~~ <sup>EVADE</sup> ~~evade~~ <sup>THE</sup> ~~the~~ <sup>ORDINANCE</sup> ~~nor~~ <sup>NOR</sup> ~~to~~ <sup>GO</sup> ~~go~~ <sup>AGAINST</sup> ~~against~~ <sup>THE</sup> ~~the~~ <sup>INTENT</sup> ~~of~~ <sup>OF</sup> ~~the~~ <sup>THE</sup> ~~Ordinance.~~ <sup>ON</sup> ~~On~~ <sup>THE</sup> ~~the~~ <sup>OTHER</sup> ~~other~~ <sup>HAND,</sup> ~~he~~ <sup>MAD</sup> ~~made~~ <sup>EVERY</sup> ~~every~~ <sup>EFFORT</sup> ~~to~~ <sup>TO</sup> ~~comply~~ <sup>AND</sup> ~~and~~ <sup>YET</sup> ~~the~~ <sup>THE</sup> ~~mistake~~ <sup>OCCURRED.</sup> ~~The~~ <sup>BOARD</sup> ~~might~~ <sup>CONSIDER</sup> ~~this~~ <sup>FAVORABLY.</sup>

Mr. Barnes agreed that the Board could consider this an inadvertant mistake.

In the application of A. M. Cordes, to permit porch to remain 36 ft. from front property line, Lot 11, Block 68, Section 22, North Springfield, (5708 Heming Avenue) Mason District, Mr. Dan Smith moved that the application be approved as applied for. Mr. Cordes has stated his position and the contact between the Building Inspector's office and the Zoning Office and his wife. This should be granted as there was no intent toward non-compliance with the Ordinance; it was truly a mistake on the part of the applicant. Seconded, Mr. Barnes. This is approved under Section 30-36, paragraph 4. Those voting in favor of the motion; Mr. Dan Smith, Mr. Everest and Mr. Barnes. Mrs. Henderson voted no. Motion carried. Mr. E. Smith refrained from voting, not having heard all the case.

Mrs. Henderson voted no because the language in paragraph 4 says that the non-compliance should be no fault of the applicant. This was the fault of the applicant for not reading the terms of the building permit. This is a special privilege sought by the applicant.

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GEORGE H. WOOD, to permit an addition to carport 42 ft. from street property line, Lot 1, First Addn. to Leewood Estates (5307 Woodland Dr.) Mason District (RE 0.5)

Mr. Link represented the applicant. This carport faces on a 50 ft. easement, which Mr. Link said is not a dedicated road. It was set up for entrance to the property in the rear of this lot. 25 ft. is actually all that is there at the present time.

Mr. Woodson said he had checked with the subdivision office and they treat this as a street because it might someday be developed. The 50 ft. are set aside for this purpose.

Mr. E. Smith pointed out that the property owner in the rear could not get a 50 ft. dedicated street unless he bought Lot 40 and thereby acquired the other 25 ft. necessary. Mr. Woodson said this provides the principal access to the property in the rear.

It was brought out that Mr. Winberg, who owned all this property, sold to this man with the understanding that he could have a carport on this side of his house.

Mr. Chilton said this would have to be a 50 ft. road to: comply but for a private driveway it could be left 25 ft. This is a small piece of land, enough for only one or two houses. For one house he could use the 25 ft. road. However, he may be able to get more than one house there and the Board of Supervisors could grant him the right to develop that way without being on a State road. At most, Mr. Winberg could get three houses.

While there is no real reason to grant this variance, Mr. D. Smith said, yet with three houses in the rear there would be very little traffic. Mr. Winberg made this sale, Mr. Link said, thinking it would be all right to encroach into this setback for the carport and he has no objection to it.

No other property could be developed to use this road, Mr. Chilton said, whatever other property joins Mr. Winberg would have another access. There would be only the three houses at most.

George H. Wood - Continued

This is an unusual situation, Mr. Dan Smith said. These people were told they could construct the carport here; that should have some bearing. Now the County says they cannot. To deny this would hardly be right - this goes to undeveloped land.

Mrs. Henderson asked to see the plat of the entire area; it is possible, she said, that the land in the rear would have other access. She had had several letters from people in the area expressing approval of this.

Mr. Dan Smith agreed with Mr. Woodson's interpretation that this is considered the principal access to undeveloped property but, he continued, this Board is set up to relieve certain situations and the circumstances here warrant consideration. This is not really a variance but under the Ordinance, this may be a violation.

In looking at the plat, Mr. Chilton pointed out that this Winberg land in conjunction with other land could be developed without using this 25 ft. road.

No one from the area objected.

Mr. Dan Smith said he could not remember ever having had a situation like this. The land in the rear may never need this 25 ft. road; they could not use it at present. It is all wooded. The man who owns the property in the rear sold this land to these people and told them they could make use of it in this manner. This meets the Ordinance in more areas than we have justification to deny, Mr. Smith said. Unusual circumstances do exist; circumstances peculiar to this property, therefore he moved that on the basis of the unusual situation, noting that there have been no other similar circumstances in the County, he moved that the application be approved as applied for. Seconded, Mr. Barnes.

Mr. E. Smith was out of the room.

Mrs. Henderson said this does not meet paragraph 1 of the ordinance and the man would still have a reasonable use of this land and there is an alternate location for the carport.

Those voting for the motion: Mr. Dan Smith, Mr. Barnes and Mr. Everest.  
Mrs. Henderson voted no. Carried.

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J. A. HATCH, to permit erection of carport on existing slab closer to Flag Run Drive than allowed by the Ordinance, Lot 19, Block 71, Section 5, North Springfield, (5713 Bellington Ave.) Mason District (R-12.5)

Mr. Dixon represented the applicant. He said nine people had been notified of this hearing and he presented a petition signed by fifteen property owners in the area, all of whom asked the Board to approve this request. Mr. Dixon showed an architect's conception of his house and pointed out that all the houses in this subdivision have carports and garages except his. About 100 houses are completed in this section. This is a corner lot, upon which the house is placed in such a manner that the carport could not go in without a variance. If the house were turned on the lot there would have been room but it could not have been turned because of the topography of the lot. The original plan was to face the house on the side street; this would have permitted the carport but they could not face that way because the land was too rough. They could have had this same house just across the road with the carport. They have arranged with Mr. Edward Carr to build the carport if the variance is granted, to make sure it will be like the others and will be in keeping with the neighborhood. As it is, the house looks chopped off and cheaper than the others.

This house sets a little higher than the others around it. This variance would in no way prevent the full value of light and air between structures and the appearance would be greatly improved. They will use the concrete slab that is already in place; it will not be increased. This will merely be an extension of the roof over the slab. They plan no storage area.

The Board agreed that this would have a certain aesthetic value to the neighborhood and being the only house in this section that would need a carport and the fact that the house sets high which would tend to make it look smaller had merit in considering this case. Also the fact that this house was the only one left without a carport and because of topography was important.

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Mrs. Henderson said she had seen the house and thought this justifiable.

In view of this last statement of the Chairman's Mr. Dan Smith thought the Board could well consider this favorably. To deny this Mr. Smith said would be to some extent a form of confiscation. This is for an open carport and it shall so remain, he added. He moved to approve the application of J. A. Hatch to permit erection of carport on existing slab closer to Flag Run Drive than allowed by the Ordinance, Lot 19, Block 71, Section 5, North Springfield (5713 Bellington Avenue) Mason District be approved as applied for. This is granted in accordance with plans submitted with the case - plat prepared by Carroll Kim Associates, dated October 2, 1963. All other provisions of the Ordinance shall be met. There are unusual circumstances surrounding this application and there is a topographic situation here, Mr. Smith added. Seconded, Mr. Barnes. Carried unanimously.

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F. H. BROYHILL CONSTRUCTION CO., INC. to permit erection of dwelling closer to street property line than allowed by the Ordinance, Lot 23, Reservoir Heights, Mason District (R-12.5)

Letters of notification were not presented. Mr. Barnes moved to defer the case to December 17, 1963. Seconded, Mr. Dan Smith. Carried unanimously.

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GRASSHOPPER GREEN SCHOOL, to permit operation of a private school, Lot 17, Midpike Subdivision (2020 S. George Mason Drive) Mason District (R-12.5)

Mrs. Mildred Frazer represented the school. They wish to move their entire activity into Fairfax County, Mrs. Frazer said, into some location that would take care of all their students but they have not yet found a suitable location. This will serve only as a temporary location for part of the school. They have twenty-seven students in Fairfax County now on property across the street and this will take care of a maximum of forty. Later there will be twenty more. The entire school will have one hundred. They have to move from Alexandria by March 1, 1964. The property they now use has been sold and very soon they will get their sixty day notice of vacation. Mrs. Frazer pointed out that there was not sufficient area on this property for parking but they will use the property across the street.

Mr. Dan Smith suggested that this might serve as an amendment to the first application but the Board did not agree since this is another piece of property. Unless this were considered all one piece of property, Mr. Smith pointed out that this application could not meet the parking requirements since they were using other property across the street.

Opposition: Mrs. Ames and Mrs. Stableton, joint owners of Lot 15 and Mr. Hunt, owner of Lot 16 objected.

Mrs. Ames said they had expressed their opposition to the school, yet they chose to buy the land and go ahead with their application. This is too small an area for this operation, she stated, the noise, traffic and confusion caused by forty children is not reasonable on this small tract. She also noted the one entrance on the first level, which is not good for young children. The access road is inadequate and there are no sidewalks. She showed pictures of the house and property.

Mrs. Ames recalled that there was no mention of using this property when the last permit was sought and it would not be a good thing for the neighborhood. They have lived here for a long time, Mrs. Ames went on, and have put a substantial addition onto their house which is located on one-half acre of ground. They do not consider this a good area for a school of this size. Mrs. Ames asked about widening of George Mason Drive. Since that is contemplated in the Bailey's Crossroads by-pass, Mr. Gene Smith said that widening may be a long time off.

Mr. Dan Smith said he was concerned about the traffic on this inadequate road.

Mr. Hunt objected to the school being so close to his home, only 15 ft. from the side.

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Grasshopper Green School - Continued

Mrs. Frazer said they propose to fence the back yard. She thought the school would have a limited impact upon the community since they are not there evenings, holidays or weekends. The children play outside in the morning for a short time and from 3:30 to 5:30 in the afternoon - less than that in winter. She considered the noise from the highway more objectionable than that from this school. Mrs. Frazer said she did realize that these people opposed this use before she bought this property and while it was purchased for the school, they could rent it. They would use the 15x30 ft. basement. There is also a 15x30 ft. living room at ground level. The house has three stories in back. A maintenance man will live in the house. Mrs. Frazer noted that you cannot have a classroom more than three feet below ground level. This house meets that restriction.

Mr. Dan Smith suggested viewing the property. After looking at the photographs he said he could not visualize three stories in back. He moved to defer to December 17, 1963. Seconded, Mr. E. Smith. This is to view the property and surrounding area. Mr. E. Smith said he did not see much merit in the case but he was willing to look at it.

Mrs. Frazer again emphasized that this was a temporary arrangement and she thought it not out of keeping with the neighborhood in which there were several churches and other schools.

The only reason he suggested deferring this, Mr. Dan Smith said, was because it was a temporary operation - if it were not temporary, he would not have considered a deferral. Carried unanimously.

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The Board adjourned for lunch and upon reconvening continued the regular agenda.

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WARREN E. TRICE, to permit operation of an auto sales lot, on the east side of U. S. #1 Highway adjacent to Old Dominion Hotel, Mt. Vernon District (C-G)

Mrs. Henderson read a letter from the applicant requesting a withdrawal. Mr. Dan Smith so moved - that the applicant be permitted to withdraw the case. Seconded, Mr. Everest. Carried unanimously.

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HENRY C. MOORE, to permit operation of an auto sales lot, 1040 Leesburg Pike, Bailey's Crossroads, Mason District (C-G)

Due to personal reasons and his being out of town, Mr. Moore said he had not sent out his notices. This company is not now in operation, he said, and no cars are on the property to be worked on. The building is closed. He asked deferral to give notice to adjoining property owners. Mr. Moore said there are three cars on the property - they need repair as they are not in running condition. The Board advised him to get the cars off the premises and for Mr. Moore to understand that the cars are not to be repaired on the premises; this is not a repair garage. Dan Smith moved to defer to December 17, 1963. Seconded, Mr. Everest. Carried unanimously.

Mr. Woodson said he had given these people notice to remove these cars. He would check the dates and give them ten days notice.

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MT. VERNON GRAVEL COMPANY, to permit gravel operation, property at the south end of Triplett Road, Lee District, 14.8 acres

Mr. Thorpe Richard represented the applicant. This is in the N-R zone, he said, it is not an extension but is adjoining a granted gravel permit. They have a private driveway right of way which they will use now to Franconia Road. This right of way is through the adjoining property on which<sup>14</sup> are now digging. Both operations will use the same private road.

Mt. Vernon Gravel Company

This operation will take place on 14.8 acres. They ask a permit for 3 years. The gravel will go out the private right of way to Franconia Road to Van Dorn Street and down Van Dorn to Alexandria.

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Mr. Woodson said the plan showing the private road they will use is on the overlay which was approved by the Restoration Board.

No one from the area objected. The Planning Commission recommended approval.

In the application of Mt. Vernon Gravel Co. as leaseholder from the owner to permit gravel operation on property at the south end of Triplett Road, Lee District, Mr. Dan Smith moved that the application be approved to operate on 14.88 acres, approval to be in compliance with the application, and that restoration requirements and other provisions of the Ordinance shall be met. This is granted for a period of two and a half years. The road indicated on the overlay on the map in the Zoning Administrator's office shall be made a part of this application. The only access shall be by the private road to Franconia Road and all other provisions of the Ordinance and N-R zone shall be complied with.

Mr. Smith pointed out that this is in the center of the N-R zone and is surrounded by gravel pits. Mr. Barnes seconded the motion. Carried unanimously.

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ALEXANDRIA SAND AND GRAVEL COMPANY, to permit a gravel operation on approx. 92 acres of land, located approx. 2000 ft. E. of Baulah Road and approx. 2500 ft. south of Franconia Road and SE of Walhaven Sub. Lee District

Mr. DiGuilian represented the applicant. He pointed out that this ground is in the NR-1 zone which at one time was dug into by Broyhill. The north part of the entire tract has already had the gravel removed. It was left in very bad condition but they have graded it and now it is in fairly good shape. It has also been drained.

On this 92 acres they will use their own private road parallel to and adjoining Triplett Road to Franconia, then up Van Dorn to Alexandria. Mr. DiGuilian also noted that they own property to the south and have a road through that property heading into Old Telegraph Road which comes out opposite the Coast Guard station which they could use in case they have to haul to the Modern Plant. They are now digging under a permit on adjoining land but wish to start on this within a short time. If the permit is granted for two and a half years with an extension of two and a half years it would take care of their needs. However, they hope to finish here within the two and a half years.

Mr. Gene Smith asked what degree of control the gravel operators have over the truckers who haul the gravel -- are they independent contractors? Mr. DiGuilian answered that they are. They load and weigh the trucks. As far as they know, Mr. DiGuilian said their weight comes within the required limits.

Mr. Smith said it was a very general complaint that these people speed on the highways and are dangerous. This is probably a matter for the police, Mr. Smith suggested, but he realized that it was difficult for them to get everyone. These people go sixty and sixty-five miles per hour, Mr. Smith went on to say, and the speed limit is forty-five miles per hour. The trucks are overloaded and the gravel flies. Mr. Smith said he realized that the gravel operators probably have little control over these drivers after they leave the property, but he said if this Board could assist in enforcement by making it a condition of the permit that these trucks not be overloaded and if we could establish a liaison with the police and see where the truck is loaded, and take away the use permit when these violations occur, it might help.

Mr. Dan Smith said that this condition has been bad for a long time. He recalled that at one time he had suggested that the trucks be covered to keep the gravel from flying off onto the road. He thought the people connected with the industry could straighten this out with the truckers.

Mr. E. Smith said he did not wish to imply that Mr. DiGuilian's operation

## Alexandria Sand and Gravel Company - Continued

was necessarily in violation in these matters but the reason he brought this up was because Mr. DiGuilian is an important and reputable man in the gravel industry; he has worked with the County on the NR zone amendment and has given a great deal of advice and help to the County. He thought his thinking along these lines would be valuable. 399

If this Board could use its influence to influence the industry to help overcome this situation, Mr. Smith continued - if the industry would make it a policy of not using a trucker if he has been convicted of a speeding twice - or something like that - we might make some headway.

If they have complaints, Mr. DiGuilian said, they do try not to use that person. If this is done, he added, it should include all the industry.

Mr. Smith agreed, definitely - he said he had no thought that this would be a condition of this permit but he thought this should be discussed with members of the industry and the Board, particularly methods of improving this condition. There is enough wrong about this situation, Mr. Smith went on to say, that men's minds should be turned to the problem of doing something about it. This is not a new thing. Many people in the County have experienced grave danger from these trucks and the thought of doing something about it is not new.

These people have long hauls, they go so far and so fast, Mr. Dan Smith noted. There should be certain requirements under which they work. The danger from flying gravel is serious, and Mr. Smith said he knew that Mr. DiGuilian would do what he could, but he asked - what can he do with independent truckers who are driving with the idea of holding all the gravel they can and going as fast as they can because their income is based on how much they haul. The operator probably has to call on many truckers at a time; it would be difficult to pick out those who speed.

There are methods of control, Mr. E. Smith said, which should be observed. These people have many accidents, Mr. Smith said and he did not know what the statistics were on this, but he thought this worth the Board spending some time on this along with the industry to see what they could come up with.

Mr. DiGuilian said it may be surprising but the gravel industry has a very good record for few accidents.

Mr. Everest said he believed that if you covered the trucks you would still have trouble with the pebbles that fly out from the wheels. The skirts get worn and the gravel flies out very hard and fast and is one of the greatest hazards.

Mr. E. Smith suggested that the Board meet with the industry to see if they could come up with something that would help, or the Board might make this a violation of the permit.

Mr. Dan Smith pointed out that the industry has contact only with the loading of the trucks - they cannot control them any farther than that.

Mr. Gene Smith said they should have some control over the men who work for them.

Mr. DiGuilian said they have no supervisory personnel on the road - the man is on his own when he gets on the road.

Mrs. Henderson pointed out that the amendment to the NR zones comes before the Board of Supervisors in February and suggested that it might be advisable to go into this beforehand, especially regarding on-site loading and perhaps something of a control could be put in the Ordinance.

Mr. E. Smith said he would be glad to go over this with Mrs. Henderson. (She agreed.) The power of the Board should not be overlooked, Mr. Smith continued, if some way can be found to do this in the public interest.

Mr. Dan Smith said he would like to see a report from the Police as to how many complaints have come in on trucks in the County. He thought the Board should have some statistics to back up any action they might wish to take. Mr. Smith said he had seen the same type of violations on the highways both from gravel trucks and other trucks.

Alexandria Sand and Gravel Company - Continued

Mrs. Henderson asked Mr. DiGuilian if he would be willing to meet with this Board for discussions along this line. Mr. DiGuilian said he would.

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Mr. E. Smith suggested some of the methods that might be pursued such as limiting the number of trips per trucker or limiting the business of making more trips to make more money and the danger of hard driving for long hours.

Mr. DiGuilian said he would like to have this permit effective at the end of the year, however, Mrs. Henderson said it would have to be effective as of today, or upon the filing of these decisions.

Since this area is within the NR zone and it adjoins an existing gravel operation and because the access to a primary road is over a road controlled by the applicant, Mr. E. Smith moved that the application of Alexandria Sand and Gravel Company, to permit a gravel operation on approx. 92 ac. of land, located approx. 2000 ft. E. of Beulah Rd. and approx. 2500 ft. S. of Franconia Rd. and SE of Walhaven Subdivision in Lee District, <sup>be granted.</sup> ~~be permitted to operate on 92 acres;~~ all other provisions of the Ordinance should be met and the access shall be to Franconia Road by way of the private road paralleling Triplett Road which is controlled by the applicant. Seconded, Mr. Dan Smith. Carried unanimously. Also secondary access in case of emergency - through private road on property owned by the applicant - // with exit to Telegraph Road. (This road would be used only in hauling to Modern or Belvoir.)

VIRGINIA FRONTIERS, INC., to permit operation of miniature western frontier town on north side of #29-211 adj. to Hunter's Lodge, Centreville District (RE-1)

Mr. Tom Rothrock represented the applicant. He presented a full statement of the intentions of the applicant, listing activities and names of persons interested in this financially, and those responsible. The statement reads as follows:

"Mrs. L. J. Henderson, Jr. (Date: November 4, 1963)  
Chairman, Board of Zoning Appeals  
of Fairfax County  
Fairfax, Virginia

Re: Virginia Frontiers, Inc. New Use Permit as successor to Western Amusements, Inc. and Old Virginia City, Inc.

Dear Mrs. Henderson:

On Tuesday, October 8th, I appeared before the Board on behalf of Virginia Frontiers, Inc. in an attempt to obtain the Board's permission for the transfer of a use permit from Western Amusements, Inc. to Virginia Frontiers, Inc. As a result of the hearing the Board directed that a new application for a use permit be filed and that a letter be submitted outlining in detail the activities planned by the new owners, as well as a resume of the business and personal background of the individuals having an interest in the new business, Virginia Frontiers, Inc.

An application has been filed for a new use permit and the purpose of this letter is to outline the planned activities of the new business, in as much detail as possible at this time, and to submit to you a sketch of the business and personal background of each person involved. The background data of each person is attached on separate sheets.

As you know, the miniature frontier town is constructed with an atmosphere of the Old West, with shows and educational exhibits, to create a realistic background as it was in the days of the Old West. The new owners hope to have a park in which the families of Fairfax and surrounding communities may come for a day of picnicking and clean, wholesome entertainment. The park hours will be from 10:00 A.M. until 9:00 P.M. daily.

A list of the activities and educational exhibits planned for the Western Town are listed below:

.....

It is understood that hot foods may be prepared only in the commercial zone of the snack bar. All activities will be under the control and direction of the operators of the overall use.



## Virginia Frontiers, Inc. - Continued

Some employees will be paid by salary, others will work for a percentage of gross receipts of the activity in which they are engaged. All amusements will be related to a Western theme and there will be no roller coaster, whips, ferris wheel or other similar amusements not suitable for small children and not related to the Western theme.

Mr. Jeter will have full authority to operate and manage the business in his sole discretion. Therefore, Mr. Jeter will be fully responsible to see to the strict adherence of the activities permitted and none others. There will be no passing of the buck.

I understand that when the idea of a Western Frontier Town was first conceived and presented to the Board several years ago it received unanimous and enthusiastic approval. It is indeed unfortunate that events of the past several years, particularly the manner in which the Park was managed, has changed the attitude of the members of the Board. This was indeed obvious at the hearing on October 8th. Sometimes, however, it takes a new business several years and several turnovers in management before it becomes a successful operation and a real asset to the community.

I am confident that the new applicants can count on the Board to give them a fair and impartial hearing based on the merits of the new applicants themselves and their planned activities and not on what has transpired under previous ownership and management.

Respectfully submitted,

(S) Thomas J. Rothrock"

The list of persons of persons involved in this application is as follows:

Wray S. Dawson, Vice-President and Director  
206 Glenmont Street  
Falls Church, Virginia

James E. Clarke, President and Director  
133 Trammell Road  
Annandale, Virginia

Bernard S. Cohen, Secretary and Director  
495 Naylor Place  
Alexandria, Virginia

Bernard Cohen, Director  
505 W. Windsor Avenue  
Alexandria, Virginia

Stanley W. Jeter, Treasurer, Director & Manager  
17 Kathryn Street  
Alexandria, Virginia

Robert I. Lainof, Director  
512 North Quaker Lane  
Alexandria, Virginia

It was emphatically stated by the Board that sale of items except the few listed in the text - such as glass blown on the premises and newspaper printed on the premises - should take place entirely on the C-N zoned ground.

Mr. Rothrock said Virginia Frontiers would buy the lease from Mr. Sprinkle who is no longer in this. Mr. Rothrock was not happy over the heavy restrictions on sale of articles for fear this may not be an economic success.

Mrs. Henderson recalled that the project as originally set up was successful and it did not include this multitude of sale articles. The only way to have the widespread of sale articles, Mr. E. Smith said, was to ask for a rezoning which the Board of Supervisors has already said was objectionable and that this project should operate under ~~the terms~~ of a use permit.

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## Virginia Frontiers, Inc. - Continued

If the Board permitted these sales, he continued, it would be opening the door to the same old things that occurred before.

Mr. Dan Smith pointed out that some of the people interested in this project were simply getting a retail outlet for their business.

Mr. E. Smith moved that the Board allow no retail activities outside of the zoned C-N area. Seconded, Mr. Dan Smith.

This does not negate taking <sup>MONEY FOR</sup> tickets or target practice - no charging of money for merchandise <sup>IN THIS SENSE.</sup> However, it was agreed that the sale of the newspaper printed on the premises and sale of glass blown on the premises was allowed. Mr. E. Smith withdrew his motion and the Board went through the list of activities item by item. Following is the list of activities as revised:

TYPE OF BUILDING OR ACTIVITY	FUNCTION
Main Entrance Building	Office space, sale of tickets, storage shop and first aid room
Western Store	Display of Western clothes
Trading Post	Display and sale of authentic American and Indian craft
Gun Shop	Display of antique guns
Shooting Gallery	Target shooting - 22 calibre
Picture Gallery	The taking and sale of pictures taken on premises
Snack Bar	Sale of light lunch, i.e. hot dogs, french fries, bar-b-que, hamburgers, and soft drinks in the C-N zoning
Livery Stable	storage of hay and buggies, stabling of animals
Saddle and Leather shop	Display of leather goods, saddles, purses, belts, moccasins and related items
Print Shop	Display of old printing, outlaw "wanted" posters, sale of souvenir "Frontier" newspaper to be printed on premises
Horse shoe pitching	Entertainment in picnic area
Picnic and Bar-B-Que area	Self-explanatory
Railroad station	sale of tickets for train ride and depot station
Bank, Post Office and Assay Office	Displays and exhibits, educational in nature
Church	Display
Red School House	Display
Buggy Museum	Display of antique horse drawn vehicles
Dentist and Barber shop	Display
Barn	Educational display of prime farm and domestic animals

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## Virginia Frontiers, Inc. - Continued

Blacksmith Shop	Display of smithy items
Jail House	Display and exhibit
Glass blowing	Glass blowing exhibit and sale of glass blown souvenirs, blown on premises
Wells Fargo Office	Display, sale of tickets for pony, buggy, burro and stage coach rides
Archery range	Entertainment (target 100 ft. from all property lines)
Boot Hill	Display
Amateur shows in saloon	Entertainment
Train, stage coach and bank holdups	Entertainment
Authentic Indian dances	Entertainment and educational
Rides on miniature steam driven train (8-10 minutes) same train as used in the past	Entertainment (there shall be no whistle)
Roddy Burro, stage coach and buggy rides	Entertainment

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Item 17 - It was noted that in time they may add a post office sub-station which would be allowed here. They have not yet applied for this.

Item 13 - Old time fishing hole - may be added later under approval of the Board.

Item 27 - Rodeo, etc. - considered impractical at present time; this may be added later if the Board approves.

Item 28 - Targets 100 ft. from all property lines.

Item 30 - Cancelled.

Item 33 - OK - Mr. E. Smith objected to the noise.

Any of the items they wish to sell, which the Board has eliminated, Mrs. Henderson pointed out, could be sold in the C-N zone.

It was also noted no parking within 50 ft. of property lines. Mr. Dan Smith said these people do not have sufficient parking area. This was discussed at length. Mr. Smith recalled the five acres of C-G zoning formerly available on the Hunter's Lodge property which these people do not own and which area is no longer available to them. He said that five acres was often filled and now they have been parking all over the place; they have only about sixty spaces.

Mr. Smith suggested a revised plat showing sufficient parking for perhaps 500 cars.

Mr. E. Smith agreed and he suggested that the applicants bring back new plats showing the permitted activities (individually) and four or five hundred cars parking space. With this information the Board would be in a position to issue a use permit. The case should be deferred, he stated.

Mrs. Henderson said they should have approval of the Health Department.

Mr. Dan Smith said the approval should be based on the new ownership which the Board should have also and no parking within 50 ft. of property lines. Plats shall show individual locations of all activities approved by this Board - archery range with targets at least 100 ft. off all property lines, parking for 450 spaces, and 50 ft. from all property lines.

Mr. E. Smith moved to defer the case to January 14, 1964 to permit the applicant to produce the plats showing these things. If they get the post office

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Virginia Frontiers, Inc. - Continued

station by that time it may be included. Seconded, Mr. Dan Smith.

It was noted that a site plan will be required.

This is to be under the control of Virginia Frontiers, Inc. with one person shown to be responsible for these operations. There will be one occupancy permit only issued to the operators and not to each person who has a concession here. One use permit and one occupancy permit. Motion carried unanimously.

//

REGENT REALTY, INC., to permit operation of real estate office at 94 Leesburg Pike near Seven Corners, Mason District (R-12.5)

Mr. Salem represented the applicant. He showed pictures of the building they propose to use and also the traffic on Route 7. The Ravenwood Citizens Association have indicated that they do not oppose this use. They will have two salesmen, the two owners, and one secretary. There may be others who will operate out of this office. They have sufficient parking space to comply with the Ordinance.

Since this is a temporary use, Mrs. Henderson suggested that probably a site plan would not be necessary.

Mr. Chilton said he had discussed this with the Planning Engineer and he thought that since this is a temporary use the site plan might be waived as a condition of the granting.

Mrs. Henderson recalled that this use was here under an old permit which has expired. The Board would review this if there is a change in ownership, Mrs. Henderson noted. It was also pointed out that the Zoning Administrator can automatically renew this permit if there are no complaints. The applicant will ask for the renewal each year one month before the permit expires.

In the application of Regent Realty, Inc. to permit operation of a real estate office at 94 Leesburg Pike near Seven Corners, Mason District, Mr. Dan Smith moved that the application be approved as applied for for a period of one year with automatic renewal at the end of the year at the request of the applicant at his discretion, if there are no complaints and if all provisions of the Ordinance are met. No site plan shall be required on this case. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Everest left the Board Room.

E. NEIL & RUTH N. ROGERS, to permit operation of nursery school and kindergarten, S. side of Rt. 123 across from Five Oaks Subdv., Providence District (RE-1)

Mr. E. Smith said he had seen the property and was impressed that this land seems well suited for a private school. This is a large piece of property located on a primary highway. Admittedly, this is a residential area, Mr. Smith continued, and the area between the Town of Vienna and the City of Fairfax can be kept residential in nature but a private school is compatible with a residential neighborhood. He pointed particularly to Madera, Congressional, Cardinal and many others - all of which are in residential areas. While this is a profit-making operation, still it is not incompatible with a residential use. Physically this property is well-adapted to a private school.

Mr. Barnes agreed, also Mr. Dan Smith, who pointed out that this is a limited use permitted under the Ordinance and well in keeping with the area. Mr. Rogers has stated that the pool in the rear will be filled in. Mrs. Henderson agreed that the location is satisfactory.

In view of the overwhelming thinking of the Board, Mr. Dan Smith moved that E. Neil and Ruth N. Rogers be permitted to operate a nursery school and kindergarten on the south side of Rt. 123 across from Five Oaks Subdivision in Providence District, children attending the school will range in ages from four to six years, school hours 9:00 to 5:00, nine months per year. Maximum of fifty children. The pool shall be fenced or filled in. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes and carried unanimously.

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RALPH ROCKS - RIVER TOWERS

Mr. Woodson showed a plan of the stores within the building as presented by the applicant. The plat showed the location of each business. This is in Building #2.

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Mr. E. Smith said the Board had been concerned about the size of the operation and the area shown to be used is less than the Board had delineated. It showed only a delicatessen, valet shop and beauty shop.

The Board agreed that the plat presented is acceptable and approved it without formal motion.

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KENA TEMPLE (Revocation)

Mr. William Hansbarger represented the applicant.

Mrs. Henderson stated that these people are in violation of their use permit and have been given a notice of revocation of their permit. This revocation covers only the terms of the motion granting the use permit. There is no service road, the buildings were to have been constructed of brick or cinderblock faced with brick. These people were directed to bring renderings of all buildings to this Board before construction. Mrs. Henderson noted that no building permit was obtained for the construction but that the site plan had been approved. They were not to use Karen Drive.

Mr. Hansbarger said this is what he wished to know -- what violations there are and then to ask for time to comply with the requirements.

They will brick face the building - construction of the building is not yet completed. All their plans show that all the buildings will be brick faced. Adequate room has been left for facing the walls. They realize that they must comply with that.

Mr. Hansbarger said only one building of the complex has been built and he had been advised that they do meet the 100 ft. setback.

The service drive will be constructed; the bond has been executed with the County. The road they are using, Karen Drive, is the only access they have during this time. Arlington Boulevard is a limited access highway and the State will not give them a permit to come off of Arlington Boulevard during the construction of the building because the heavy trucks destroy the roadway. The service drive will have to be built and they know this - they will then use the service drive to Barkley Drive and into Arlington Boulevard. That probably is a technical violation, Mr. Hansbarger said, but the permit should not be revoked on that basis. No one could be hurt he continued, by the use of Karen Drive, it is all wooded and there is only one house affected. If this is a violation before construction continued these people should be given the time to correct the violation.

The site plan does not show Karen Drive open. (Mr. Chilton said the site plan had been approved a few days ago.)

It is likely, Mr. Hansbarger continued, that using Karen Drive for construction would not be a violation of the permit. When they found they could not use Arlington Boulevard, they should have come back to this Board and asked to use Karen Drive. If the Board wants them to stop using Karen Drive they will have to wait until the service drive is completed. There is also a water line going in which will hold up the service drive.

They should build the service drive immediately, Mrs. Henderson said, it could be a dirt road like Karen Drive and could be blacktopped later.

Asked if the building is being used, Mr. Hansbarger said there are things stored in it- it is an equipment building.

Asked about the architectural sketch which should have been brought to this Board, Mr. Hansbarger showed a sketch of the building. Mrs. Henderson said that had never come before this Board. Mr. Hansbarger still said they would comply with the use permit.

Mr. Sorber (some kind of potentate of Kena Lodge) came before the Board and discussed the work done on Karen Drive. Mrs. Henderson read from the motion regarding Karen Drive -- "not to be usable beyond a certain point."

Kena Temple - Continued

That was only for construction, Mr. Hansbarger said. That could take five years, Mrs. Henderson answered. The permit says Karen Drive should not be constructed.

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The road was not to be used in connection with the use of the property, Mr. Hansbarger said, but nothing was said about not using Karen Drive during construction.

Mr. Sorber said they filed the application with the State to build the service drive. The Board required the 100 ft. setback, Mr. Sorber said, and the Sanitary Engineer wants an easement for sewer line. They told him not to put it within the 100 ft. setback. Then they filed for a permit with the State and County to build the service drive. In the meantime they were using the service drive off Arlington Boulevard, but the State put up stakes blocking access. They filed for the permit, then the Park Authority said they wanted the 100 ft. barrier on the property. This was resolved with the Park Authority about one week ago - that they don't want the 100 ft. They then put up the bond. Now they cannot move till this Board decides what they will do. They did not want to come in Karen Drive, Mr. Sorber continued, but it was the only thing to do. The papers on the service drive have been held up until the site plan has been approved.

Asked why they didn't come back to this Board, Mr. Sorber said that the building committee was ill.

That was the proper thing to have done, Mr. Hansbarger said, and that is the reason they are here today.

If the site plan was approved November 20, Mr. E. Smith asked how the building happens to be up now.

They are in technical violation, Mr. Hansbarger admitted, they probably thought the footings permit was the building permit.

The problem here, Mr. E. Smith said, is what has taken place here on the property and that construction did take place before site plan approval and the Board did not have a chance to view the elevations of the building. Mr. Smith recalled that he had made the motion to grant this. He felt that the Board should approve the use of the land but the Board felt that the information before it was sketchy. If people like this who come in for permits do not come back to the Board when directed to do so, the Board will take the position that we will not act until we have every bit of information we need before the applicant can go ahead with the building.

Our problem is this, Mr. Smith continued: within the recent months this Board has had very unpleasant experiences with Fraternal permits. We thought at the time this was a reasonable use of the land on Arlington Boulevard and thought it would be well to see other organizations of the same type go in but at the time this was considered we had citizens opposition or concern, but the Board felt it had granted the permit in such a way that the applicant could use the land very well and provide adequate assurances to the people living in the area that this neighborhood would not be changed. Unless we can do this and operate in such a manner that people will have this assurance and confidence - the areas in which we can grant things of this nature will be greatly lessened.

The reason this is before this Board, Mr. Smith recalled, is that General Kastner, a citizen in this area used this as an example of the fact that Fairfax County was unable to enforce its regulations. General Kastner made this remark before the Planning Commission. You can readily see, Mr. Smith pointed out, that this Board must do something about this.

Mr. Sorber said that the elevations were checked by the Soil Scientist and by Mr. Yaremchuk, and the footings were moved three times. They worked with the architect and the Zoning Office. About the type building, Mr. Sorber said he did not know how they <sup>do</sup> what they did; they had pictures of what it was supposed to be like but he did not know to whom they had been sent.

Mr. E. Smith said that confusion can enter into these things but he went on - the thing to do now is to get the project back on a proper footing with the original permit. This would involve closing Karen Drive and completion of execution of the bond at the earliest possible date and brick up the building under the terms of the use permit.

Kena Temple - Continued

Mr. Sorber said the cinder block is laid so it will receive the brick. They did not want to put the brick on during the cold weather but will do so if the Board says to. They are trying to get the grading done now but have been held up by the Park Authority.

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The yearlapse between the use permit granting and the building permit was caused by the man's death who was handling this, Mr. Sorber said.

The next thing to do, Mrs. Henderson said, is to close Karen Drive and build the service drive. As soon as they get the permit from the Highway Department, Mr. Sorber answered.

When they get the service drive in, Mr. Hansbarger said, they will start the brick on the building. They will bring all elevations to the Board.

Mr. Chilton said the site plan is approved, Mr. Croy has the building permit, and the service drive construction permit will be obtained from the State Highway Department.

Mr. E. Smith moved that the Board defer action on this revocation show cause until the last meeting in January 1964 which would be January 28, to enable the applicant to become in compliance with the original terms of the use permit and specifically that Karen Drive shall be closed and that the service drive along the property facing Arlington Boulevard giving access to this property shall be constructed and shall be used as the only access to the property during the additional construction that might take place.

This gets the case back into the tenure of the original permit, Mr. Smith added. Seconded, Mr. Dan Smith.

This man's complaint (General Kastner) has brought this to the attention of this Board, Mr. Dan Smith said, and now the Board is making an effort to correct any mistakes or misinterpretations that have taken place. It was not proper to open Karen Drive but in all fairness to the applicant if there is nothing here that would harm the general welfare or the public safety is not violated, there is nothing wrong in deferring this until these things are corrected. Mr. Smith said he realized that it takes a long time to get site plan approval.

General Kastner objected, saying there are many things in the original application that are not being done.

Mr. E. Smith said the Board wished this applicant to come back at the January meeting and say he has complied with the permit.

Mr. Woodson said he would issue the building permit so they could start work.

Mrs. Henderson made it plain that the Board does not condone any of these violations.

Mr. Sorber said construction would begin within 48 hours after they have this permit. Motion carried unanimously.

General Kastner objected vehemently - he thought this whole thing was badly handled. He was annoyed with the Board because he was not invited to talk against the applicant. He made uncomplimentary comments about the Board and its methods.

//

Animals for Research asked to extend their permit to August 12, 1964 because of title difficulties. Mr. E. Smith moved to extend for six months with provision that all other terms of the permit shall be met. Seconded, Dan Smith. Carried unanimously.

//

Mrs. Abrams, whose school request was recently denied, asked to have a rehearing. Mr. E. Smith recalled that this was a request for a private school within a built-up neighborhood, on a small lot. He did not consider Mrs. Abrams' grounds for a rehearing sufficient. No new evidence was presented.

Mr. E. Smith moved that the request for a rehearing be denied based on the

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fact that no new evidence was presented. Seconded, Dan Smith.  
Carried unanimously.

//

Fairfax Funeral Home - Mr. Woodson said a man was coming today to remove the trash that had been the subject of complaint. They asked for an extension of their permit - time to get site plan approval. It has been back to the engineers many times for changes, now it is said to be ready for approval. They asked for six months.

Mr. E. Smith moved to grant a six months' extension at the request of the applicant. Extend to May 27, 1964. Seconded, Mr. Dan Smith.  
Carried unanimously.

//

Jack Chilton asked for interpretation of a "three story building - or 40 ft. high."

This is a split level building, ten feet higher on one side from the ground level than the other. The ground slopes, so one side of the building are three stories (38 ft. high) and on the other side where the ground slopes down, the building appears to be four stories. However, the ground floor is a basement used for parking of cars, furnace room, janitors' room, accessory things necessary to operate the building.

The Board agreed that since this extra floor is a basement used for storage and accessory things it would not be considered a fourth floor. This basement space, however, cannot be used for rental purposes.

//

Mrs. Henderson read a letter from a nine year old girl as denied her father's variance application. (Miles case - 11/12/63)

//

The meeting adjourned.  
Kathesyne Lawson

Mary K. Henderson  
Mrs. L. J. Henderson, Jr.  
Chairman  
January 28, 1964  
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, December 17, 1963 at 10:00 a.m. in the Board Room of the County Courthouse. Mr. T. Eugene Smith was absent. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

L. L. BROWN, to permit carport closer to side property line than allowed by the Ordinance, Lot 37, Block A, Section 4, Sleepy Hollow Woods, (Sprucedale Drive), Falls Church District (R-12.5)

Mr. Brown said he bought this small Rambler in 1959. Before the purchase he checked the plats and found that he had 22 ft. from the side property line and he was told that he could come to within 10 ft. of the line with a carport. With this in mind they extended the driveway and put in a carport slab. By the time they got around to building the carport the Ordinance had changed and the back end of the carport would be in violation. As the structure is now planned the carport would be 10 1/2 ft. from the line at the rear and 13.9 ft. at the front. This is only 7 1/2 sq. ft. in violation. There are carports on either side of them, Mr. Brown said, both put up when this was permitted by the Ordinance. There is a 51 ft. space between this violation and the adjoining neighbor's house. Mr. Brown also pointed out that his lot is pie-shaped which narrows down toward the rear, causing this encroachment.

Mr. Dan Smith noted that the irregularity of the lot was cause for the variance. If the lot were square, there would be no problem. This is an open carport. Many in the subdivision already have carports. To make this conform the applicant would have to chop off a corner of the roof which would detract from the appearance of the structure.

No one from the area objected.

In the application of L. L. Brown, to permit carport closer to side property line than allowed by the Ordinance, Lot 37, Block A, Section 4, Sleepy Hollow Woods (Sprucedale Drive) Falls Church District, Mr. Smith moved that the application be approved as applied for. The applicant could have constructed a carport of this size when he purchased the house in 1959 and the irregular shape of the lot affects the rear setback of the carport. If the lot were square this addition could have been put on without a variance. Therefore, this is a reasonable request. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RALPH C. MUTCHLER, JR. & SAM L. HARRELL, to permit erection of office building closer to side property line than allowed by the Ordinance, Lots 6, 7 and westerly half of Lot 5, Block C, Courtland Park, Mason District, (C-O)

Mr. William Hansbarger represented the applicant. The property is zoned C-O, Mr. Hansbarger pointed out. The question is, which way will they face the building? The property has frontage both on Leesburg Pike and Washington Drive. The applicant thinks this should be no problem as all other commercial buildings along Leesburg Pike similarly situated face the Pike and Washington Drive is mostly a small residential street. This adjoins R-12.5 zoning on the side where they are asking the variance. That lot is used now for residential purposes, otherwise it would be zoned C-O or C-G and no setback on this side would be required. This lot owner has no objection to the reduced setback. Both C-O and C-G zoning are in this immediate area, and across the street is C-D. This will all go commercial in some form, Mr. Hansbarger said. He showed a rendering of the proposed building. They can meet all other setbacks. The appropriate zoning for the adjoining residential would be C-O - when this is so zoned no setback will be required. In the rear where the property probably will not go commercial they are maintaining a deep setback - more than required. He pointed out also that they are setting back 56 ft. from Washington Drive - 6 ft. beyond the 50 ft. to meet the height requirement (3 ft. above the 45 ft.) The setback from Route 7 allows for widening and the service drive. The building would fit on the lot if it were turned to face Washington Drive, Mr. Hansbarger continued, but that would face the side of the building toward Leesburg Pike which they think inappropriate and it would also place the building nearer residential property at the rear. To face Washington Drive would bring traffic in on that street which is purely residential and the building would not look right with the narrow facade facing the main highway.

Mr. Dan Smith agreed - he thought the case had merit. Mr. Smith also said he was concerned about an additional business being put on this property. He thought the one good sized building was far more appropriate but if the building were located facing Washington Drive another business could be squeezed in.

OPPOSITION:

Mrs. Huddleston from Courtland Park Citizens Association discussed the residential covenants which were lifted from this property and to which many people in the area objected. At the time of lifting the covenants it was agreed that whatever was put on this property would be in good taste and there would be no variances. Mrs. Huddleston discussed parking which she said would spill over into Washington Drive. She considered this request a waiver against the rights of people in the area and contended that the covenants were still in effect and the land should not have been rezoned.

## Harrell and Mutchler - Continued

Mr. Dan Smith pointed out that this Board has nothing to do with rezoning nor can it be concerned with covenants. That is a matter between the property owners and the people interested. The only thing this Board can be concerned with, Mr. Smith continued, is the variance which would permit the building to face Route 7 instead of Washington Drive.

This is a five story building, Mrs. Huddleston pointed out, in an area of ramblers. Mr. Smith noted that this building height is permitted in the C-O zone. As to parking, the applicant will be required to furnish off-street parking satisfactory to site plan approval.

Mr. Hansbarger said a part of the parking would be under the building. They can meet adequate parking requirements.

When the covenants were lifted, Mrs. Huddleston said, they were assured that the building on this property would not be over three stories. This is too high; it is objectionable to the people in the rear and the agreement with the people is being violated in this request.

Mrs. Henderson pointed out that there is no variance requested on the rear and lots along Route 7 will go commercial so there was no objection from them. She could not see how this side variance would hurt the people in Courtland Park.

Mrs. Huddleston objected to the lights.

The least impact upon the area would be to face Route 7 with this building, Mr. Smith said, and he would rather see only one building on this lot - a filling station could be jammed up against this building if it were turned toward the side street.

Mr. Robert Redwine, who owns property across the street, asked that the people be told exactly what will be done here - the parking and the location of the building.

Mr. Hansbarger said this would be the only building to occupy the lot. They do not have complete details yet. That will come with the site plan, after they know they can have this building.

Mr. Harrell said they would put an architectural front on Washington Drive. In answer to Mrs. Henderson's question, Mr. Harrell said they knew when this was rezoned they would need this variance.

Mr. Max Gaber, rear lot owner, was concerned about the parking; would they use Washington Drive? He was not happy about a five story office building here without completely adequate parking. If he could be assured of adequate on-site parking, Mr. Gaber said he would have no real objection.

Mr. Jack Chilton said the Ordinance requires four spaces per 1,000 sq. ft.

Mr. Harrell said they would have their own offices in the building, and other lessees. They said the sketch which they showed was not exact, but it is basically what they will build. They will brick face the rear.

Mrs. Henderson was apprehensive about the size of the building on this lot and adequate parking. Mr. Chilton said the Board could not increase the parking requirements beyond the four spaces per 1,000 sq. ft.

The Board generally was concerned over parking on Washington Drive and suggested "no parking" signs.

A lengthy discussion followed - how best to protect the residential zoning to the rear, whose property probably will never go commercial; assurance that the rear of the building would not be a blank wall; architectural treatment of the Washington Drive facade. Mr. Harrell said they would use some kind of harmonizing trim on the rear wall; it would certainly not be cinderblock, but would be in keeping with the architectural features of the building.

The Board made it plain that there should be no parking on Washington Drive or Leesburg Pike except perhaps on the service drive.

Mr. Nagel said Washington Drive was heavily traveled and to have either an exit or entrance on that street would be hazardous. It is only 20 ft. wide. The owners don't know how many will be using this building, Mr. Nagel said, they have no idea what the traffic situation will be - how much coming and going. This could create a constant overflow of cars which would result in parking on Washington Drive.

Mr. Smith said he was well aware of the fact that certain types of offices will have more traffic than others. He was concerned that this be well considered in the site plan.

Mr. Smith continued, saying that such problems as these presented here are the real concern of this Board and the real purpose for its being.

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## Harrell &amp; Mutchler - Continued

In considering this variance, the Board might consider the protection and welfare of people in the area and try to work out the best arrangement for all concerned. He thought this was being done. The people in the rear should be well protected because they will live with this a long time. The people most affected are those adjoining on the side where the variance is requested. They have no objection. They will probably go commercial in time.

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In the request of Ralph Mutchler, Jr. and Sam L. Harrell, to permit erection of an office building closer to side property line than allowed by the Ordinance, Lots 6, 7 and westerly half of Lot 5, Block C, Courtland Park, Mason District, Mr. Smith continued, this seems to be a reasonable request, based on the information presented to the Board. This seems to be a partial solution to the objection and the people most affected do not object. Mr. Smith moved that the application be approved as applied for in accordance with the plat presented with the case dated May 27, 1963, which shall be initialed by both the applicant and the Chairman of the Board.

It is also required that the applicant finish this building at the rear with a harmonious treatment (something pleasing to the eye) and should consult with the adjoining property owner to the rear and work out something as far as possible that will be agreeable to him. The facade of the building facing Washington Drive shall be something near to the same as the treatment given the main entrance on Route 7. This will be an architectural front on Washington Drive. Seconded, Mr. Barnes.

Mrs. Henderson emphasized that the solution reached on this is more satisfactory to the people in Courtland Park than if a lower building were put on this property and more land area covered. Carried unanimously.

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MUNSON HILL TOWERS, to permit operation of a valet shop, property on southerly side of Leesburg Pike, approx. 200 ft. W. of Nevius St., Mason District (RM-2H)

Mr. Al Hiss represented the applicant. The valet shop will be in the basement, Mr. Hiss said, there will be no advertising, and no cleaning operations on the premises; it will simply be a pick-up station, for the benefit of the 270 tenants in the apartments. They have a contract with a cleaning establishment. There will be someone on duty at all times to receive and distribute the clothes.

No one from the area objected.

In the application of Munson Hill Towers to permit operation of a valet shop, property on southerly side of Leesburg Pike, approx. 200 ft. W. of Nevius Street, Mason District, Mr. Dan Smith moved that the application be approved in accordance with the applicant's request for a valet shop, which means a pick-up and delivery service for the convenience of the occupants of this development. This is granted in accordance with Section 30-57 of the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. It was also added to the motion that there shall be no dry cleaning operations on the premises. Carried unanimously.

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BACKLICK INVESTMENT VENTURE, to permit operation of an auto sales lot, property on E. side of Backlick Rd., approx. 200 ft. N. of Calamo St., Mason District (C-G)

Mr. Brock represented the applicant. This is a new automobile agency located on a 3.2 acre tract, Mr. Brock said. They have the Volkswagen agency adjacent to this which opened last week. Now they want a use permit for another new car dealer (Rambler - "the nicest guy in town"). This meets all requirements, Mr. Brock noted, the business is ready to go.

No one from the area objected.

In the application of Backlick Investment Venture, to permit operation of an auto sales lot, property on east side of Backlick Road, approximately 200 feet north of Calamo Street, Mason District, Mr. Dan Smith moved that the application be approved as applied for in accordance with plat submitted with the case dated November 27, 1963 to be initialed here today. All other provisions of the Ordinance shall be met. This is to be a new car agency. Seconded, Mr. Barnes. Carried unanimously.

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CLARENCE W. GOSNELL, INC., to permit dwelling 38.70 ft. from Buckboard Drive, Lot 1, Block 3, Riverside Gardens, Mt. Vernon District (R-12.5)

Mr. Charles Harnett represented the applicant. The variance is very slight and would never be noticed, he said, but they are very unhappy to have this situation occur as they pride themselves on the accuracy of their locations. Only one corner of the building is in violation - they found the error in the final check. No one in the neighborhood objects. It was simply an error in computing the distances. The lot is slightly irregular in shape.

Clarence W. Gosnell - Continued

In the application of Clarence W. Gosnell, Inc., to permit dwelling 38.70 ft. from Buckboard Drive, Lot 1, Block 3, Riverside Gardens, Mount Vernon District, Mr. Dan Smith moved that the application be approved as applied for. This is an honest mistake. A building permit was obtained. This comes under Section 30-36, paragraph 4, of the Ordinance, an error due to incorrectly staking out the house caused by the irregular shape of the lot. Seconded, Mr. Barnes. Carried unanimously.

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INTERSTATE LAND CORP., to permit dwelling to be built 38.5 ft. from Street property line, Lot 24, Block E, Section 2, Monticello Woods, (6432 Deepford Street), Lee District (R-12.5)

Mr. Lester Johnson represented the applicant. This was deferred to send proper notification, which Mr. Johnson said has now been done.

In computing the setbacks, Mr. Johnson said they did not take into consideration the overhang. This did not come to light until the final check. The second story projects beyond the setback line. This is the only house of this kind that they have overlooked, Mr. Johnson said, and they have built many like it. This is their first mistake in several years. They got the building permit and the house is completed. The road curves slightly in front of the house, Mr. Johnson pointed out, and this encroachment would never be noticed.

No one from the area objected.

In the application of Interstate Land Corporation, to permit dwelling to be built 38.5 ft. from street property line, Lot 24, Block E, Section 2, Monticello Woods (6432 Deepford Street), Lee District, Mr. Dan Smith moved that the application be granted in accordance with the variance asked; this comes under the section of the Ordinance dealing with mistakes. This mistake occurred due to curvature of the street in front of the property. The building permit was issued. The surveyors and construction people involved in this have built many houses and this is the only error they have had under this section of the Ordinance. (The section dealing with mistakes.) All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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F. H. BROYHILL CONSTRUCTION CO., INC., to permit erection of dwelling closer to street property line than allowed by the Ordinance, Lot 23, Reservoir Heights, Mason District, (R-12.5)

Mr. Dave Baker represented the applicant. He said they applied for a building permit and ran into this problem. There is no way to get this house on the lot without a variance because of the side yard requirement of 40 ft. This is a corner lot. This is a 25'x 40' house. This is an old subdivision recorded before setbacks were put into effect. The lots are all very small. The variance is on Munson Lane.

Mrs. Stallings asked how close this would be to her line. It was noted - 12 ft. from her fence.

Mrs. Henderson pointed out that it is necessary to grant variances on these small lots, otherwise the owners could not use their property. If this house were to meet the setbacks it would be too small for living purposes. The interior lots could be used, Mr. Smith noted, but not the corner lots.

In the application of F. H. Broyhill Construction Co., Inc. to permit erection of dwelling closer to street property line than allowed by the Ordinance, Lot 23, Reservoir Heights, Mason District, Mr. Smith moved that the application be approved as applied for, this being a very narrow lot in an old subdivision which would be almost impossible to construct a house of any kind without a variance. The variance is reasonable, the house proposed is of medium size, approximately 25'x40'. It meets the other setbacks required but this being a corner lot requiring a 40 ft. setback from both streets, the applicant needs a variance. Mr. Smith moved that the application be approved as applied for. All other provisions of the Ordinance shall be met. To deny this request would deprive the applicant of a reasonable use of his land - under the State Code and the County Zoning Ordinance. Seconded, T. Barnes. Carried unanimously.

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GRASSHOPPER GREEN SCHOOL, to permit operation of a private school, Lot 17, Midpike Subdivision (2020 South George Mason Drive) Mason District (R-12.5)

Mr. Dan Smith said after viewing the property he felt that this was somewhat better than he had expected - more room in the house and he was concerned about the size of the yard.

Mrs. Frazier said they could use the grounds of their main operations, across the street, for parking and for play area.

Mrs. Henderson said she would not consider this except on a very limited temporary basis. She was concerned about the noise since this is a day care school and children will be in and out all day.

## Grasshopper Green School - Continued

Mrs. Frazier said they really spent a very short time outside; in winter only about twenty minutes in the morning and an hour in the afternoon. In summer from 10:30 to 11:30 in the morning and from 3:30 to 5:30 in the evening. The noise is not as great as that coming from the public school, she said - that goes on all the time. The place they are in now has been sold and they are looking for a permanent location. They will have to move this last portion of their school by March 1. They now have four rooms (in the present location - the Bonnet property); this additional building will give them two more classrooms which will take care of their entire school. They have a contract with the Bonnet people until August 6, after that they will be on a month to month basis but they hope to have a new location by the time this contract is up.

These two rooms will take care of twenty more children, Mrs. Frazier said. A couple will live in the building, upstairs. The man works for the school. They will use the living room and the recreation room which has a side exit. They have talked with both the Fire Marshal and the Health Department and will conform to their requirements. They now have a total of about 100 children. They will put a fence in the back of the property before they move in. This is only a five day a week school; no one will be there Saturday or Sunday. The people on <sup>ONE</sup> both sides of this property have young children and they do not object to this use.

Mr. Smith said he wished to be sure there would be no extension to this use. The people adjoining do not object because they have young children but this could be very annoying to the two ladies who objected to this at the last hearing and who have made expensive improvements to their home. He felt that their peace and quiet should be considered.

Mrs. Frazier pointed out that the ladies are away during the day when the children are there. That, Mr. Smith said, is the only reason he would give consideration to this.

Mrs. Frazier said they hoped not to ask for an extension on the Bonnet property after August 1964 but they do not know if they can get a new location by that time.

Mr. Smith warned Mrs. Frazier that there could be no extension of this permit beyond September 1 and if they do not have a new location by that time they would have to curtail their operations.

Mrs. Frazier recalled that the original permit gave them the right to a six month's extension on the Bonnet property if allowed by the Zoning Administrator. She noted that from June through September there was no program for the small children. Since the Bonnet property has the possibility of a six month's extension Mrs. Frazier asked for the same provision on this property. Mr. Smith said he would not favor that. The use on this tract should cease at the end of August 1964.

Mrs. Henderson suggested that if by September they find they will need this building they come back to this Board for a review of the entire case and notify people in the area that such an extension is being asked. If there are any complaints the use would not be extended.

Mrs. Frazier said they will probably use only the Bonnet property in the summer. She asked again for the possibility of extending this beyond August 31. The Board would not agree to that at this time.

In the application of Grasshopper Green School, to permit operation of a private school, Lot 17, Midpike Subdivision, (2020 South George Mason Drive) Mason District, Mr. Dan Smith moved that the application be approved as an amendment and an addition to the original application on the Bonnet property across the street granted August 6, 1963. Both the original application and this application will expire August 31, 1964. The same provisions on the original permit (Bonnet property) still obtain. This addition granted today is to be used as an overflow only for the present operations. This property is to be used for school classrooms only. The building must meet requirements of both the Health Department and the Fire Marshal.

This annex extension shall be allowed to continue through the last day of August 1964 and at that time or during August the applicant may come before this Board to see if an extension would be granted. It is understood that this annex-addition is granted to take care of the overflow from the present operations but all parking and play area shall take place on the grounds of the original permit (Bonnet property). There is no provision for parking on this property. Therefore the major use permit will be extended to September 1, 1964 with possibility of a six month's extension at the discretion of the Zoning Administrator but the annex-addition use permit will terminate September 1, 1964 and if there is any desire on the part of the applicant to extend this use the applicant will come back to this Board for a full review of the case. The Board realizes the temporary nature of this arrangement and so does the applicant. The applicant shall make all possible effort to relocate this entire school to a permanent location within the time of this permit. Seconded, Mr. Barnes. Carried unanimously.

If this property comes up for extension the applicant shall notify Mr. Hurst OV 1-8893 and Mrs. Ames OV 1-8289.

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HENRY C. MOORE, to permit operation of auto sales lot, 1040 Leesburg Pike, Bailey's Crossroads, Mason District, C-G

Henry C. Moore - Continued

No one was present to represent the applicant. This case was deferred to December 31, the applicant to be notified that if he is not present at that time the case will be denied. Motion to defer by Mr. Dan Smith. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Chilton discussed filling stations in C-G zoning in which no use permit is required. He discussed the possibility of two businesses. This can be restricted, Mr. Smith pointed out only when a variance is requested on pump islands. If the applicant has a larger piece of land, say two acres, and the filling station is on a portion of the ground, definite land area can be allotted to the filling station only. If there is any question on this the Board suggested that it be brought before them to define lease line limitations for the filling station only.

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RALPH D. ROCKS, to permit operation of a non-profit club in River Towers, property Wakefield Drive between Ft. Hunt Road and Mt. Vernon Blvd. Mt. Vernon District (RM-2)

Mr. Barnes moved to defer this application to April 28, 1964 on the request of the applicant. Seconded, Mr. Smith. Carried unanimously.

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MOOSE LODGE - Progress Report: Mr. Leathers said they have the fence up (6 ft. chain link) and the large trees are in, the smaller ones ordered. Mr. Chilton said Public Works will check the drainage.

Regarding access, Mr. Leathers said they talked with Mr. Brett of the Highway Department. They have to get a permit from them before they can grade and put on the gravel. They hope to do that before New Year's Eve.

Mr. Spellman, President of Springvale Citizens Association, said they were concerned about the road. That will be completed, Mr. Leathers said, when they get their permit. They have the money to go ahead.

Mrs. Henderson said the Board would want another progress report in January - to know especially if they get their permit.

It was also agreed that the speed limit on the road should be reduced to fifteen or twenty-five miles per hour to reduce the hazard.

The Board agreed that progress had been made but asked for a letter on their progress - the second meeting in January 1964.

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Mr. Crigler sent a letter to the Board asking to add the eleventh and twelfth grades to his school - Glebe Acres Private School - and there would be no addition in the number of pupils.

Mr. Dan Smith moved that the use permit on this school be amended to include the additional two grades - eleventh and twelfth - but that the number of pupils shall remain the same. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Beard sent a letter asking for a rehearing on his antique shop. Mr. Smith said he saw no evidence in the letter to justify a rehearing. He also objected to the proposal to have the interior decorating business here. After considerable discussion it was agreed to take this under advisement for two weeks - to notify Mr. Beard that the Board would consider this again on December 31.

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Mr. Woodson asked if the Board could vary the sign ordinance under the State Code. The Board decided to take this under advisement. Also - can the Board vary the coffee shop in an office building less than 100,000 sq. ft. - a building with 30,000 sq. ft.? The purpose of the coffee shop is to serve people in the building, Mr. Smith said, and a building with 30,000 sq. ft. would not need a coffee shop. This would be too much of a variance.

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Mr. Chilton asked about setbacks for underground parking - should the same setback be required as on an aboveground structure? After discussion it was thought that in view of expensive land and the cost of construction this should be considered further. No decision at this time.

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December 17, 1963

Mr. Chilton discussed maximum height setbacks. The Board agreed to consider this in full after further thought.

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The meeting adjourned.  
Katheryne Lawson, Secretary

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

January 28, 1964  
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, December 31, 1963 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.

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

STANLEY J. AND MURIEL BANIA, to permit division of lot with less width than allowed by the Ordinance, Lot 3, Section 1, Forestville Estates, Dranesville District (RE-2)

Mr. Mackall represented the applicants. This is a five acre lot located in the Forest Heights Subdivision, Mr. Mackall told the Board, and his clients wish to divide it into two two-and-a-half acre lots. They will only have 179 ft. on one lot and 180 ft. on the other lot for road frontage. The soil map which Mr. Mackall presented showed why they have to divide the property in the middle; the soil in the front is good and since they could not use the back part for the septic field, they will use the front of both lots. Mr. Mackall said that Mr. Dawson, a property owner there, called him and that Mr. Frost and Mr. Turner, developers, would have no objection, if covenants were put on stating that if this is a ramber there will be 1400 ft. of ground coverage and if it is a two-story building there will be at least 1,000 ft. of ground coverage. This land is owned by husband and wife who are getting a divorce. Mr. Mackall said he had been unable to get in touch with the husband and he had told Mr. Dawson that he would not be able to assure him today that the property owners would put on the covenants. He asked deferral of the case until he could have assurances that these restrictions would be put on the property. There are restrictions on the property now, put on in 1951, and since then the character of the neighborhood has changed. Each lot will be worth from seven to eight thousand dollars. Unless he could get both parties to agree to this, he would withdraw the case, Mr. Mackall said.

Asked if there was anything on the property now, Mr. Mackall said only a storage shed used for keeping equipment.

Mrs. Henderson asked if most of the lots here are five acre lots. Mr. Mackall replied yes, there has been one division and a variance was granted in the past three months. He said his clients wish to keep this area as nice as they can and this is one reason they should agree to the restrictions.

Mr. Dan Smith asked how large a subdivision is this? How many five acre lots?

Mr. Mackall said there is one section on the left side of the road and one on the right - about eight lots on each side of the road.

Mr. Dan Smith asked if this were mostly built up and Mr. Mackall said about fifty per cent.

There was no opposition.

Mr. Smith suggested that in the interest of saving time and since this is a reasonable variance, perhaps the Board could decide on this today and then if Mr. Mackall did not get these restrictions he could withdraw the case.

After some discussion Mr. Everest moved to defer the case of Stanley J. and Muriel Bania to permit division of lot with less width than allowed by the Ordinance, Lot 3, Section 1, Forestville Estates, Dranesville, to January 28 for decision only. Seconded, Mr. Barnes. Carried unanimously.

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PAUL M. AND JEAN U. FOSTER, to permit erection of an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 17, Block K, Section 2, Parklawn (7207 Yosemite Drive), Mason District (R-12.5)

Mr. Foster said they propose to extend their house in order to make a study room for their boys and a place for their household papers and desk. The Zoning Ordinance would permit them to go only five feet which would make the inside dimensions 4'3" which is small, so they are asking permission to build 7 ft. and that would make the inside dimensions 6'3".

Mrs. Henderson suggested extending this in the rear. Mr. Foster said the boys' bedroom is in the front of the house and they want to put this onto the two bedrooms at the end of the house. They would not be additional rooms but rather a little alcove off each room for a study area.

Mrs. Henderson said the only problem is she did not see anything special about this house and lot in Parklawn that does not pertain to any other house in Parklawn also.

Mr. Foster said there is one distinguishing factor - there is a row of Poplar trees and hedge and concrete cribbing that they would be building up to. These trees provide a natural shield of their property line.



PAUL M. AND JEAN U. FOSTER - Continued

Mr. Dan Smith asked how high is the concrete cribbing? Mr. Foster said about 6 ft. high.

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Asked how long he has lived here, Mr. Foster said since January 1958. His neighbor's house is 26 ft. from their line. The Foster lot is the same size as all the others, however, his house is higher than the house next to it.

There was no opposition.

Mr. Dan Smith said he would like to see this property. He thought this request a reasonable one, however, he was also aware of the hardship involved. Mr. Foster has not specifically proven hardship, nor is there any topographic problem other than the wall, and the fact that he has a one story brick home with no basement certainly is a point.

Mrs. Henderson suggested that perhaps they could meet the 12 ft. requirement which would only mean a 5 ft. room, and then put a 3 ft. bay window in or two big bay windows.

Mr. Foster said there were no other places in Parklawn that he knew of with bay windows so it would disturb the architecture of the community. What they propose is merely to extend their house with the same type brick, windows, etc. so it would be consistent with the architecture in the community.

Mr. Dan Smith thought the wall might have some bearing on this, and in all fairness to the applicant, he would like to look at this before making a decision, therefore he moved to defer the case of Paul M. and Jean U. Foster, to permit erection of addition to dwelling closer to side property line than allowed by the Ordinance, Lot 17, Block K, Section 2, Parklawn (7207 Yosemite Drive) Mason District, to January 14. Seconded, Mr. Barnes. Carried unanimously.

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YEONAS LAND CORP., to permit dwelling 38.3 ft. from Scarlet Circle, Lot 14, Block S, Section 7, Mosby Woods, Providence District (R-12.5)

Mr. L. V. Johnson represented the applicant. He said his office planned this house for the overhang to be placed on the opposite front corner of the house. The house should have faced the other way. When they came out to make their check it looked all right because the foundation was in the right place but when making the final check they found the house had been turned the other way. As a result, the house - instead of being 41 ft. as they had planned - turned out 38.3 ft. from the circle. This is a split-foyer house. Approximately one-half the overhang is in violation. The house is constructed and people are now living in it.

Mr. Dan Smith noted that this is about the third case of this kind to be before this Board recently. He was aware that mistakes could easily be made in this type of construction and it is usually in the circles.

Mr. Johnson pointed out that this is the only error in Mosby Woods.

There was no opposition.

Mr. Dan Smith moved that the application of Yeonas Land Corporation, to permit dwelling 38.3 ft. from Scarlet Circle, Lot 14, Block S, Section 7, Mosby Woods, Providence District, be approved as applied for; the applicant has stated that this is an error due to the cantilevering effect in placing the house which was somehow placed in this location. He thought this was an "honest" error and therefore the request is a reasonable one. This is granted under the section of the Ordinance relating to honest errors. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD A. POOLE, to permit an addition to dwelling 38.30 ft. from Mackall Ave., Lot 5, Section 4, Langley Forest, Dranesville District (RE-1)

Mr. Poole said the reason they want to expand their house is that they are adding to their family in a few weeks and they would like to build a play room for their two children. This addition would provide a play room, bedroom and basement. The play room they want for obvious reasons; the basement would provide storage area and work area for himself and enable him to have a place to store yard tools, etc. This is the logical place for an addition. They are limited by the well and the septic tank and there is no other place to put this addition. The neighbor's house toward which they are building is about 100 yards off. There are no other houses nearby.

Mrs. Henderson asked if Mackall Avenue is improved all the way.

Mr. Poole said it is partly improved, some graveled and the rest of it is woods and shrubs.

Mrs. Henderson asked how much acreage Mr. Poole has and he replied one acre. The addition

Richard A. Poole - Continued

which they plan is in keeping with the rest of the house, the front of the addition will be brick and matching clapboard on the side and back, with matching roof. The roof line will be a little lower.

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Mr. Dan Smith asked how many bedrooms would this house have with the addition. Mr. Poole said they have four bedrooms at the present time. They are eliminating one and adding one. They would like to use this as a guest room, leaving them three bedrooms. One will be used as a study. That reduces them to two bedrooms and with the new child they need one more.

Mr. Dan Smith asked if the plans had been approved by the Health Department. Mr. Poole said his plans had been approved in principle - he had talked with Mr. Bowman and Mr. Layman and on the basis of the fact that there is no addition to the number of bedrooms they have, the plans would be approved.

Mr. Dan Smith was concerned about all these rooms being used for bedrooms if Mr. Poole sold the house and the septic system would not be adequate. The house will be almost 100 ft. in length with this addition. This would give a possibility of five bedrooms. He said he would like to take a look at the property.

Mr. Poole offered to go to the Health Department and return in thirty minutes with their approval. However, Mr. Smith said he would still like to see the property before voting on it.

There was no opposition.

Mr. Dan Smith moved to defer to January 14 in order to view the property and have evidence of the Health Department approval. Seconded, Mr. Barnes. Carried unanimously.

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WEBSTER M. AND AUDREY R. ROSE, to permit operation of a day nursery, property located approximately 125 ft. east of Third Street on a 20 ft. outlet road, Providence District (RE-1)

Mr. Rose said they have applied for their application from the State for operating a day nursery. They would have about 18 to 20 children, ranging from three to six years of age, and would operate from 7:30 a.m. to 5:30 p.m. each day. This school would be located in Dunn Loring. They have 1/2 acres of land. They would operate for twelve months of the year, five days a week. They will not live in the house. This will be a new school and they are the contract purchasers of this land. They have Health Department and Fire Marshal approval.

Mrs. Henderson read a letter from the Health Department asking deferral as the well water supply is not approved and the septic system is not adequate. Mrs. Henderson noted that during the past ninety days a nursery school day care ordinance had been passed by the Health Department.

Mr. Dan Smith asked how many rooms are in the house. Mr. Rose said three bedrooms, living room and kitchen and utility room. This is a frame house. The Fire Marshal has approved it with a few changes - one, a fire door between the furnace room and the kitchen. There is no basement. The house is approximately ten years old.

Asked about his experience, Mr. Rose said they have had no previous nursery school experience. The children who would come to this school would be from between Annandale and Falls Church, or wherever necessary. They will provide transportation by two station wagons or carry-all type of vehicle.

Mrs. Henderson read from an opposing petition, opposing the "rezoning" - she pointed out that this is not a "rezoning" but a special use permit. The petition expressed opposition to their using the 20 ft. road which is maintained by people living on it, and there is no turn-around space.

A lady from the audience came forward to support the petition and to answer questions. She said this street is a dead-end and the traffic would be bad for their children. There is not enough room for two vehicles to pass on this narrow road. She also said the wells are not dependable in the summer months. The eleven families who signed the petition live on this road and on the road below but they all have children and the traffic generated by this school would affect them.

Mr. Dan Smith stated that in order to get the State to maintain this road, they would have to dedicate a greater width than what they are now using for their right of way. He said he would like to view the property.

Mr. Kirkman, living opposite the entrance to this property, said he had spent a lot of money on his property and wished to continue his quiet life. This school would interfere with his quiet life and also he objected to people using his driveway in which to turn around.

Mrs. Fay said she and her daughter and family live directly across from the building and they were objecting because people turning around here was dangerous for their children.

Webster M. and Audrey R. Rose - Continued

Mr. Rose said he could not see how the traffic would create a problem as they would only make two trips in the morning and two in the afternoon with two vehicles. As to the water supply, if it was not adequate, he would have to do something to make it adequate. He would not turn around on other people's property, he said, and he would provide parking on his own property.

Mrs. Henderson noted that there could be no parking in front of the house; all parking would have to be in the rear or along the side.

Mr. Everest moved to defer this application to January 14 in compliance with the request of the Health Department. Seconded, Mr. Barnes. This is deferred also to take a look at the property. Carried unanimously.

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HENRY C. MOORE, to permit operation of an auto sales lot, 1040 Leesburg Pike, Bailey's Crossroads, Mas on District (C-G)

No one was present to represent the applicant.

Mr. Dan Smith moved that since the applicant had been notified at the last meeting that if he did not appear, the case would automatically be denied, that the application be denied. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Woodson said that Mrs. Beard (antique shop on 29-211) had called him regarding the rehearing on their application. This would be strictly for selling antiques. Mr. Beard is the applicant in this case and when he was asked why his wife's name was not on the application he did not tell why.

Mrs. Henderson felt the full Board should be present before making a decision on the rehearing. Mr. Dan Smith moved to defer voting on decision for rehearing until there is a full Board present. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned.  
By: Betty Haines

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

January 28, 1964  
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 14, 1964 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 meeting was opened with a prayer by Mr. T. Eugene Smith.

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The first order of business, reorganization of the Board, was deferred for a full Board. Mr. Dan Smith and George Barnes were not present at the opening of the meeting. Motion to defer by Mr. Gene Smith. Seconded, Mr. Everest.

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HARRY B. WOLFE, to permit lot with less frontage than allowed by the Ordinance, Lot 1, Section 1, McLean Heights, Dranesville District (R-12.5)

Mr. Wolfe said he had misinterpreted the notification requirement and had not sent letters although he had talked with the two adjoining property owners and three in the immediate neighborhood informing them both of this hearing. No one was present in opposition.

Mr. Gene Smith said he had had telephone calls about this case from people in the area who questioned it and who did not know about the hearing date. In fairness to these people Mr. Smith suggested deferral and moved to postpone the case to January 28 in order that the applicant give proper notification to five people. Seconded, Mr. Everest. Carried unanimously.

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COUSIN RAY'S AUTO SALES, to permit operation of auto sales lot, Lot 3, John R. Beach property, Lee District (C-G)

Mr. Raymond Wolfenden represented the applicant. He said they opened this business twenty-eight months ago. They sell a car now and then as a side issue but now they wish to expand and install a regular used car lot. This would be in addition to the grocery store and restaurant now operating on the property. These businesses are in the building shown on the plat and the office of the used car lot would be conducted from a trailer which would be on the used car area.

Mr. <sup>Gene</sup> Smith asked if the car lot were paved and if not would they blacktop it. Mr. Wolfenden said it was not paved; they would probably pave it at some future date. He noted that there is nothing in the Ordinance requiring him to pave the area.

The Board agreed but also pointed out that this requirement could be made a part of the permit. Mr. Smith suggested that at best a used car lot is not a thing of beauty and the paving might help. It would at least keep down the dust and look cleaner.

Mrs. Henderson noted that site plan approval would require a service drive - construction and dedication along the front of the property.

Mr. Wolfenden said he could and would provide the service road; he would move the car lot back farther on the lot.

Mr. Smith said he thought a used car lot a satisfactory temporary use of property situated like this but it should be well policed, well lighted and attended at all times and if such a use is not well cared for it soon becomes undesirable.

Mr. Wolfenden said he lived on the property and it is well lighted. He noted that another used car lot in this immediate neighborhood had been granted within the last six months and it was not paved. (John's Used Car Lot) They will put in the service drive to State specifications and pave it, Mr. Wolfenden continued, and would pave the used car area at a later date, but he could not do that now.

Mrs. Henderson said the permit, if granted, would certainly carry the condition that the car lot be paved. It is one way of upgrading the area and would make his car lot more desirable.

The very fact that this use is not permitted by right places on this Board the responsibility of imposing conditions which will assure a good development. That is the only way he could vote for this, Mr. Smith continued, that there be conditions which the Board feels will guarantee a good operation. If this man says in the beginning that he does not intend to meet these standards of good development then what does the Board do, Mr. Smith asked? Deny the case -- or grant with conditions which may mean a continuous running battle to achieve?

Mr. Wolfenden said his statement was that he could not pave the area now - but that he would like to do it in the future. He could pave it within a year.

January 14, 1964

Cousin Ray's Auto Sales - Continued

Mr. Smith moved that Cousin Ray's Auto Sales be permitted to operate an auto sales lot, Lot 3, John R. Beach property, Lee District, provided that the service road along Route 1 is constructed in accordance with the standards for such roads set up by the State and that the area that is used for the display of used cars is paved with rolled asphalt paving and that the area is lighted in such a way that the lights do not reflect into adjacent residential property (if there is any) and that all other conditions of the Ordinance shall be met. This shall be granted for a period of five years. The paving of the used car area shall be done before an occupancy permit is issued.

This Board or some future Board should take a look at permits of this nature every five years.

All these conditions shall be met before an occupancy permit is issued. Seconded, Mr. Everest. Carried unanimously.

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Mr. Dan Smith arrived in the Board Room, also George Barnes. A full Board being present Mr. Gene Smith moved that Mrs. Henderson be elected Chairman of the Board for the year 1964. Seconded, Mr. Barnes. Mr. Dan Smith moved to close nominations. Seconded, Mr. Everest. Carried unanimously.

Mr. Gene Smith moved that Dan Smith be elected Vice Chairman of the Board for 1964. Seconded, Mr. Barnes. Mr. Everest moved to close nominations. Seconded, Mr. Eugene Smith. Carried unanimously.

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Mrs. Katheryne Lawson appointed Secretary to the Board.

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Mrs. Henderson said it was her hope that this Board cooperate with the Planning Commission in revisions of the Zoning Ordinance, if they so desired. Mr. Smith agreed, saying he had appointed a permanent committee from the Planning Commission to work on revisions and he would like very much to see this committee expanded into a joint committee of the Planning Commission and the Board of Zoning Appeals. He thought this combination would be very valuable.

Mrs. Henderson agreed to appoint a committee of one or two.

Mr. Gene Smith left the meeting.

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JOHN R. BARESCU, to permit garage 36.1 ft. from Wooster Court, Lot 26, Block L, Section 4, Dunn Loring Woods, (105 Wooster Court), Providence District (R-12.5)

Mr. LaBrosie represented the applicant, stating that he had notified only two adjacent property owners, neither of whom objected. The Board agreed to accept his notification.

Mr. LaBrosie said he got a building permit; he knew he must be 12 ft. from the side line and was careful to observe that, but did not know about the front setback. He said he has operated in the County for about one year.

Mr. Woodson said the sketches submitted to his office showed the entire building 40 ft. from the front line.

Mr. LaBrosie said he had brought the garage out to the edge of the porch overhang. Mrs. Henderson noted that the porch also is in violation since the roof is supported by posts.

No one from the area objected.

In the application of John Barescu, to permit garage 36.1 ft. from Wooster Court, Lot 26, Block L, Section 4, Dunn Loring Woods (105 Wooster Court), Providence District, Mr. Dan Smith moved that since it is noted that a variance is needed on the porch also, the application be amended to include a request for variance on the porch and moved that this be approved with the maximum variance as applied for. The contractor is new in the County, he got a building permit for this addition but failed to observe the front setback requirement, noting only the side setback. It is pointed out to the applicant that he should study the Zoning Ordinance and read the building permit in detail in the future in order that such a mistake as this would not occur again. This was an honest error on the part of the contractor, there is no objection to it, and there is no evidence that it would be detrimental to the adjoining neighbors.

421  
421

John R. Barescu - Continued

Mr. Smith moved to approve the application as amended. Mr. Barnes seconded, but suggested that any time Mr. LaBrosie is in doubt to contact Mr. Woodson. Motion carried, all present voting for the motion.

422

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MARVIN KAY, TRUSTEE OF A CORP. TO BE FORMED, to permit erection and operation of a community swimming pool, bath house and other recreational facilities, Parcel A, Lots 294 and 295, Section 22, Kings Park, Falls Church District (R-12.5)

Mr. Bernard Fagelson represented the applicant. He said there are 600 homes in Kings Park and 250 families are members of their first swimming pool (membership is limited to 250). This will take care of another 250. The first pool now has a waiting list.

This is set up now under the Trustee, Mr. Kay, but the pool will be turned over to another corporation known as Parliament Swimming Pool Association who will operate it.

Mr. Kay said they would approve everything that is built on the site and after it is built the Kings Park Corporation will no longer be members of the Corporation - the Club would have its own Corporation and Directors.

Mr. Dan Smith objected to limiting the membership to 250 families when the facilities are adequate <sup>for more</sup> and there are others who are waiting to get into a swimming club. He discussed this at length.

Mr. Fagelson said they will need more pools if they build the 1100 homes as they plan.

These pools can run into financial difficulties, Mr. Smith pointed out, if they restrict their membership when they have facilities to take care of more.

Mrs. Henderson noted that no setbacks were shown on the plats.

That would be taken care of in the site plan, Mr. Fagelson said, and they would show the 114 parking spaces 25 ft. from the lines. The Board agreed that 114 parking spaces should be adequate as many here would walk.

Mr. Fagelson said they are not particularly planning on big meets - mostly local competition.

No one from the area objected.

Mr. Everest moved that Parliament Swimming Pool Association, Inc. be permitted to erect and operate a community swimming pool, bath house and other recreational facilities, Parcel A, Lot 294 and 295, Section 22, Kings Park, Falls Church District, and that this use permit be limited to 475 families. All other provisions of the Ordinance shall be met which includes site plan approval. The applicant will furnish at least 114 parking spaces. Seconded, Mr. Barnes.

Mr. Dan Smith said the parking is adequate for the community but he questioned if it would be enough for swimming pool meets. This is a large pool and as time goes on they may have full scale meets and find more parking is necessary.

Mr. Kay said the two pools would serve the entire Kings Park homes. The existing pool can take 300 and this 475 families. These are all the pools they will ever need. They are concerned that these pools be for the community, Mr. Kay said, that is their purpose in encouraging them. They do not anticipate big meets. They wish to be in operation this spring.

Mr. Dan Smith amended <sup>THE</sup> ~~his~~ motion to say that the names of the officers and directors along with their addresses and telephone numbers should be given to Mr. Woodson in the Zoning Office and if there are any changes taking place, these shall be given to Mr. Woodson's office.

Also the membership in this pool will be residents of Kings Park only and the membership is not limited until it reaches 475. The amendment accepted and motion with amendment carried. Mrs. Henderson, Mr. Dan Smith, Mr. Everest and Mr. Barnes voted. yes.

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ELMER L. DIXON, to allow garage 8.1 ft. from side property line, Lot 2, Block F, Yacht Haven Estates, Mt. Vernon District (RE 0.5)

The applicant asked to defer the case to January 28 as he has become Assistant Commonwealth's Attorney and it will be necessary to get another attorney to represent the case. Mr. Dan Smith moved to defer to January 28 at the applicant's request. Seconded, Mr. Barnes. Carried.

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EARL WHITLEY ENTERPRISES, to permit lot with less frontage at the building setback line than allowed by the Ordinance, proposed lot 3, Beau Ridge, Providence District (RE-1)

423

Mr. Dennis Duffey represented the applicant. Because of the angle of the lot line, Mr. Duffey pointed out they do not have the required 175 ft. on the short side of his lot. This lot meets all other requirements, but the subdivision plat has not yet been approved because of this lot. This would not alter the number of lots in the subdivision. The problem comes from the land itself, Mr. Duffey explained - it rolls and is very hilly. The lots are divided following the contours of the ground. Many are very large. This particular lot has 46,000 sq. ft. and it is very beautiful. If they do not get this variance they cannot use the entire lot. This short side is 40 ft. below the requirement. The subdivision is very interestingly developed with its irregular size lots ranging well over the one acre and the variety in topography. The homes will be in the \$50,000 and up class. They will locate this house toward the rear of the lot (on a high knoll) because of the drainage problem. This will give a very deep front yard. Mr. Duffey also pointed out that this is a corner lot only by a few degrees but no matter how they divide the land they are bound by the existing roads. This could not possibly affect other property, Mr. Duffey said - the lot is very beautiful and the house location is well back where they have a width of about 160 ft. There are no problems on any other lot in the subdivision. They will have well and septic. One lot in the subdivision will not perk.

No one from the area objected.

In the application of Earl Whitley Enterprises, to permit lot with less frontage at the building setback line than allowed by the Ordinance, proposed Lot 3, Beau Ridge, Providence District, Mr. Dan Smith moved that the application be approved as applied for. This is a reasonable request, Mr. Smith continued, and one that deserves the granting of a variance for reasons stated. This is an odd shaped lot - many lots in the subdivision are irregular in shape and the variance is necessary because of the unusual road situation. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried, all present voted for the motion.

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THOMAS F. BOMANGO AND NANCY ANN BOMANGO, to permit operation of a beauty shop in home, Lots 1, 2 and 3, Block 4, West McLean (5401 Chain Bridge Rd.), Dranesville District (R-12.5)

Mrs. Bomango said they are buying this home so she can work and be home with her three children. She would have three chairs but this would be a small operation. (Mrs. Henderson pointed out that she would be the only operator.) Mrs. Bomango said she is working now for someone else but if she buys the house they will live in it and her full time will be spent here.

Mrs. Henderson also pointed out that the parking as shown on the plat does not meet setback requirements and she questioned if she could provide off-street parking 40 ft. from Cedar Street and 25 ft. from the other lines.

Mrs. Bomango said her clientele would come from the District and Virginia - she did not know the neighborhood but hoped in the future to have customers from the immediate area. This would be between two shopping areas, each about two miles away.

Opposition: Mr. and Mrs. Passmore who live across Cedar Street objected to this use, saying this is a residential area and they want to keep it so; the street is only 16 ft. wide (Cedar Street); Chain Bridge Road is curved and carries a volume of fast traffic; the lot is too small to provide off-street parking. The medical building across the street brings traffic. This would further add to the hazard. Three people were present in opposition.

Mrs. Bomango agreed that while this is a residential area the house is quite useless for anything except a semi-business use. She would not wish to live in it unless she could carry on this business.

Since Mrs. Bomango's clientele comes from other areas, Mr. Dan Smith said the parking situation is especially important. She would probably have more cars than most beauty shops. He suggested looking at the property.

Mr. Barnes asked - why look at it? It is not possible to meet the required parking - the lot is too small.

Mrs. Henderson agreed that there was not enough parking; this is injecting a business, created by a new person in the community, coming into a residential area for business reasons, located between two shopping centers where beauty parlors are available, operating on commercial property with commercial property expenses. Mrs. Henderson continued -- it is not like granting a shop to someone who lives in the community and who starts a small shop as a convenience to the neighborhood, a place that may not be easily accessible to these facilities. The Board has granted shops like this, Mrs. Henderson recalled, in neighborhoods where they are wanted.

Thomas F. Bomango and Nancy Ann Bomango - Continued

Mrs. Mary Lynch told the Board that they do need beauty operators in the McLean area very badly; that it is difficult to get appointments now and she thought this shop would quickly build up a local clientele.

424

Mr. Dan Smith moved to defer the case for two weeks to January 28, 1964 to view the property and to give the applicant time to think over the problems he may run into here - site plan, fire, welfare, and health requirements. Seconded, Mr. Barnes. Mr. Smith and Mr. Barnes voted in favor of the motion. Mrs. Henderson and Mr. Everest voted against the motion. Tie vote.

Mr. Everest moved that the application be denied because there is not adequate parking for this type of operation. No second.

Mr. Smith moved that the case be put at the end of the agenda when Mr. Gene Smith would be present to break the tie. Seconded, Mr. Barnes. Carried unanimously.

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CARLETON S. MOOREFIELD, to permit dwelling 48 ft. from Spring Valley Drive, Lot 63, Section 6, Braddock Acres, Mason District (RE 0.5)

Mr. Moorefield told the Board that they had had a series of difficulties with the house, for one reason or another. He is doing the building himself. The lot has ample area and the house is located well back on the lot. They located the corners from a certified plat and put the house 78 feet from Birch Street. When they had dug the footings they ran into difficulties - first, it rained and the footing trenches were filled with water. They pumped them out and had an inspection which was all right, then started the house. When they asked for a wall check Mr. McLaughlin did the survey and found their original plat was in error. Mr. McLaughlin had done the original surveying in this subdivision and he was very certain that his figures were correct. The house was too close to Spring Valley Drive. There was no need to come so close to the line, there was room on the lot but they had worked from an incorrect plat. They were intent upon putting the house far back on the lot so it would like up with the house on the adjoining lot. Aesthetically, Mr. Moorefield said he thought that would be effective. The only thing he could do, he added, was to cut two feet off of his house. The violation is a matter of only four square feet and he did not think that was objectionable to anyone. To make such a change would lessen the value of the house, detract from the neighborhood and reduce the tax revenue. They have a building permit.

No one from the area objected.

Mr. Dan Smith said he considered that the applicant had presented a good case; it is a reasonable request and the error comes within the section of the Ordinance (Sec. 30-36-4) giving this Board the authority to grant a variance in case of an error in the construction of a home after getting a building permit. The applicant did get a building permit but the layout of the house was in error by a very small amount. Mr. Smith moved that Carlton S. Moorefield be permitted to have dwelling located 48 ft. from Spring Valley Drive, Lot 63, Section 6, Braddock Acres, Mason District, as applied for. This is granted under Section 30-36-4 of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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TEXACO, INC. to permit erection of pump islands 47 ft. from right of way line of U. S. #1, property located on southerly side of U. S. #1, approx. 200 ft. E. of intersection with Route 235, Mt. Vernon District (C-G)

This case no longer requires a special permit because of a recent amendment which takes care of a situation such as this.

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TRINITY CORP. to permit erection and operation of a theatre, south side of Route 236, approx. 800 feet east of Route 617, Mason District (C-D)

Mr. William Hansbarger represented the applicant. This is the same applicant to whom the Board granted a permit for an open air theatre on the Hunter property, Mr. Hansbarger recalled. They will not build that now. He showed a rendering of the building which will be a 944 seat theatre. It is to be the only theatre in Northern Virginia with a wall to wall screen for showing cinerama pictures. They have sewer and water and will work out the storm drainage. He showed the site plan as proposed indicating that they will put in the service, drive, sidewalks, and green area and screen on one side and the rear with a 6 ft. fence and 12 ft. of planted strip. This is a 2.9 acre tract. Mr. Hansbarger said they had met with people in the area and discussed their plans. They will furnish parking spaces.



420  
425

Trinity Corp. - Continued

A letter from Mr. Stephen Creeden, President of Crestwood Manor Civic Association was read stating that the adjoining land owners are not opposed to this permit. They do request certain things: that the applicant construct a masonry wall of a minimum of 6 ft. in height along the side facing Crestwood Manor in lieu of the standard stockade fence and planting for screening purposes. They also requested that the 12 ft. median strip along the outside of the wall be left with the existing vegetation intact.

Mr. Chilton said they require four seats per parking space for a theatre.

Mr. Dan Smith thought this a minimum of parking but agreed it probably would be satisfactory since so many parents drop their children off for the movie and the Board discussed the possibility of getting more parking in the future if necessary since the applicant owns more property immediately adjoining.

No one from the area objected.

In the application of Trinity Corporation, to permit erection and operation of a theatre, south side of Route 236, approximately 800 feet east of Route 617, Mr. Smith moved that the application be approved as applied for with the provisions as indicated in the letter from Mr. Stephen Creeden, President of Crestwood Manor Civic Association, viz that the applicant construct a masonry wall of a minimum of 6 feet high along the side facing Crestwood Manor in lieu of the standard stockade fence and planting for screening purposes. Also that the 12 foot median strip along the outside of the wall be left with the existing vegetation intact. All parking for patrons of the theatre shall be on land owned or controlled by the Theatre Corporation. All other provisions of the Ordinance shall be met.

Seconded, Mr. Barnes. Carried. Voting for the motion: Mr. Dan Smith, Mrs. Henderson, Mr. Barnes and Mr. Everest.

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BRADLICK SHOPPING CENTER, to permit erection of enclosed theatre, east side of Backlick Road, north side of Braddock Road, Mason District (C-D)

Mr. Bernard Fagelson represented the applicant. He said this theatre application may have brought about the change in the Ordinance permitting a closed theatre in a C-D zoning with a use permit. They had thought this use was permitted and designed the shopping center to include a theatre. He showed a rendering of the building which located the 8500 sq. ft. theatre in the center of the area. The entire tract has 12.4 acres with 105,800 sq. ft. of building. Their original plans were to include the theatre, then it was discovered that a theatre was not allowed in C-D and they continued their plans without the theatre. Just recently the Ordinance was amended to permit theatres in C-D so they pulled out some of the stores and included the theatre. There is no basic change in the site plan and no increase in the area of the shopping center. The theatre has a seating capacity of 740 seats. Parking spaces for 808 cars.

Mr. Chilton said 634 parking spaces would be required for the center as originally proposed. They took out 51 spaces when they removed several stores - this number could be added to the theatre. The theatre would require 137 spaces. The parking as laid out now would have 38 spaces more than the required 770 since they are furnishing 808. There is no overlap in the parking, Mr. Chilton said.

Mr. Dan Smith commended the applicant on the good layout, stating that he agreed thoroughly with the old concept of the desirability of a community theatre located within a shopping center.

No one from the area objected.

Mr. Frank Everest disqualified himself to participate in this since his company would furnish the steel for construction.

Mr. Smith said he thought a theatre in this area could be very satisfactory. In the application of Bradlick Shopping Center to permit erection of an enclosed theatre, east side of Backlick Road, north side of Braddock Road, Mason District, Mr. Smith moved that it be approved as applied for with the parking arrangement as now set up for this shopping center, with 808 spaces. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried, with Mrs. Henderson, Mr. Dan Smith and Mr. Barnes voting. Mr. Everest abstained from voting.

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The Board adjourned for lunch and upon reconvening continued the agenda:

January 14, 1964

ALEXANDRIA WATER COMPANY, to permit erection of an additional water pumping station, approximately 400 feet west of Route 123, and north of Occoquan Creek, Lee District (RE-1)

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Mr. Hugo Blankenship, Mr. Dowdell and Mr. LaFranke were all present.

It was recalled that a permit was first granted to the applicant on this property on August 16, 1949. After that they got a building permit for additional structures. The Board had asked for plats showing everything on the property.

The new plats presented showed in detail all activities on the property with locations and setbacks. Mr. Dowdell also showed pictures of the plant in 1955 and explained what had been added at various stages up to the present pumping station. The applicant owns property to the north, Mr. Dowdell said, which could be used for further expansion. Their plant has expanded from nine million gallons to 24 or 25 million gallons per day. Some days they pump as many as 36 million gallons. The new facilities will enable them to pump about 50 million gallons per day.

In the application of Alexandria Water Company, to permit erection of an additional water pumping station approximately 400 feet west of Route 123, and north of Occoquan Creek, Lee District (RE-1 zoning). Mr. Dan Smith moved that it be granted as applied for. He said the Board was appreciative of the complete plats and the explanation of what is being done on the property. The application is in accordance with the expanding needs to take care of facilities in the area. Seconded, Mr. Barnes.

Mrs. Henderson said it was very possible that this building could have been built within the original permit. She asked Mr. Woodson to check and see if this permit takes in any planned expansion in the future. Motion carried unanimously.

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PAUL M. AND JEAN U. FOSTER, to permit erection of an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 17, Block K, Section 2, Parklawn (7207 Yosemite Drive), Mason District (R-12.5)

This had been deferred to view the property.

Mr. Dan Smith said he had seen the property and he considered that there are unusual circumstances surrounding this which would warrant favorable action. The request is reasonable and there are no objections. The residence is small and there is no basement. There is a retaining wall along the property so this would in no way be detrimental to adjoining neighbors nor to the surrounding area. This situation is one that is not duplicated within this subdivision. The request is reasonable, therefore he said the Board should take favorable action. This lot is higher than the lot to the west.

In the application of Paul M. and Jean U. Foster, to permit erection of an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 17, Block K, Section 2, Parklawn (7207 Yosemite Drive), Mason District, Mr. Smith moved that this application be granted as applied for due to circumstances, stating that this is an unusual situation. No other homes in the subdivision have a comparable situation. This is a small house on a large lot, the house has no basement and there is a retaining wall which would retain the ground the house is built on. This would not have a detrimental effect on the subdivision or on the surrounding neighborhood. This meets section 30-36 of the Ordinance, relating to variances. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD A. POOLE, to permit addition to dwelling 38.30 ft. from Mackall Avenue, Lot 5, Section 4, Langley Forest, Dranesville District (RE-1)

This had been deferred to view the property.

A letter from the Health Department was read stating that the water supply <sup>AND DISPOSAL SYSTEM ARE</sup> is satisfactory. This is important to know, Mr. Dan Smith said, he was concerned about the five bedrooms and the lot being low and adjoining the creek. The septic might be overtaxed by the additional bedrooms.

Mrs. Henderson pointed out that this is actually only replacing one bedroom they have lost by making one bedroom into a den. This has unusual circumstances, Mrs. Henderson continued; it is at the end of the street; this is a large lot with an unusual shape. While this is a big variance it will not hurt anyone because the house is placed in such a way that it is not close to anyone. The house is actually in a remote location which would not be detrimental to the adjoining neighbors or to any other development in the area.

Richard A. Poole - Ctd.

Mr. Dan Smith moved that the application of Richard A. Poole, to permit an addition to dwelling 38.30 ft. from Mackall Avenue, Lot 5, Section 4, Langley Forest, Dranesville District be approved as applied for due to the circumstances and conditions previously stated. Seconded, Mr. Barnes. Carried unanimously.

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WEBSTER AND AUDREY R. ROSE, to permit operation of a day nursery, property located approx. 125 ft. east of Third Street on a 20 ft. outlet road, Providence District (RE-1)

This had been deferred in order that the Health Department might test the water. Mr. Rose filed a letter from the Health Department saying the water was satisfactory if the applicant would improve the water supply before opening the nursery school. Mr. Rose said they would either hook on to public water or modify their well. He indicated that they would probably have city water.

Asked if they had received approval of their license from the State, Mr. Rose said they had not yet sent in their application - they were waiting for approval of this Board. They know what will be required by the Fire Marshal.

Mr. Dan Smith pointed out that this school would not be on a State maintained road - it is maintained by the people living on the road. He said he would hesitate to approve something that would cause additional traffic on this narrow undedicated right of way.

Mr. Rose said the school would not bring in more traffic than a family living here.

Mr. Smith did not approve of granting a school of this kind before the applicant has discussed the requirements with the State and has approval from them. Since the County has no nursery school requirements, Mr. Smith said approval by the State Welfare and Health Departments would serve as something of a guide in considering this. He was reluctant to grant this with so many things needing to be done and without prior approval from the State. Mr. Smith went on to say that he could not see where the applicants had made any progress in their plans. He had understood at the last hearing that they had made application to the State.

Mr. Rose said they were advised by the Welfare Department to hold their application to them until this approval had been granted.

Mrs. Henderson answered that that was not the usual procedure. This is a very poor location, she pointed out, and this is not a service to the neighborhood. The applicant will not live in the house, and this will bring in outside people. It appears to be an imposition of business using a private road and the people in the area do not want the school here.

Mr. Rose said that Mrs. Bowinkle from the State Welfare had said it was better not to live in the house where the school is conducted.

She was probably speaking of this particular situation, Mr. Smith suggested, since this is a very small house and there probably would not be room enough to live here and carry on a school.

The Board members pointed out the many things that appeared questionable -- the nature and intensity with relation to the street and traffic would be hazardous. This does not meet the standards, it is on a private right of way maintained by people living on the street, it may be difficult getting in and out in bad weather, the local people object, the applicant does not have State approval. Mr. Dan Smith moved to deny the case in view of the previous statements. Seconded, Mr. Everest.

Mrs. Henderson made the following statements that this borders on a request to inject business into an area where the people do not want it; the narrow non-state maintained road situation is hazardous, and the applicant does not have State approval. Motion carried unanimously.

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Beard, Rehearing -- antique shop on #29-211 near Centreville:

This was deferred to consider a rehearing when a full Board was present. A full Board was not present at this time. Mr. Dan Smith moved to reconsider his motion and to hear the case with only a majority of the Board present. Seconded, Mr. Everest. Carried.

Mrs. Beard was present ready to present new evidence.

Mrs. Henderson said the application should be amended to include Mrs. Beard since she would be the one to actually operate the shop.

Mrs. Beard agreed with this, saying the omission of her name was simply an oversight on the application.

Mr. Smith said that was one of the main reasons for his objection to the original application.

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## Beard Rehearing - Continued

His second reason for objection, Mr. Smith continued, was the operation of an interior decorating business along with the antique shop.

Mrs. Beard said now they want only the antique shop. Mr. Beard wishes to get into this as soon as he can, but in the meantime, she will operate the shop and Mr. Beard will continue in his business in Washington and help here when he has time. They have no facilities for refinishing or repair - this will be a shop for the sale of antiques from her living room. There will be no outside display. They will live upstairs and they will not rent out any part of the building. They will use one room for storage. While there are other outbuildings on the property, Mrs. Beard said none of them are in usable condition except the stable and they may have a horse. They will bring in the antiques and sell them only - no repair nor refinishing. They will operate from 10:00 a.m. to 6:00 p.m. six days a week; they will not be open on Sunday. They will use only two rooms.

Mrs. Henderson cautioned that this not be a second hand furniture store. Mrs. Beard assured her it would not be.

The question arose -- when does used furniture become an antique? Mrs. Beard answered -- when it is one hundred years old. If the applicant buys an entire houseful of furniture what becomes of the things that are not antiques? Mr. Barnes cautioned that an antique dealer does not go out and buy a houseful of furniture if he is a bona fide antique dealer.

Mr. Dan Smith amended the application to read Daniel C. Beard and Barbara Lee Beard.

With regard to the application of Daniel C. Beard and Barbara Lee Beard Mr. Smith moved that the application be approved in accordance with the information furnished the Board today by Mrs. Barbara Lee Beard, that this is an application for an antique shop only, in their home, where the applicants live with their family. There shall be no repair nor refinishing of furniture and no resale of second hand furniture. This is for an antique shop only. The applicants shall adhere to the plan laid down as to the operation of this shop. All other provisions of the Ordinance shall be met, including the sign ordinance.

(Mr. Chilton asked if the Board wished to waive site plan requirements.)

Mr. Dan Smith noted that this is a 57 acre tract and a site plan would be very expensive and actually not necessary - therefore the Board would not object to waiver of the site plan, if the Board of Supervisors sees fit to grant that waiver. Seconded, Mr. Barnes. Carried unanimously.

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## THOMAS F. BOMANGO &amp; NANCY ANN BOMANGO - Continued

Mr. Everest moved to defer to January 28<sup>to view map</sup> in order that Mr. Eugene Smith might hear the case also. Seconded, Mr. Dan Smith. Carried unanimously.

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Mr. Jack Chilton brought questions to the Board involving interpretation of the Ordinance on setback in a C-O zone adjoining residential zoning. He presented two situations which have come into his office - Mr. Gunnel and Mr. Nathan Hale wherein his interpretation differed from that of the applicants.

The Board, along with Mr. Chilton, Mr. Gunnel and Mr. Hale discussed sections 30-7 (c) 1 and 2; Section 30-59 (C-O districts); 30-51; 30-48 (d) 1, 2, 3; and Section 30-59 (e) 1, 2 and 3.

The question -- how is the setback determined for an office building 90 ft. high in a C-O zone which adjoins a residential zone.

Mr. Chilton asked -- what do you add the penalty setback to when the building exceeds 45 ft. in height? From what height is the 2 for 1 ft. setback figured?

Mr. Dan Smith said he considered 1 ft. for each foot of building a reasonable approach and that it would give adequate protection on the side. He suggested that as the ordinance stands it might have to be revised. A 45 ft. building should set back 45 ft. and a 90 ft. building should set back 90 ft. Mr. Smith thought this reasonable, but agreed that the present Ordinance does not say that.

Mr. Chilton then asked -- is the two for one setback figured from zero or 45 ft. He had measured from zero. Mr. Smith said it would appear that Mr. Chilton was correct in his interpretation, but he would hope he could interpret it to count from the 45 ft.

Mr. Eugene Smith returned to the meeting. Mr. T. Barnes left.

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Interpretation of the Ordinance - Setbacks: Continued

Mr. E. Smith said he thought the intent was that the two for one setback be figured from the ground up but he did not recall how such a requirement was justified. He also thought this section of the Ordinance needed clarification. They were thinking in terms of open space, no doubt.

Mr. Dan Smith said the double setback from 45 ft. to 90 ft. did provide for open space, but he could not see justification for tripling the open space.

Mr. Gunnel said it appeared to him that one paragraph in the Ordinance was being made to apply all through the Ordinance.

It was agreed that a strict interpretation of the Ordinance in this instance was unreasonable and should be modified. But not by this Board, Mr. Gene Smith added, that is the function of the Board of Supervisors.

Mr. E. Smith said he would like to defer decision on this and let the Board of Supervisors consider it. If it were deferred to January 28 it would give Board members a chance to re-read these sections that apply and to think over this and the Board would come up with a decision on January 28. The other members agreed to this.

Mr. Chilton asked what should be the street setback for an underground parking garage in a C-O zone? What should the side and rear setback be when adjoining an R zone? The underground parking would project beyond the structure above ground. Mr. Chilton noted that Arlington and Alexandria permit no setback if the structure is entirely underground.

Mr. Chilton noted that there is nothing in our Ordinance about underground parking as such, but the way the Ordinance is written, underground parking would have to observe the same setback as the building.

Mr. E. Smith asked Mr. Chilton if he would make a study of these inequities and omissions in the Ordinance and come back to the Board with recommendations for changes. This Board could act as a sounding board, Mr. Smith continued, and when something reasonable has been arrived at it can be taken to the Board of Supervisors and ask for the change.

Mr. Dan Smith added that this should provide for underground parking and a revision of the Ordinance so underground parking would not be required to meet the setback of the building itself.

It was agreed that this is an emergency measure and should be so handled.

Mr. Hale asked if this Board could give them a variance on the underground parking setback.

Mrs. Henderson said there is nothing in the Ordinance to allow this Board to do this.

It was agreed that the interpretation of the Staff has been correct, but it was also agreed by the Board that inequities exist which they believe should be changed. However, the Board recognized that there are two schools of thought on the interpretation, each of which has merit. If there is no valid reason for the interpretation of the height regulations as interpreted by the Staff, then the Ordinance should be amended, Mr. Dan Smith said. He could not see how the additional 45 ft. is warranted.

Mr. E. Smith said he thought this method of revising the Ordinance a good one. As the Staff lives and works with the Ordinance these inequities arise and by bringing these things to the Board they can be worked out in an equitable manner.

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The Chairman read a letter from Mr. Tom Rothrock on behalf of Virginia Frontiers formally withdrawing their application for a use permit.

Mr. Dan Smith moved to permit the withdrawal without prejudice. Seconded, Mr. Eugene Smith.

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Mrs. Henderson questioned if these people have a permit. After discussion both Mr. Smiths withdrew their motion and Mr. Dan Smith moved to defer decision on the request for withdrawal until January 28. Seconded, Mr. Everest. Carried unanimously.

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Mr. Harris' request for a coffee shop in the medical building at Seven Corners - the building contains 37,000 sq. ft. The Board agreed that they did not have the authority to vary a "specific" requirement.

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Mr. Eugene Smith recalled that this "coffee shop" amendment was written to apply to one specific building and now the Board finds it necessary to consider variances to fit other buildings. He objected to this procedure and stated that an amendment should be drawn for the benefit of people in general - not specific individuals.

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The meeting adjourned at 5:30.

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

February 28, 1964  
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 28, 1964 at 10:00 a.m. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided. (Mr. Eugene Smith came in late.)

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

GEORGE M. MARAVAS, to permit erection of carport 5 ft. from side property line, Lot 6, Block 1, Section 1, Addition to Plymouth Haven, on Standish Road, Mt. Vernon District (R-12,5)

Mr. Maravas stated that he wished to build a 20 ft. carport which the builder had in mind when the house was built approximately three years ago. Mr. Maravas said he had poured the slab for the proposed carport over two years ago.

Mr. Dan Smith asked if the original permit showed that Mr. Maravas was going to pour this 20 ft. slab for the carport. Mr. Woodson said it did not.

There was no opposition.

Mrs. Henderson said she was sorry that Mr. Maravas had had this problem with this house and that he had poured the slab, but in her opinion a 13 1/2 ft. carport is plenty wide and could go here without a variance. She saw no topographic reason that would justify this variance, and the Board has no authority to grant a 20 ft. carport simply because the slab is there.

Mr. Maravas said the house had been cut down in size in anticipation of the carport.

Mrs. Henderson stated that Mr. Maravas' lot was 20 ft. larger than that required in this zone and if the house had been built further over, there would have been room for this 20 ft. carport. There has to be a topographic reason depriving Mr. Maravas of the use of his property in order for the Board to grant a variance on this. It was noted that there was ample room in back of this house for a carport or a garage.

Mr. Dan Smith said this becomes almost an absolute case for denial because there is land to the rear of the house where a garage or carport could be built; there is no topographic problem involved; the Board is sympathetic with Mr. Maravas but has no authority to grant a variance in this case. He moved that the application of George M. Maravas, to permit erection of a carport 5 ft. from property line, Lot 6, Block 1, Section 1, Addition to Plymouth Haven on Standish Road, Mt. Vernon District be denied as there has been no hardship shown and no topographic problem connected with the property. There is room within the setback to allow a 13 1/2 ft. carport without a variance. Seconded, Mr. Barnes. Carried unanimously, Mrs. Henderson, Mr. Barnes, Mr. Dan Smith and Mr. Everest present and voting.

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THOMAS M. WRIGHT, to permit erection of a private swimming pool closer to Kennedy Lane than allowed by the Ordinance, property at the NW corner of Kennedy Lane and Sleepy Hollow Road, Falls Church District (RE-1)

Dr. Wright said he wished to build a 20' x 40' gunite swimming pool but his location was limited by the woods on one side, the septic field in front of his house, and heavy planting of boxwoods and rhododendrons on one side. This pool will be well shielded from the street. A large oak tree will be within 10 or 12 ft. of the decking.

Mr. Dan Smith asked if Dr. Wright would allow this tree to remain here and drop leaves into the pool; it could cause serious damage to the filter system.

Dr. Wright replied that he had already cut down twelve trees and he did not wish to cut down any more.

Mr. Dan Smith said he could see no way in which this pool could become obnoxious to any of the surrounding property. No one lives on the property across Kennedy Lane. There is a greenhouse there and in essence, this is a business property. It has been there for years. This would be screened so it would not be visible from Kennedy Lane -- a dense hemlock planting that will be as good as a board fence when it fills out.

There was no opposition.

Mr. Dan Smith moved that the Board approve the application of Thomas M. Wright, to permit erection of a private swimming pool closer to Kennedy Lane than allowed by the Ordinance, property at the NW corner of Kennedy Lane and Sleepy Hollow Road, Falls Church District, -- this will allow the applicant to construct the pool at a distance no closer to Kennedy Lane than 35 ft. It has

January 28, 1964

Thomas M. Wright - Continued

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been pointed out that there are unusual circumstances surrounding this application, basically the terrific wooded area, two large greenhouses across the street, and the area which has been planted in shrubs and very valuable bushes and trees. The applicant <sup>states</sup> ~~states~~ that this is the very minimum variance that could be granted here and allow him to place the pool in such a <sup>situation</sup> ~~situation~~ that it would not be adjoining the property to the rear of the house proposed to be developed in half acre lots which would give much more exposure and would be a greater detriment to the surrounding area. Placement of the pool in this position on the lot would have more value and would not be detrimental to the surrounding property owners. Land across the street is a greenhouse area with considerable traffic in and out. Seconded, Mr. Barnes. Carried unanimously.

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G. F. DARNELL, to permit erection of carport 29.5 ft. from Musket Court, Lot 10, Block R, Section 6, Mosby Woods (1203 Musket Court), Providence District (R-12.5)

Mr. Darnell said his problem is that he bought the house with the understanding that he could add a carport and now he finds that he will need a variance. The house is located on a cul-de-sac and the carport would be a continuation of the house, continuing the existing roof line. This is the only cul-de-sac in Mosby Woods which is not a complete circle, but more of a "dog'leg" and his house is the only house which is affected by it. If this had been a symmetrical circle, the variance would not be necessary for the carport.

Mr. Eugene Smith came into the room.

Mr. Maravos (the first applicant on the agenda) questioned this variance. Mrs. Henderson explained that Mr. Darnell has 17 1/2 ft. <sup>instead</sup> ~~instead~~ of the 12 ft. as required.

Mr. Darnell said his neighbors have no objection to the carport.

Mrs. Henderson noted that in this case there is no alternate location for the carport as the lot is very peculiarly shaped; it is not rectangular. There are approximately 700 lots in this subdivision and this is the only one with this particular situation.

In the application of G. F. Darnell, to permit erection of carport 29.5 ft. from Musket Court, Lot 10, Block R, Section 6, Mosby Woods (1203 Musket Court), Providence District, Mr. Dan Smith moved that the application be approved as applied for. It has been pointed out that there are unusual circumstances surrounding the physical layout of the land. There are approximately 700 lots in Mosby Woods and this is the only one with this particular situation. There are several circles or courts in Mosby Woods and this is the only one which turns out to be a so-called dog-leg rather than a complete circle. If this were a complete circle there would be no need for a variance. The builders placed the driveway at an angle to the house and the applicant could not use the carport without the variance due to the fact that he would have to enter the carport from an angle. This, of course, the applicant had nothing to do with. He purchased the house from developers of Mosby Woods and at that time was told he would be able to construct this type of carport. This is a very unusual situation and the request is certainly a reasonable one. Seconded, Mr. Barnes. Carried unanimously.

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MARSHALL R. BUTCHER, to permit apartments 50 ft. from Skyview Drive, property at N.W. corner of #1 Highway and Skyview Drive, Lee District (C-G and RM-2G)

Mrs. Henderson read a letter requesting deferral. Mr. Dan Smith moved to defer for four weeks. Seconded, Mr. Eugene Smith.

Mrs. Henderson said <sup>that the</sup> ~~the~~ first time since she has been Chairman of the Board, there is nothing on the agenda for February 25 - therefore, Mr. Smith moved to defer to the first meeting in March. Seconded, Mr. Eugene Smith. Carried unanimously.

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STANLEY J. AND MURIEL BANIA, to permit division of lot with less width than allowed by the Ordinance, Lot 3, Section 1, Forestville Estates, Dranesville District (RE-2)

This had been deferred for Mr. Mackall to get an agreement from the applicants that if a two-story house were built it would have 1,000 sq. ft. of floor space and a rambler would have 1,400 sq. ft. One lot will have 179 ft. frontage and the other 180 ft. Both lots will be 2 1/2 acres. Mr. Mackall said he had received these agreements from his clients.

There were no objections.



Stanley J. & Muriel Bania - Continued

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Mr. Eugene Smith moved that Stanley and Muriel Bania be permitted to divide a lot with less width than allowed by the Ordinance, Lot 3, Section 1, Forestville Estates, Dranesville District, provided that at the time of subdivision approval restrictions accompanying same are recorded providing that if a two-story house is built on the property it shall contain a minimum of 1,000 sq. ft. of ground floor area and if a one-story or rambler type house is built, it shall contain a minimum of 1,400 sq. ft. of ground floor area on each lot. Seconded, Mr. Everest. Carried unanimously.

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HARRY B. WOLFE, to permit lot with less frontage than allowed by the Ordinance, Lot 1, Section 1, McLean Heights, Dranesville District (R-12.5)

Mr. Wolfe said he would like to divide his lot to permit building two houses facing Longfellow Street. He would sell one house and live in the other himself. This property is in the McLean Heights Subdivision and he has owned it since 1955 or 1956. There are no houses on the property at present. They have water and sewer. Adjoining this property is a contemporary house, just completed, 1300 or 1400 sq. ft. floor area and in back are three split levels of average size selling for approximately \$27,500. There are a lot of odd-shaped lots in this subdivision.

There was no opposition.

After some discussion Mr. Eugene Smith moved that Harry B. Wolfe be permitted to have lot with less frontage than allowed by the Ordinance, Lot 1, Section 1, McLean Heights, Dranesville District and that all other provisions of the Ordinance be met. Although he felt this was somewhat crowding the ground, the subdivision has lot sizes which vary greatly and this would be in general conformity with standards set forth in the Ordinance and would conform to the neighborhood in which it is located. Granted according to plat by Orlo Paciulli dated December 3, 1963. Seconded, Mr. Dan Smith. All voted in favor except Mrs. Henderson who felt this should be one building lot instead of two. Carried.

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ELMER L. DIXON, to allow garage 18.1 ft. from side property line, Lot 2, Block F, Yacht Haven Estates, Mt. Vernon District (RE 0.5)

Mr. Woodson said the applicant request deferral as he is having representative trouble. Mr. E. Smith moved to defer to March 10. Seconded, Mr. Everest. Carried unanimously.

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THOMAS F. BOMANGO AND NANCY ANN BOMANGO, to permit operation of beauty shop in home, Lots 1, 2 and 3, Block 4, West McLean (5401 Chain Bridge Road), Dranesville District (R-12.5)

This had been deferred to view the property.

Mr. Eugene Smith said he had viewed the property which is about two blocks outside the McLean Commercial Plan on Route 123. He felt it would be a mistake to permit this operation in this location as it would set up more pressure to move the commercial zoning further down #123. The commercial zoning ~~is~~<sup>is a</sup> on Route 123 is admittedly arbitrary and he believed this Board would not be following the intentions of the Ordinance by granting a permit for this operation in this location. There is a lot of vacant undeveloped land within the commercial area of McLean. He could see no economic need for this operation.

Mrs. Henderson stated that after viewing the property she thought this would be extending the business zone under the guise of a use permit.

Mr. Eugene Smith moved that the application of Thomas F. Bomango and Nancy Ann Bomango, to permit operation of a beauty shop in home, Lots 1, 2 and 3, Block 4, West McLean, (5401 Chain Bridge Road) Dranesville District, be denied. Seconded, Mr. Everest.

Mrs. Henderson pointed out that it had been determined at the full public hearing of two weeks ago that parking requirements of the Ordinance could not be met in this case. The Board cannot vary the parking requirements of the Ordinance. Carried unanimously.

Mr. Robey, owner of the property in this application, said he had not been at the hearing two weeks ago and he wanted to have a chance to speak on this application. He was selling this property to Mrs. Bomango for the purpose of a beauty shop.

January 28, 1964

Thomas F. and Nancy Ann Bomango - Continued

Mrs. Henderson said the public hearing had been completed at the hearing two weeks ago and today was for the Board to vote on the application.

Mr. Dan Smith said Mrs. Bomango was purchasing the property for the sole purpose of operating a beauty shop. She and her husband are now engaged in this type operation in Washington and Maryland. This decision to deny the application was not based on Mr. Robey's application but on the application of Mrs. Bomango who is not a resident of the County. These are factors which this Board must take into consideration.

The Board agreed that the hearing had been completed and proceeded with the next case.

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Arlington Moose Lodge #1315 - Progress Report:

No one was present from the Moose Lodge.

Mrs. Henderson said the Lodge had put a ~~load~~ of gravel on the road which does have a firm base and no dust. The chain link fence is up and they had more trees than they could plant, apparently. They cannot move to complete paving of the parking lot until the drainage problem in the rear can be taken care of. They are trying to comply. She said she would suggest keeping an eye on them and have a progress report every two months or so. Mr. Dan Smith so moved - another progress report in eight weeks. The cut-through road has been completely refilled, Mrs. Henderson noted. Seconded, Mr. Barnes. Carried unanimously.

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Discussion of height limitations and setbacks: Mr. Yaremchuk and Mr. Chilton were present to discuss ~~problems~~ relating to setbacks and height limitations.

Mr. McIlvaine discussed a building he has at 400 Army-Navy Drive - a seven million dollar building with 240,000 sq. ft. of space and underground parking, built on less than 60,000 sq. ft. of ground. He felt that some relief was needed in Fairfax County, to allow more floor space on less setback.

Mrs. Henderson said it seems to be the consensus of members of the Board that relief here needs to be immediate and before any possible change in the Ordinance; perhaps it should be in the form of a variance under hardship.

Mr. Chilton presented sketches to the Board of height versus setbacks - and said that rather than make a proposal for an amendment at this time they would like to look into this further.

The Board discussed the need for a re-writing of the Zoning Ordinance, perhaps bringing in an outside consultant, but first having someone go through the Ordinance and pick out the "bugs" in it. Mrs. Henderson said she would delegate each member of the Board to study the Ordinance and pick out the bad parts; this would be a long term operation and would take a lot of work and study but it should be begun this year. Mr. Schumann said Mr. Chilton and Mr. Woodson should also pick out "bugs" in the Ordinance.

The Board passed the following Resolution: The Ordinance needs thorough study and thorough revision because of questions posed to the Board by the Staff and by individuals in the County. The Board is aware that the Staff has already started some graphic studies or problems it faces and the Board urges its continuance. The Chairman of the Planning Commission, the Acting Planning Director and the Chairman of the Board of Appeals will meet with the County Executive as early as possible, at the convenience of the County Executive and the Commission Chairman, and the Planning Commission will initiate this action to review the complete Ordinance. The Board will report periodically and pursue this to some sort of conclusion.

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Progress Report on Kena Temple: Mrs. Henderson read a letter from Mr. Hansbarger telling of their progress.

General Kestner was present and reviewed the points made in the original motion on Kena Temple of April 24, 1962 and said he thought it would be helpful to these people if the Board would send a copy of the original motion and remind them of all these things which have to be complied with.

Mr. Dan Smith suggested that a copy of the motion be sent to Mr. Buckley (the potentate) with a letter pointing out that there has been considerable trouble already and all these conditions of the motion are to be complied with. As far as supplemental planting is concerned, this is something to point out that has to be done and has not been done due to the weather. All the things in the permit cannot be complied with at the same time. The letter should point out that they were to show the Board sketches of the first building, which they didn't do, and the Board

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Kena Temple Progress Report - Continued

will expect to see sketches of the other buildings before ground is broken. Copy of the permit with restrictions should be sent, not necessarily a copy of the minutes. Send copy of Kena Temple motion with copy of letter of May 8, 1962, day the original motion was sent out.

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Mr. Bud Testerman came before the Board with a request from Mr. Bles to allow him to remove gravel from property at Tyson's Corner, to prepare the land for industrial use. The property is now zoned residential; it is not in the Natural Resources zone, and there is an application pending to rezone it for industrial use. This will not be a hole being dug in the ground but rather a knoll which they wish to level off to make the ground usable. They have discovered there is gravel in this knoll and they would like to dig it off and sell the gravel.

Mr. Dan Smith said the Board of Supervisors are having a hearing on the gravel ordinance in February and he thought there should be some flexibility, where the person happens to have gravel and it has to be moved out of the way, he should be able to sell it. He probably should put up required bond but this man has had gravel operations for many years at Tyson's Corner and he has posted bonds and always left the property in a restored condition. Mr. Eugene Smith moved that the Board hear the application without going through the NR zoning. Seconded, Mr. Everest. Carried unanimously.

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Mr. Chilton discussed connecting buildings with walkways and putting them closer than 60 ft. Would this be considered one building with no necessity for the 60 ft. setback between the main dwelling part? Mr. Dan Smith moved that this be considered one building. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mrs. Simpson whose case was denied in November asking for a rehearing. Mr. Eugene Smith moved to rehear the application. Seconded, Mr. Everest. Carried unanimously.

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Status of private schools: Mr. Dan Smith felt there should be some way each year to find out if these schools are still operating. The idea of setting up a renewal every year regardless of length of permit, they must come in 45 days prior to expiration date so the Board will know at all times how many are in operation, how many children, etc. and this could be done administratively.

Mrs. Henderson read a letter from Hope Kindergarten wishing to increase the number of children and add first grade class. There is plenty of room.

Mr. Dan Smith left the meeting.

Mrs. Henderson thought that on the basis of the letter the Board could amend the original permit. Mr. E. Smith so moved. Seconded, Mr. Everest. This would include first grade, and thirty children as opposed to twenty-five. In ~~the~~ <sup>the</sup> stated that this school is operated in a church in which there is adequate room.

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Mrs. Henderson read a letter from Virginia Frontier Town asking to withdraw their application because the Board has limited them to so little. Mr. Eugene Smith moved that Virginia Frontier Town be permitted to withdraw their application, with prejudice. Seconded, Mr. Everest. Carried unanimously.

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The meeting adjourned at 1:00 p.m.

By: Betty Haines

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

February 28, 1964  
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 11, 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.

MT. VERNON CHRISTIAN SCIENCE SOCIETY, to permit erection of a building 25 ft. from street line, part lot 37, Boulevard Acres, Mt. Vernon District, (RE 0.5)

This application was deferred to the end of the regular agenda for applicant's representatives to be present. Motion by Mr. Everest. Seconded, Mr. Dan Smith.

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KATHERN H. ODDENINO, to permit operation of a kindergarten (30 children) Lot 12, Block 2, Section 1, Ravensworth, (5200 Iverchapel Road), Falls Church District (R -12.5)

Mr. Robert Kohlhaas described the proposed project. This property is practically a little island isolated by roads on three sides, a major highway on one side, a community swimming pool, and a vacant lot across the street. That lot cannot be built upon because it is mostly flood plain. The house lends itself very well to this use; they will live on the first floor and use the basement which is partly above ground, for the school. The Fire Marshal has gone through the building and given them a letter (which Mr. Kohlhaas filed) listing his requirements. There are no problems there, Mr. Kohlhaas said, they can make all the changes. They will also enclose the property with a fence. They would hope to have a neighborhood school where most of the children would come from the immediate community. Most of the children would walk or would be dropped off, therefore they would have little need for parking, however, they could furnish parking space in the rear. This would cause a minimum of traffic, certainly much less traffic than the swimming pool. Mr. Kohlhaas also noted that there are no other schools like this in the area. Mrs. Oddenino will operate the school with whatever teaching help she needs.

Mr. Kohlhaas said he had been told that FHA would not appraise this house for loan purposes for residential use because of its nearness to the swimming pool. He thought they probably felt that a house in this location should be in a use other than residential. Mr. Kohlhaas said he had no documented evidence of this but he had been told that the previous sale fell through for lack of FHA loan.

The school will operate from 9:00 to 12:00 daily, five days a week and for nine months, and they will have a maximum of thirty children.

It was discussed - did this mean two sessions with thirty children at each session? The answer was no, thirty children to one session - 9:00 to 12:00 - no school in the afternoon.

Opposition:

Mr. Jack Petty from Ravensworth Farms Citizens Association represented those in opposition. He listed the opposition as follows: This is one of the two access points to the subdivision. Traffic to and from this school would be hazardous and would conflict with the normal traffic pattern of the neighborhood. It would be inharmonious with a residential area; adequate parking is not available, it would adversely affect adjoining property; there is not sufficient outdoor play area; they could not fence the corner lot as this is prohibited by covenants. Thirty-eight names were signed to the opposing petition. Mr. Petty said a meeting was held the night before and was attended by 165 people representing 500 homes. Opposition was unanimous. Ninety-five per cent of the people around this property are against this use, including the adjoining owner; Mrs. Tosti and Mr. Thweatt, spoke in opposition.

In rebuttal, Mr. Kohlhaas said the traffic would be a minor thing and would not take place during the peak traffic hours. Neither the traffic nor the noise would be as bad as the swimming pool. The children will play out very little. If they cannot fence the whole yard, which they thought the Board would require, they could certainly fence off a play area in the rear. Very few of the people at the meeting would be affected by this, Mr. Kohlhaas said, they are too far away. They figure about thirty sq. ft. of area to the child.

It was noted that most of the basement is underground.

Mr. E. Smith said he realized that schools of this kind are permitted in single-family residential areas and he recalled that this Board has granted them now and then, but under certain conditions which this Board believes to be important. The Board has granted these schools with the greatest of care and mostly on large tracts where no homes would be adversely affected - two acres or more, the building well back from the road, or in churches which are unused during the week, where some kind of cooperative arrangements are very satisfactory. But in this location, a new subdivision of relatively small lots, the houses are similar, lots approximately 15,000 sq. ft.; is not generally good. There are sometimes special circumstances in an area like this which might justify granting, where people in the immediate neighborhood have gotten together and the neighbors want a small school, but this does not appear to be the case here.

February 11, 1964

Kathern H. Oddenino - Continued

Mr. Kohlhaas still contended that this project in effect met the requirements both in the Ordinance and as suggested by Mr. Smith, especially because of its isolated location and the nearness of the swimming pool and a major highway. They have everything except the size of the lot, he contended.

Mrs. Henderson noted that in view of the opposition this would probably not become a neighborhood school.

Mr. Oddenino said they have six children of their own.

Mr. Dan Smith pointed out that eight people living in this house and a school of thirty children would be too many people on a 15,000 sq. ft. lot. The lot is too small for this operation; there is not adequate play area; the basement is more than 50 per cent underground which is not a healthy situation; people in the area are opposed, are all items against granting this. Since the applicants are new to the area and are buying the house to start a business, it creates a question in the minds of people living there - they wonder what these new people may do. If the Oddeninos had been living here for a period of time and the people knew them it might be different.

Mr. Everest moved to deny the case for reasons stated by Mr. Dan and Mr. Gene Smith. Seconded, Mr. Gene Smith. Carried unanimously.

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SIBYL B. PIEROTTI, to permit operation of a kindergarten not more than three hours a day, five days a week (15 children) Lot 51, Section 2, Westmore Gardens, Dranesville District (R-10)

Mrs. Pierotti said they would use the basement which is 42' x 18'. This will give them 35 sq. ft. area per child which meets Arlington County requirements. The school will be held from 9:00 to 12:00 five days a week with a maximum of fifteen children. (Mrs. Pierotti gave her teaching qualifications.) Mrs. Pierotti said it was her desire to work in her own home because of her fourteen month old child whom she would have taken care of while she works in the school.

The part of the basement they will use is all daylight - the grounds are fenced and they will put in another bathroom. This is a contingent purchase contract.

Mr. Dan Smith said people make a mistake buying a house and then filing for a use permit to conduct a business. People in the area don't know the newcomer and no matter how well qualified they may be it is not fair to people living here owning homes to go into a residential location for business purposes.

Mrs. Pierotti said they may have to furnish transportation if children do not come from the neighborhood. If they get the permit Mrs. Pierotti said she would contact teachers, principals and PTA's in the interests of getting local pupils and getting acquainted with the area and letting them know she is qualified to operate this kind of school.

Mr. Gene Smith agreed that strangers going into a neighborhood with a request for a business create a question. He recalled that there have been instances of people coming before the Board wanting someone to start a small neighborhood school. That, the Board would look on with favor - but the Board does not wish to impose a business upon a neighborhood, especially if it is not wanted.

Opposition: Mr. Whitscarver presented an opposing petition signed by 38 people living in the immediate neighborhood and a plat which showed the lot locations of those opposing. Practically all the neighbors were shown to oppose this use.

The petition gave as reasons for disapproval of the nursery school the following: this subdivision is zoned for residential use and the people living there have the right to expect that character to continue; a commercial venture of this kind would be inharmonious with the zoning objective and render homes difficult to sell; depreciate property values; narrow street and inadequate parking facilities; increased traffic causing hazard, noise, signs would be depreciating; no need for this use and there are many schools of this kind available to this area.

About twenty-five persons were present in opposition.

Mr. Whitscarver also filed a letter in protest from Harland W. Westerman, now stationed in Turkey.

Names of the available schools were listed, showing that this area is already well served.

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Sybil B. Pierotti - Continued

Mr. Tom Barra, Mrs. Schinn and Mrs. Platten all spoke opposing this application.

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Mrs. Pierotti said they had not intended to have a sign. If the people in the area do not want the school they would not wish to come into this neighborhood. She offered no rebuttal.

Mr. E. Smith said he hoped Mrs. Pierotti could find another location as he felt she would be a real asset to any community, however, he moved to deny the case. Seconded, Mr. Dan Smith. Carried unanimously.

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Mr. E. Smith left the meeting.

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J. S. VOORHEES, to permit an addition to dwelling 18.6 ft. from rear property line, Lot 7, Block 15, Section 3, Belle Haven Subdivision (#4 Wakefield Court), Mt. Vernon District (R-10)

Mrs. Voorhees discussed the case with the Board noting that the addition is on the back by advice of two architects, both of whom advised against adding this on the side. They wish to put on one bedroom and a den above it. If this were on the side it would mean passing through a bedroom to get to the new room. The house on the lot to the rear is well forward on the lot and has a large back yard, giving a wide space between houses. This is an old subdivision and the house was built before the present Ordinance. The lot widens out at the rear. The addition would encroach 5.5 ft. into the rear yard. This would be a five bedroom house.

No one from the area objected.

In the application of J. S. Voorhees, to permit an addition to dwelling 18.6 ft. from rear property line, Lot 7, Block 15, Section 3, Belle Haven Subdivision, Mr. Dan Smith moved that the application be approved as applied for with a maximum variance of 6.5 ft. on one corner from the rear lot line. This is a reasonable application due to the topography of the land, and the odd shape of the lot; it is on a court and in a subdivision recorded before 1959. The house on the adjoining lot appears to be almost on the line and is quite a distance from this house. This would not create a health hazard nor would it be detrimental in the area. There were no objections from the area and to deny this case would be to create a hardship on the present owner. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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TIMBERLAKE S. McCUE, letter requesting extension of use permit for marina on Occoquan Creek, Colchester Marina

Mr. McCue recalled that he had had one extension on this before this; they had thought a treatment plant to be put on Massey Creek would be completed by this time; they are working on the plant and the lines. They hope this will be completed in about six months. Therefore they are again asking for this extension, Mr. McCue said, so they can tie in to this treatment plant. They had at one time thought of having their own plant but it is much better for everyone concerned if they can tie into this. They will bring the sewer line to this marina. If they tie in with this plant they can put their building on the site where they had thought they would have to put their own plant. It is an excellent site for the building.

Mr. Dan Smith objected to this prolonged delay - two years since the permit was granted and no indication that any work has been done. Mr. Smith said he recalled that these people were supposed to be ready to go immediately.

It is advantageous to them and to the County to tie in with this plant, Mr. McCue said - they were slow in getting some details worked out but now they are getting started, Mr. McCue continued; the line will be brought down from the plant so it will not be so expensive for them to tie in.

Mr. Smith suggested deferring for a letter from the engineers saying this sewer will be ready. He objected to deferring and deferring without results. Nothing starts. He thought the Board should have some concrete assurance that this sewer was really going to be available and when. The Board should know when the plant will be available, if this applicant will use the sewer and if not, these people should put in their own plant.

Mrs. Henderson suggested getting a letter from Mr. Hale.

Mr. McCue quoted Mr. Hale as saying the sewer line will be brought down to the marina within six months.

February 11, 1964

Timberlake S. McCue - Continued

The Board asked that this statement be put in a letter. The letter should also show whether or not the capacity to serve this project will be there. Progress of the plant and when it will be able to tie in to this project and the letter should also say Mr. Hale is willing to bring the line down to this marina. Mr. Smith moved to defer to March 10 for letter from Mr. Hale stating when the treatment plant will be ready and if this project will be served. This permit will not expire during the period of deferral, Mrs. Henderson said.

Seconded, Mr. Barnes. Carried unanimously.

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POWHATAN LODGE NURSING & CONVALESCENT HOME, letter requesting extension of Use Permit:

Mr. Lambert and Mr. Getts appeared before the Board, asking to extend their permit until October 1. By the time they came to consider construction Mr. Lambert said the cost of construction had increased forty-nine per cent which would have necessitated raising the individual cost to \$480 per month which they considered impractical. They have been working with the architect and contractor trying to adjust their figures. They now find they can manage a one hundred bed nursing home; they have financing and the project will work out economically. The site plan will have to be adjusted to this change. The engineers are ready to submit the new site plan and they are assured that it will be out by the end of September. The sewer will be in Orlan Street by that time. Everything will be ready to go when the site plan is approved.

Mrs. Henderson noted that the permit could remain for 160 beds - and the applicant could go ahead with just the one hundred beds at this time.

Mr. Lambert said this would be the first floor - if they go on to the additional sixty beds it would be a second floor.

(Extension asked in order to get approval of new site plan.)

Mr. Dan Smith moved that the permit be extended in accordance with the request of the applicant. The reasons for this extension appear to be justified, Mr. Smith said, these people will be ready to go ahead when the new site plan is completed. Mr. Smith moved that the permit be extended to September 30, 1964 in order to get approval on a change in plans in the site plan. Seconded, Mr. Barnes. Carried unanimously.

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MT. VERNON CHRISTIAN SCIENCE SOCIETY, to permit erection of building 25 ft. from street line, part Lot 37, Boulevard Acres, Mt. Vernon District (RE 0.5)

Mr. Eldon Wood represented the applicant. He said there is a drainage problem along the front of this property facing East Boulevard Drive and they have located the building back as far as they can on the lot in order to take care of whatever drainage work is necessary. Public Works will determine the extent of the drainage. By shifting the building to the location shown on the plat the parking can take place on the East Boulevard Drive side and the setback from Mount Vernon Parkway would still be sufficient even with this variance to preserve the character of the Highway. They are about 120 ft. from the right of way to the paved portion of the highway. The Church entrance would be from East Boulevard Drive.

Mr. Woods presented a letter from National Capital Parks stating that they have no objection to this variance. (Letter signed by Mr. T. Sutton Jett.) The distance of the right of way - practically 120 ft. beyond the paving, plus the 20 ft. setback of the building, Mr. Jett said, would pose no problem for them and would not interfere with the beauty of the highway.

No one from the area objected.

Mr. Ray Sparks, owner of property immediately adjoining the church, said his only concern was over the drainage. He has something of a problem now and he hoped this would not increase it in view of the roof run-off and the large parking area. It was suggested that by the time Public Works approves the drainage on the Church property Mr. Sparks may benefit greatly.

Mr. Wood said this was a society when this application was filed but now they have become a Church in full - The First Church of Christ Scientists of Mount Vernon, Virginia, is their full name.

Mr. Smith said the permit should be granted to the present Church.

Mr. Dan Smith moved that the application of the First Church of Christ Scientists of Mount Vernon, Virginia be approved as applied for. The applicant has shown his drainage problem which will be corrected and the Interior Department does not object to this variance, and the adjoining property owner has no objection except for the drainage problem which now exists and which he was fearful might be increased. It is the belief of the Board that this problem may be corrected

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or at least reduced when the work on this property is completed. The parking appears to be sufficient for the size of the church. All other provisions of the Ordinance shall be met. Seconded Mr. Barnes. Carried unanimously.

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WAYNE M. SIMPSON - REHEARING - to permit erection of addition to dwelling 45 ft. from Dudrow Road, Lot 5, Shirley Springs, Lee District (RE 0.5)

Mr. Simpson said he did not think he had presented his full facts at the last hearing and would like to explain his situation further to the Board. Dudrow is an unopened street which dead ends into Fort Belvoir - it will probably never be opened. This side is the only place they can put this addition. To put it on the other end of the house would be impractical - they would have to cut through the bedroom which is already so small you can barely get a bed and small chest in the room. You would not have room to open the door. The whole house is extremely small. Also the septic is on the opposite side of the house and the well in front. The addition could not be put in either location.

If they ever did open Dudrow Street, Mr. Simpson said, the house would set back so far there would be no question of obstructing visibility. They will put aluminum siding on the house.

Mrs. Henderson said she really thought the Board had made a mistake in this case; the full explanation and evidence was not brought out before the Board and while this is beyond the 45 days, the Board should have the right to rectify a mistake.

Mr. Dan Smith summed up the case: This is a dead end street; the house is small; the well and septic tank do not permit locating the new construction in front or on the other side of the house, and to the rear would require a greater variance. This is the most feasible and practical place for an addition to get the best use of the entire house.

It is also obvious, Mr. Smith continued, that Mr. Simpson did not present all of his evidence at the first hearing and the Board acted on what was presented. After hearing the full facts, the Board feels that this variance warrants reconsideration. He moved that in view of the new evidence presented and location of the septic system, the Board feels that the only feasible location for the addition is as requested. This is a small house on a dead end street that backs up to Fort Belvoir proving grounds and the variance would not be detrimental to anyone. This is the minimum variance that could be allowed and by granting this the applicant can make a reasonable use of his lot.

He moved that the application be granted as applied for. Seconded, Mr. Barnes. Carried unanimously.

(This application was denied by the Board November 12, 1963, Mrs. Henderson recalled - to keep the record straight, and this meeting was the rehearing. The motion is that the application as originally applied for is approved *and the previous action is rescinded.*

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ELMER L. DIXON, to allow garage 18.1 ft. from side property line, Lot 2, Block F, Yacht Haven Estates, Mt. Vernon District (RE.0.5)

Mr. Horan represented the applicant. He pointed out that this is only a 1.9 ft. variance and only one corner of the garage is in violation. The house and garage were designed for this lot, he said, but the architect was under the impression that this was a normal rectangular lot. When the corners were set by the surveyor it was discovered that the garage would require a variance. They had constructed the outside of the garage wall to a height of four feet. When they discovered what appeared to be an error they consulted the architectural committee who assured the architect that they were not violating the committee's requirements. It was finally realized that the County regulations prevailed and the wall was in violation. They left the wall in place so the neighbors could see that this would not be detrimental to the area. The other three houses on this street are high off the street and this small violation is not evident. Mr. Horan said they felt that the garage located as planned would be more of an asset to the neighborhood than to detach the garage and put it back. This actually meets all the central purposes of setback restrictions, Mr. Horan contended, it does not jeopardize air, light, nor does it impair visibility nor cause congestion or crowding. This is a half acre lot and there is plenty of room. None of the neighbors object - ten families have signed a petition stating they have no objection.

Mr. Dixon said all the other lots were built upon and all had garages, only one has a detached garage.

Mr. Horan said they built the wall to the 4 ft. knowing they may have to tear it down but Mr. Dixon thought if people actually saw what the garage would look like they could better



Elmer L. Dixon - Continued

judge whether or not it would be detrimental. They are not pleading hardship because the wall is built up four feet. They are only saying this is a reasonable request and that it would not be detrimental to anyone. This is a 22 ft. garage, about the minimum for two cars, Mr. Smith noted.

Mr. Dan Smith said he thought this a reasonable request, but he thought it should have been applied for under paragraph 4 of the variance clause which permits a variance in case of error. This was an error on the part of the surveyor when he laid out the house. They probably did not catch this until the footings were in and the wall started. The surveyor apparently did not take into consideration the shape of the lot and therefore gave the builder the wrong information. The variance is minor 1.9 feet. This is a well designed house for this lot. The granting of this would not impair the purpose or the intent of the Ordinance nor would it adversely affect the surrounding area. Mr. Smith moved to grant the variance sought in this application by Elmer L. Dixon, to allow garage 18.1 feet from side property line, Lot 2, Block F, Yacht Haven Estates, Mt. Vernon District. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson said she voted yes, considering this under the error clause, the side lines of the lot are not parallel and it is only one corner of the garage that is in violation.

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Louis Spector - Mr. Woodson said that Mr. Spector asked for an extension of his permit to March 12, 1965. Granted - Motion by Dan Smith; seconded, Mr. Barnes. Carried unanimously.

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James A. Brough - renewal of dog kennel permit:

Mrs. Henderson pointed out that the Zoning Administrator could renew this if there are no complaints.

Mr. Woodson said there had been one complaint that had been cleared up.

The Board agreed that Mr. Woodson could extend this for one year at this time under Section 30-139 (a) 1(a). Agreed to extend one year.

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The meeting adjourned.  
By: Katheryne Lawson

Wm. R. Henderson  
Mrs. L. J. Henderson, Jr., Chairman

April 1, 1964  
Date

The Regular Meeting of the Board of Zoning Appeals was held on Tuesday, March 10, 1964 at 10:00 A. M. in the Board Room of the County Courthouse. All members were present with the exception of Mr. Barnes. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

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NEW CASES:

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

Mr. Flower represented himself and showed photos of the house in question with the porch, which has already been built onto the house. He stated a building permit had been issued. The Engineer was given a set of plans to draw up plot plan. This porch was not shown on the plot plan and he, Mr. Flowers, did not realize this. He said the building plans showed a porch on the house.

Mr. Gene Smith felt this same story is repeated over and over again in too many cases before the Board and wondered if there was not some ruling factor which requires submission of the plot plans to the Zoning Administrator. It was obvious that the plot plan did not show the porch on the front.

Mrs. Henderson referred to the building permit which showed that the initial approval did not show a porch on the front.

In further discussion it was disclosed that the cantilever was also in violation.

In reply to questions from the Board, Mr. Flowers advised he was the builder of the house, but the owner was present. He further advised that this is the second house he has built. He had left everything up to his engineer and assumed he would comply with the zoning ordinances and restrictions.

Mr. Eugene Smith questioned if someone who represented the engineer was in the room as he felt he would like to hear from him. Mr. Everest was of the opinion that the house, as originally designed, would not fit on the lot - would not fit without a violation.

Mrs. Henderson was of the opinion that proper plats showing the outlot of the property should be available and would also like to talk to the engineer.

Mr. Eugene Smith moved to defer a decision on this case until two weeks from today to enable builder to bring a representative from the engineering office to give insight as to why this occurred, seconded by Mr. Everest.

A short discussion followed with regards to granting this variance under error section of the ordinance. Mr. Dan Smith felt this is a tremendous violation, however there is nothing that would be detrimental from standpoint of health, safety and general welfare, and nothing of detriment to surrounding area.

Mrs. Henderson stated she would like to see included in the motion, a request for proper plats, as if the plat as presented today, stays of record, if anything should be granted in the future on it, the out-lot would not be included.

Messrs. Smith and Everest agreed to amend the motion to include Mrs. Henderson's request.

Motion carried unanimously to defer this case to March 24 to allow the builder to produce the engineer to answer questions of the Board and for the plats to show inclusion of out-lot in property.

Voting for the motion were Mrs. Henderson, Messrs. Dan Smith, T. Eugene Smith and Everest.

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March 10, 1964

TROY L. SMITH, to permit an addition to dwelling 15 feet from rear property line, Lots 19, 20 and 21, Block A, Memorial Heights, (200 Oak Street), Mt. Vernon District. (R-12.5).

Mr. Troy Smith represented himself and stated the reason for his request for the addition to the dwelling is because they want to add a kitchen, living room or recreation room.

This is an old sub-division, Mr. Smith recalled, and went into a description of homes in the area. Mr. Troy Smith stated they had owned this property since 1950. This will be for their own use and there is water and sewer.

Mr. Eugene Smith felt there was a lot of merit to permit this addition. This is an older subdivision and there are many examples of setbacks that do not conform to present zoning ordinances. He felt that additions and improvements to existing dwellings in older neighborhoods is to be encouraged and feels that granting of this variance in permitting this addition would be in conformity with the spirit of ordinance and moved that Mr. Troy Smith be permitted to make an addition on his dwelling, 15 feet from rear property line as shown on the plat dated February 1, 1964.

There was a brief discussion with Mr. Woodson, Zoning Admin., as to what would happen if Mr. Troy Smith does not start construction in a year's time, and Mr. Dan Smith felt they could stipulate it must be started in a year and completed in two years. Mr. Dan Smith seconded Mr. Eugene Smith's motion.

Mrs. Henderson restated the motion which was to grant this variance with the understanding or stipulation the variance will be void if construction is not started in one year and not completed within two years.

Motion carried unanimously.

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JAMES HOOPER, to permit division of lots with less frontage at the building setback line than allowed by the Ordinance, proposed Lots 14A, 15A, 16A and 17A, James Hooper's Addition to Chesterbrook Woods, Dranesville District. (R-17).

Mrs. Henderson read a letter from Mr. Hooper in which he stated he wished to reschedule this matter to the next meeting as he had been unable to notify all the adjoining property owners.

Mr. Eugene Smith moved to defer as requested by the applicant, seconded by Mr. Everest.

Motion carried to defer to March 24, 1964.

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JIMMIE LEE RIX AND ROBERT H. HANCHER, to permit operation of a used car lot, property at 1040 Leesburg Pike, Bailey's Cross Roads, Mason District (C-G).

Mr. Robert Hancher represented the applicants and the members of the Board were acquainted with the area.

Mr. Hancher advised this is ready to go into effect immediately. The required State Licenses have been cleared and the insurance cleared.

Mr. Hancher gave a background of previous employment; worked for Rosenthal for two years; taken courses in school and his partner, Mr. Lee, has had some experience in sales.

March 10, 1964

JIMMIE LEE RIX AND ROBERT H. HANCHER - continued.

In reply to Mr. Eugene Smith's question, Mr. Hancher said there were 13 cars on the lot now, all in operating condition.

An existing shed on the property which had been considered an eyesore had been removed.

This will be operated under the name of R & H Used Car Lot. He showed the members of the Board his Registration Card and Dealer Tag.

No-one appeared in favor or in opposition to the application.

Mr. Eugene Smith felt the Board could put a time limit on the used car lot permit. He was of the opinion that the land in the area would be put to better use than a used car lot in the near future.

Mr. Hancher stated they were not owners of the property, but lease and renew every six months.

Mr. Eugene Smith moved to permit operation of used car lot on property at 1040 Leesburg Pike, Bailey's Cross Roads, as shown on plat dated February 3, 1964, for a period of two years with all other conditions of the ordinance being met, seconded by Mr. Everest.

The permit will be granted to the applicants only, and Mrs. Henderson questioned if the applicant should come back to the Board or the Zoning Administrator.

Mr. Dan Smith felt it would crowd the Board's Agenda to add matters of this nature to the agenda. Only where a case becomes a violation, or nuisance, should it have to come to the Board. Mr. Smith felt it should be left up to the Zoning Administrator to grant, and if he felt he wanted to put a limit on it, he should do this.

Mr. Eugene Smith would accept this as an amendment to his motion.

Motion carried unanimously to grant the permit.

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JUNE E. OVERLANDER, to permit operation of a kindergarten (10 children) Lot 137A, Resub. of Lots 136, 137 and 138, Section 2, Fairfax Villa, (700 Cortez Drive), Providence District. (R-12.5).

Mrs. Overlander appeared for herself - pointed out adjoining property owners who had been notified. This is a corner lot.

Mrs. Overlander stated this will be a kindergarten operating from 9 to 12<sup>noon</sup> 5 days a week, with neighborhood children attending, all five years of age.

In reply to questions, Mrs. Overlander said the basement of the home is finished and there is a bathroom and outside entrance, also sewer and water.

The Fire Marshal had not been contacted, but this will be done.

Mrs. Overlander went on to say that there will be no outside playing to annoy the neighbors; this will be on a normal school year basis with nothing in the summer. There will be no transportation or parking problem as the children will come from the immediate area, and she has a possibility of 7 children attending.

Mrs. Overlander stated they have lived in this area since August of 1961. She is a graduate of Longwood College and has taught in the Fairfax Schools.

Mr. Dan Smith moved that the application be approved for 10 children on a half day operation basis, but permit will not be issued until evidence<sup>is</sup> presented that it has been approved by the Fire Marshal, also a waiver to the site plan will have to be granted by the County Planning Engineer's Office.

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March 10, 1964

JUNE E. OVERLANDER - continued.

After further discussion, Mrs. Overlander informed the Board her intent was not to start immediately but will start in September 1964.

Mrs. Henderson restated the motion to approve the application for permit for two years with automatic renewal for 10 children on a half day operation basis starting September 1964, and each year thereafter the applicant will notify Zoning Administrator of intent to operate. If there is no objection, it will be renewed automatically for a period of four years. Mr. Eugene Smith seconded the motion.

Motion carried unanimously to grant application for permit.

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LAWRENCE T. CAPONE, to permit erection of an addition to building 32 feet from McWhorter Place, Part Lot 2, Frank Hannah Subdivision, (4301 McWhorter Place), Falls Church District (C-D).

Mr. Douglas Adams represented the applicant.

Mr. Capone is owner of Capone Music Company and has a contract to purchase this property on which the Assembly of God Church Building has stood for many years. Mr. Adams stated that Mr. Capone has contracted to purchase this church to put in a music store and office building. They are asking for a variance to erect an entrance way. There is a brick and concrete stairway on the building now which is within 20 ft. of McWhorter Place at the present time. Mr. Adams showed pictures of the building as it now stands and how they propose to remodel.

Mr. Adams referred to the business now in the area and the character of the area. It is the applicant's intention to upgrade the area and benefit the community.

There followed a discussion with regards to a service road or waiver of same.

Mrs. Henderson questioned Mr. Adams as to whether or not they could consider moving the entrance and put a new entrance on East end of building, and Mr. Capone said the entrance is on McWhorter place and they would like to keep it that way. The pipes and sewer ~~are~~ on opposite end of building. He felt that they could use the same entrance way and tear the steps down and provide a better access.

Mr. Eugene Smith moved to grant a permit for erection of an addition to building 32 feet from McWhorter Place, Part Lot 2, Frank Hannah Subdivision (4301 McWhorter Place), Falls Church District, (C-D), as shown on Plat dated February 4, 1964, with all other provisions of Zoning Ordinance being met, unless waived by agencies authorized to waive, seconded by Mr. Everest.

Motion carried unanimously.

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The Board took a five minute recess.

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ROBERT A. MCGINNIS, to permit erection of an apartment building 36.5 feet from each side line, Lot 4, James Lee Subdivision, on Lee Street, Falls Church District (C-G)/

Mr. McGinnis represented the applicant.

James Lee Street is a small street that may or may not have been dedicated to public use. It is a small, narrow street.

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ROBERT A. MCGINNIS - continued.

Mr. McGinnis said they plan to put up 14 units - 2 bedroom. It is impossible to get this building on the lot without a variance. It would be 36.5 feet from each side lot line. This project will blend into site plan and will comply with County Ordinance, but without the variance, the lot is completely unuseable.

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A discussion followed with regards to turning the building to fit the lot. Also, a discussion on the Parker Land.

Mr. McGinnis said if the variance is granted, construction will begin immediately - have preliminary plans and site plans, also preliminary on building floor lay-out. This would be commenced as soon as site plan is approved.

OPPOSITION:

Mr. Bradley who lives on Lee Street appeared in opposition. Home is to the rear of the lot.

Discussion disclosed that Mr. Bradley lives in a house across the street from the lot, on Lee Street. He had understood that the Masonic Lodge was opposed to this, but did not see any members of the organization present to oppose the variance. He is not opposed to it himself, as he felt the apartments which have been built there are a credit to the neighborhood.

A discussion also followed on the posting of the property, as Mr. Bradley felt it had not been posted correctly and Mr. McGinnis pointed out, to the satisfaction of the Board, just where the signs had been posted. Also, Mr. Bradley felt they had not received proper notice in ample time prior to this hearing.

Mr. Dan Smith felt that the variance would not affect Mr. Bradley as the <sup>front</sup> set-back requirement is being met. Only variance is on the side-yard. It had been pointed out that the building could be put to the property line if put in commercial building in lieu of the apartment building.

Mr. Eugene Smith moved that the applicant be permitted to erect an apartment building 36.5 feet from each side line, Lot 4, James Lee Subdivision, as shown on plat dated February 4, 1964. Seconded by Mr. Everest.

Mr. Dan Smith felt that it should be pointed out also that there is a need for housing <sup>at this time</sup> and that the variance is in the interest of the welfare of the County.

Motion carried unanimously.

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ROBERT G. GILL, to permit erection of an office building 40 feet from Arlington Boulevard and 15 feet from rear property line and permit building 45 feet high, Lots 30, 31, 32 and 33, Birch Subdivision, Falls Church District. (C-O).

Mr. Robert Cotten represented the applicant and showed pictures of the area. The swamp will be filled in; the open ditch will be covered - the building will not be over 45 feet high. The applicant wants to set back 40 feet from Arlington Boulevard, in conformity with commercial buildings now on Arlington Boulevard. Linden Lane will be relocated in accordance with agreements with the Board last month. The expense of rebuilding the road will be borne by Mr. Gill.

A discussion followed with regards to a right of way strip of land to the rear of the property, which Mr. Gill has promised to maintain. There was also a discussion with regards to the height of the building. Mr. Cotten said it was not their intention to erect a higher building than 45 feet - it may develop that it will not be 45 feet high, but somewhere between 42 and 45 feet.

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ROBERT G. GILL - continued

Mr. Cotten was of the opinion that a 45 ft. high building would not be inconsistent in this area. The people in the area have no opposition and the building would be an asset to the County. There will be approximately 50 feet between the building and the closest home.

There was no one in favor of the application.

OPPOSITION:

Mrs. Kender appeared in opposition. Mrs. Kender lives on Linden Lane directly behind Mr. Gill. She felt that 45 feet would be over and above anything on Arlington Boulevard, including her house, which is two stories. She referred to the 12 foot strip - and felt it was not right to use until someone has title to it. She maintains it on her side, and said she hoped the small dogwoods in the strip could be preserved.

Mr. Dan Smith assured Mrs. Kender that it was the Board understanding that Mr. Gill would clean up the strip and maintain it.

Mrs. Kender did not actually oppose the application, but said it was hard for her to picture it.

Mr. Cotten had nothing to say in rebuttal.

Mr. Eugene Smith moved that the applicant be permitted to erect an office building 40 feet from Arlington Boulevard and 15 feet from the rear property line and permit building 45 feet high, in accordance with plat dated February 12, 1964, with all other conditions of the ordinance being met. With condition that granting of this variance be that the owners covenant and agree that they will maintain the 12 feet right of way to the rear of the property and that they will not do anything intentionally to the dogwoods. Seconded by Mr. Dan Smith.

Mr. Dan Smith felt they should also commend the owner on vacating land and relocating the street.

Mr. Cotten asked that the motion be amended to state that if the dogwoods are accidentally damaged, they will be replaced by dogwoods of similar size.

Motion was amended accordingly and carried unanimously.

Mrs. Henderson stated that she had voted for the height of the building very reluctantly, and only because it is a difficult piece of land and because of value and the fact that other buildings across the street have changed the character of Arlington Boulevard.

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SECURITY STORAGE OF WASHINGTON, to permit erection of a warehouse 7 feet from side property line, property located on Northerly side of Route 7, just west of Route 684, Dranesville District. (I-P).

Mr. Walter Phillips, Jr., Engineer for the applicant, appeared and located the property, and also introduced Mr. John Sanford, the Architect for the applicant.

Mr. Sanford submitted a rendering of the proposed warehouse. Building will be approximately 80,000 sq. feet. They have similar structures around the Washington area. Mr. Sanford told of the change in the design of warehouses due to the new concepts of storing contents in wooden boxes.

In reply to Mr. Eugene Smith's question as to why they wanted the variance, Mr. Sanford said the lot is narrow in proportion to length.

The Board Members were of the opinion that the land was not large enough for the building proposed, and they felt that Security Storage of Washington should purchase additional adjoining land to fit the size of the building they propose.

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SECURITY STORAGE OF WASHINGTON - continued

Mr. Sanford said he had been informed that no side yard setbacks were required, and he felt that the ordinance states that if physical conditions of land afflicts a hardship to owners, then this is a reasonable request. Mrs. Henderson questioned if this was a part of the Perkins property and if so, the problems which Mr. Sanford had set forth, were created by Security Storage of Washington, as this lot was detached from a larger parcel.

Further discussion followed with regards to sideyard requirements. Mr. Sanford said he had called the Zoning Administrator's Office and they had been assured that there were no side yard requirements for I-P. They have prepared plans and specifications and this would be a considerable loss if this is not granted.

Mr. Dan Smith felt that he was forced to make a statement on the application. He wondered why they needed 25 feet setback when the building is fireproof, and a storage building where there will be little activity. Mrs. Henderson said this was a requirement of the zoning.

Mr. Dan Smith felt the ordinance was not in keeping with the planned development of the area - either the ordinance should be corrected or the variance granted.

Mr. Sanford referred to previous cases on odd shaped lots. This lot was bought for a warehouse. This would not cause a hardship to surrounding area at all. He had been informed that no side yards were needed.

Mr. Phillips felt there had been lots of confusion. He feels the ordinance is not clear. He referred to Section 30-66, front and side yards, and in Section (f) no reference is made to sideyards. Under that in (2) rear yards, there is a reference to side or rear property lines. Also, it refers to Subsection (c) of 30-7 which does not concern industrial building at all. Industrial buildings are referred to in Section d.

Mr. Phillips went on to say that Mr. Sanford has offices in Maryland and is not familiar with the Virginia ordinances, however, he said, Mr. Sanford had called the zoning office, or planning office, and had asked what side line restriction was in I-P zone and was told there were none.

After they had filed an application, they had been informed that there was no need to make application, as there was no side line requirement.

Mr. Phillips felt that the architects, as well as his client, have been misinformed through confusion on the part of himself and the part of the County. He felt that Mr. Sanford had done his work in good faith.

Mr. Gene Smith felt that this could possibly be. He agreed that the ordinance should be revised. He felt that they should consider the case on its own merits - or grant the variance - or applicant could look for alternative location. The building could be reduced 18 feet in one direction and add on in rear. Mr. Smith also felt there was additional land available and they could buy another acre of ground. He felt it would be a terrible precedence to grant a variance. *IN THIS HEAVILY DEVELOPING AREA*

A discussion followed with regards to the typographical error in the ordinance, and Mr. Phillips had felt there was a side line restriction but since Mr. Sanford had checked into this matter, their client had gone ahead with their plans on this basis.

Mrs. Henderson stated that in her opinion, since she would not vote for the variance, the applicant could go to the Board of Supervisors and get an amendment to the ordinance re the setbacks in I-P, or get more land. She would not recommend starting granting variances in the Tyson's Corner Area with all the land that is there.

Mr. Phillips advised the Board that he did not disagree with them, but the site plan has been submitted and checked.

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SECURITY STORAGE OF WASHINGTON - continued

Mr. Dan Smith felt this application warrants consideration by the Board. He felt that this organization had acted in good faith and are ready to construct a building after plans were approved. He agreed that they did not have enough land, but this will be a limited activity. This is a desirable business and desirable organization, and he felt the Board should consider.

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Mr. Sanford said they had a time schedule to meet. The Building has to be completed by October 1, to take the storage they have in a building in Washington which has to be vacated.

Mr. Eugene Smith felt that this case had been thoroughly discussed and the recourses which could be taken had been pointed out. He felt it was not up to the Board to go into the wisdom of setback requirement in ordinance and could not see any justification for granting variance in this zoning and recommended denying. Seconded by Mr. Everest.

Voting for the motion to deny were Mrs. Henderson, Messrs. Eugene Smith and Everest.

Mr. Dan Smith voted against the motion.

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Mrs. Henderson stated that the Board would break for lunch and the M. J. Bles application would be the last case to be heard before lunch.

Mr. Major, who represented Marshall Butcher, a Deferred Case, scheduled for 11:40, stated they would like to withdraw the application without prejudice to the owners. The contract has not firmed up enough to warrant going ahead with this request.

Mr. Eugene Smith moved to grant the applicant permission to withdraw without prejudice, the application for permit for apartments 50 feet from Skyview Drive, property at the N. W. corner of #1 Highway and Skyview Drive, Lee District (C-G and RM-2G), at applicant's request seconded by Mr. Dan Smith. Motion carried unanimously.

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M. J. BLES, to permit gravel operation on 27.781 acres of land, the southerly portion of Parcel 52 off Rt. 684, Dranesville District (RE-1).

Mr. John Testerman, the attorney for the applicant, stated that prior to filing of the application, they had come before the Board to get the Supervisory opinion to see if it would be considered. They have been to the Planning Commission and their recommendation was to grant. They have had some discussion with people interested and they are not too dis-satisfied. The applicant is willing to agree that, if this application is granted, they will make no use of Spring Hill Road from this site and will comply with requirements of setbacks.

Mr. Testerman located the property and stated that removal will be across the road and the trucks will be coming out where trucks have been coming out. The road is in existence.

The application is termed "gravel pit", but the nature of the operation proposed is to prepare the land for development in the future. They have an application to rezone the land, but the high knob must be removed.

Mr. Testerman showed a profile of what they were going to cut off to level the property. The request has been made for a one year permit for completion of the operation; there will be no hole as they are just going to take off the hump.

M. J. BLES - continued.

There is a demand for gravel in this area, and most of the gravel would be used in the immediate neighborhood. There will be no washing but minimum amount of grinding and mixing.

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Opposition:

Mrs. Essley Ottwood who lived across the road, stated she was not actually in opposition, but was concerned for fear that there would be digging and they would leave a big hole, but since hearing the presentation and understanding there would be no blasting, her fears were alleviated.

Mr. Easterman, representing the Goldberg property owners appeared in opposition, was only interested in knowing just where the hill, or hump, was on the land. Was not in opposition.

Mrs. Henderson read the letter from the Planning Commission in which they recommended granting the permit.

Mr. Garza from the Department of Public Works advised that his department had not furnished a report on the drainage as required by the Excavation Ordinance, since they had not had ample time to prepare this.

Mr. Eugene Smith moved to grant a permit for gravel operation on 27.781 acres of land, as shown on Plat of December 20, 1963, subject to approval of the Department of Public Works, as provided in the ordinance with further condition that this permit would be for one year and that Spring Hill Rd. would not be used for any trucks for serving this operation. The access would be through existing road shown on plat of same date. Seconded by Mr. Everest.

Mr. Dan Smith suggested an amendment to the above incorporating that applicant agrees to keep dust conditions at a minimum. Amendment accepted, and motion carried unanimously.

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The Board recessed for lunch.

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DEFERRED CASE:

Mr. Everest was not present for the afternoon session.

TIMBERLAKE S. McCUE - RE: Extension of use permit for Colchester Marina.

Mrs. Henderson read a letter from Mr. McCue dated March 9, 1964, in which he requested an extension of time to work out date when sewer will be made available.

Mrs. Henderson also read a letter from Nathan Hale with regards to sewer, which stated that the sewer will be available in 1965.

Mr. Dan Smith felt that the use permit had expired a couple of days after the last Board meeting, but technically speaking, they are giving a temporary extension; however, he questioned if possibly the applicant might or might not be, stalling for time.

Mr. Eugene Smith felt that the use permit was granted for <sup>more</sup> year and the <sup>have been allowed</sup> extension; for two years <sup>in this case</sup>, and that is as <sup>far</sup> long as <sup>the board</sup> should <sup>or</sup> grant it. If he is ready to proceed later, he can file again. He moved that the request for extension of time be denied, no second.

Mr. Dan Smith felt that the applicant should be put on notice that he was being given two weeks notice to come in on this. He felt that the applicant was under impression that <sup>the</sup> letters he is asking for postponement of decision. Mr. Smith felt <sup>the</sup> should set a time limit to enable him to work out <sup>the</sup> problem.

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TIMBERLAKE S. McCUE - continued.

Mr. Eugene Smith then moved to defer action on this matter for a month, but ask the Zoning Administrator to inform Mr. McCue that were giving an extension for one month to enable applicant to come in with an explanation as to when he can begin. He felt it would be advisable for the Zoning Administrator to inform applicant that Board has indicated a reluctance to grant extension without concrete evidence that construction will commence this year, or relatively near future and suggest that he should come in a month from now, and be present at the meeting if he wants to protect his interest, and would move to defer this application to April 14, 1964, seconded by Mr. Dan Smith.

Motion carried unanimously.-- Voting for the motion were Mrs. Henderson, Messrs. Dan Smith and Eugene Smith.

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NEW CASE:

DITMAR COMPANY, INC. - to permit dwelling to remain 35.2 feet from front property line, Lot 6B, Section 3, Sylvan Hills, (on David Lane), Mason District. (R-12.5).

Mr. Walter Phillips, Jr., represented the applicant and showed plat of the lot which is on the cul de sac. There are no circumstances involved other than the house was staked out in error. There was no intent to do this. The setback is 40' on one side and generally 40' along the other side.

Mr. T. Eugene Smith moved to grant the request for variance since it was an error and falls under Error Section of the Ordinance, Section 30-36-D, seconded by Mr. Dan Smith.

Motion carried - Voting for the motion were Mrs. Henderson and Messrs. Dan Smith and T. Eugene Smith.

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Meeting Adjourned.

By: Katheryne Lawson  
L. Burch

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

April 14, 1964  
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, March 24, 1964 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. Dan Smith.

BUILDERS OF NORTHERN VIRGINIA, INC. to permit erection of an office building of greater height than 45 ft. to be closer to the side line than allowed by the Ordinance, on south side of Leesburg Pike approximately 200 feet west of Gallows Tree Lane, Providence District, (C-O)

Mr. Jim McIlvaine represented the applicants. He introduced the architect who had been studying this problem, and also Mr. Phillips, the engineer. Mr. Pickett, architect, explained the problem. He showed the plot plan and told the Board that their problem is with the side yard setbacks. They have a building that is actually seven stories high, or 75 ft., where the red is shown on the drawing. The yellow area is 25 ft. or two stories and over on the side is a one story building or 15 ft. They set back 47 ft. on one side and 58.5 ft. on the other side. This came up through the pyramid problem. They are trying to build an exhibit area for people selling products in the building industry and have a display area where the people can see these different materials. He showed the plan for the first floor and the plan for the second floor. The center portion will be 75 ft. in height which will be rentable office space for various groups. The properties on either side are now zoned residential, although they are shown on the Master Plan as Commercial.

Mr. Pickett said that under current zoning, if this were commercial on both sides, they could go up 40 ft. without setbacks. Since the property is zoned residential, however, they would be closer than they should be by 12 ft. on one side and 2 ft. on the other side. This will be a building such as has never before been built in this County.

Mr. Eugene Smith asked if Mr. Chilton were far enough along in his studies on setbacks to comment. Mr. Chilton said they were not, however, he did feel that this type of construction would be coming up more often in the future.

Mr. Pickett stated that sometimes Pyramid construction is done in order to get more building on the land, but such is not the case here. They are not building the maximum building for this amount of land. In the building there would be 87,000 sq. ft. of space available. They have three and one-half acres of land.

The Board discussed the setback requirements -- and what the setback would be if the requirement were waived.

Mr. Dan Smith said he believed that these people are endeavoring to bring good structures to the County and that where there is a reasonable request made for a variance, they should be given consideration. This County is behind as far as the Ordinance is concerned. Provisions should have been made prior to this time for this type of construction with less setback than is required now.

Mr. Gene Smith said it seemed to him that this is a case where the building is at least in conformity with the spirit of the Ordinance. This is a very handsome structure on a strategic intersection in the County -- in an area that all of us have great hopes for as far as its contribution to the County tax base, and also additional commercial-industrial area, that he hopes will be second to none in the country and one to which Virginians can point with pride. He said he was sure that everyone recognized that the setback requirements in all the zones permitting buildings of fairly substantial heights need to be restudied. This Board is not the one to change the setbacks required by the Ordinance but it is the duty and responsibility of this Board to temper the rigid requirements of the Ordinance by reason and judgment and grant relief where in the opinion of this Board it is reasonable and in general conformity with the Ordinance in promoting the purposes of harmonious land uses. This is such a case. There comes a time when the Board must make judgment that this is a proper land use, that it will conform, that it will be an asset to the community, and we must cut red tape and permit this to go ahead. Therefore, he moved that Builders of Northern Virginia, Inc. be permitted to construct an office building to the heights shown and at the setbacks shown on the plat by W. L. Phillips, which is not dated but will be dated and initialed by representatives of the applicant, before they leave, that the building to be constructed conform in all major design details with the renderings shown to this Board, and that all other provisions of the Ordinance be met. Seconded, Mr. Dan Smith. Mr. Dan Smith added that he thought these reasonable requests should be given careful consideration based on the merits of the case. He felt that this case has merit and due to the unusual circumstances surrounding the building itself he felt this warranted favorable consideration by the Board. All voted in favor except Mrs. Henderson who voted no because she did not think a case of hardship had been proved here. The request she felt was due to the design of the building for this particular piece of property. There is a good deal of land which can be acquired and used, she felt. Motion carried.

Mr. Eugene Smith asked the applicants to leave a copy of the rendering with the Board.

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C. C. APPLE, JR., to permit porch to remain 43.20 ft. from front property line, Lot 47, Section 4, Brecon Ridge, (on Merion Lane), Centreville District (RE-1)

Mr. Paul Ebert represented the applicant. This is an existing porch, he explained, and this was put here by mistake on the part of the surveyor. The surveyor either did not measure right, or did not allow for the porch. The house is located on a cul-de-sac, therefore the mistake is not as noticeable as it would be if it were located on some other street. The two property owners adjacent to this have no objection. Asked if there were other houses in this subdivision with porches like this, Mr. Ebert said there were porches, but not of this style.

Mr. Dan Smith noted that these are custom built homes and all the houses are located on large lots.

Mr. Ebert said the lot slopes in the back, and there are restrictions in this subdivision for an easement for bridle paths in the rear.

There was no opposition present.

Dan

From looking at the pictures presented, Mr. Smith said it appears that the house is located as far back as possible on the lot and he would move that the application of C. C. Apple, Jr., to permit porch to remain 43.20 ft. from front property line, Lot 47, Section 4 of Brecon Ridge, on Merion Lane, in Centreville District be approved. The request is a reasonable one and the explanation of the error in this case a reasonable one. No evidence has been presented that this would be a detriment to adjoining property owners or the surrounding area. The Board recognizes that this is a mistake and this is granted under number 4 of the variance section of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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VETERANS OF FOREIGN WARS OF THE UNITED STATES, to permit existing dwelling to be used for a post home, Lots 38 and 39, Fairfax Park (on Center Road), Falls Church District, (RE-1)

Mr. Roger Brady, attorney, representing the Post described the activities of the VFW as being in the spirit of helping the community. They would beautify the area and would make the property available to all children in the area and provide playgrounds for the children of their members. The area children will be allowed to take part in any recreational facilities which the VFW have. Parking space will be adequate; they can take care of 65 vehicles. One of their members will live in the building full-time to see that the activities are conducted and managed properly. They are leasing the land with option to buy. They have 204 paid membership. This is a six room dwelling and will be used for the general purposes of meetings; there are usually 45 active members at their meetings. They would apply for ABC license so that they may have beer and wine on the premises. There would be no dancing as there is not space enough to allow it. They would set up a bar in one of the rooms, and would add another bathroom. These lots consist of five acres and they will screen, provide playgrounds for the children, and possibly build a swimming pool later on. They have been renting the Fleet Club at Franconia for their meetings on the third Thursday of each month and other than that, they have been meeting in members' homes.

Mr. Brady said they received their charter in 1954 or 1955 and the post has been active continually since that time. They plan a Loyalty Day on May 2 and will have National figures present. They hope to invoke the good old fashioned flag waving which they think this country needs. Also, each year they present a trophy to the outstanding school softball team. They donate flags to the organizations and schools for use in their classrooms. They have a ladies auxilliary which helps needy families in the area, with clothes, food, etc.

Mr. Brady said there were two people present in support of the application -- Colonel Casey and Mrs. McIntosh.

Mr. Bob Reiner, a long time member of the VFW, gave the background on their group -- it was organized in 1955 and since that time has grown from 25 members to over 200. This is the only veterans organization that does have a strict inspection survey, he stated, and if the club is not properly operated their district or department commander can come in and close up the operation. In Virginia, they have only had one group closed in twenty years. The people in the community can be assured that the men will conduct themselves properly, and in the event they do not, they do have recourse. This organization has sponsored the Voice of Democracy contests and other programs in our schools, Mr. Reiner continued, and the ladies auxilliary is constantly providing good work for the community.

Opposition: Mrs. Schessler, living directly across the street from this property, presented a petition signed by everyone on their street (Center Road) with one exception, opposing this use. They are very much against having alcohol in their community, she stated.

Mr. Paul Adams who lives next to the property under consideration read a statement giving his reasons for objecting to this application and asked questions which the Board answered.

Mrs. Minko, living two houses away from this property, and owner of two and one-half acres, objected to the application.

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Veterans of Foreign Wars - Continued

Mr. William Fear objected to the added traffic on this hilly, narrow road and cited two occasions where people have been injured on this road.

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Mr. Hale McGee living across the street from this property said they have had a hard time keeping the road in good condition and additional traffic would be depreciating to the neighborhood.

Mrs. McDonald said they had bought their home here during the depression and had given their "life's blood" for this property. They want to keep their neighborhood the way it is. She objected to increased traffic and the hazards to the 20 to 25 children living in the area.

C. B. Rosenberger, living at the dead end of Center Road, owning five acres, also objected to the added traffic on this already dangerous road.

S. W. Arrington, owner of Lot 41, objected to the noise and added traffic.

Mr. Brady gave his rebuttal and stated that they would do all they could to help with the road situation.

Mr. Dan Smith felt that statements made by a lot of these people were unwarranted. He said he knew of the good that is done by veterans organizations.

Mrs. Henderson thought a use of this kind might be incongruous with the residential character of the area and in her mind it did not meet several points concerning special use permits in residential districts.

Mr. Eugene Smith stated that he felt this would adversely affect the use of neighboring property and could have an adverse effect on the reasonable growth and development of the area as it is a rural area. The application does not meet (a) of the standards for granting this use and therefore he moved that the application be denied. Seconded, Mr. Everest. Those voting in favor were: Mr. Eugene Smith, Mr. Everest and Mrs. Henderson. Mr. Barnes and Mr. Dan Smith voted against the motion. Carried.

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HELEN PRYOR, to permit dwelling 10.61 ft. from side property line, proposed lot 4A, Block 18, Dowden Terrace, Mason District (R-12.5)

Mrs. Pryor's mother, Mrs. Gladys Pflanz, was present to support the case. She said she wished to put up a small house on the adjacent ground to her daughter's home for herself. The existing house would need a variance if this division is allowed, and they would like to keep the carport now under construction.

Mrs. Henderson pointed out that the carport is non-conforming.

Mr. Woodson said the building permit was issued for the carport and it met requirements but it had been built out too far.

Mrs. Henderson noted that Mrs. Pflanz could build another house without needing a variance, but the carport will have to be removed. The carport can go in another location as long as it conforms with the required setbacks.

Mr. Gene Smith said the need for a variance had not been shown and what they are wishing to do can be done in conformity with the Ordinance, without a variance, and he moved that the application be denied.

Mrs. Henderson noted that the reason for this variance request was that the carport was placed contrary to County regulations in its present location.

Mr. Barnes seconded the motion. Carried unanimously.

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

Mr. Eugene Smith stated that the Board of Supervisors is currently considering amendments to the Natural Resources Ordinance. Although this land is not located in an NR zone the provisions of the Natural Resources Ordinance are followed closely by this Board in considering operations outside of that zone. He had been told that the Board of Supervisors hearing would be on April 15, therefore he moved that this application be deferred to April 28. Seconded, Mr. Everest. Mr. Dan Smith voted against the motion. All others yes. Motion carried.

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The Board adjourned for lunch.

March 24, 1964

Mr. Eugene Smith was not present for the afternoon session.

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COLONIAL PIPELINE COMPANY, to permit a petroleum products pumping station on 72,982 sq. ft. of land, property on Moore Road east of Route 645, Centreville District (RE-1)

Mr. Randolph Church represented the applicant. He stated that this property is approximately 1.6 acres located in the middle of a ten acre tract owned by the pipeline company seeking application for a pumping station for petroleum products. He introduced Mr. Howard D. McCloud employed by Colonial Pipeline Company.

Mr. Howard McCloud told the Board that Colonial Pipeline has a petroleum products pipeline system covering some 2600 miles, through fourteen states, started in March 1962. It is approximately ninety per cent complete at this time. The main line, approximately 1600 miles in length, runs from Houston to the New York Harbor area. In addition to this main line, they will have approximately 1,000 miles of lateral lines serving various cities throughout the southeast part of the United States. They will transport refined petroleum products such as gasoline and kerosene, and operate as a common carrier through I.C.C. This proposed pumping station will be one of twenty-seven. Their stations are usually from fifty to sixty miles apart.

Mr. McCloud said that such a line as this was talked about for many years -- when the shipping lines off the coast of the United States were plagued with enemy submarines during the war. This pipeline would be an asset to the nation. They have been contacted by members of the Defense Department on various occasions to serve their Army and Air Force bases. This line can serve the Atlantic Fleet on at least four points along the Atlantic Seaboard.

Mr. Marshall U. Bagwell, Manager of Engineering for Colonial Pipeline, told the Board of the route of this pipeline and stated that the position of any one station affects the whole system. These stations are located hydraulically with regard to other stations along the line and it would not be practical to move this station as it needs to be here to handle the quantity of products through this part of the line. The pumping station itself must have adequate suction pressure. If moved downstream the pressure would be depleted; if moved backwards the suction pressure would be no problem but the discharge pressure would be.

Mr. Bagwell discussed the Dorsey station near Baltimore, which he said is sixty to eighty per cent complete.

Mrs. Henderson asked why they did not get these stations approved before they became an absolute necessity.

Mr. Church explained that the amendment passed by the Board of Supervisors in October required them to be here. At the planning stages of this station two years ago they were not required to appear before the Board of Appeals.

The Board again discussed the possibility of moving the location of the station. Mr. Bagwell said they could possibly move it as much as 500 ft. but to move it as much as a mile means that they add a mile's pressure drop to one station and subtract from another. They would be unable to handle that much at the station. This particular station would be what they term a "straight booster station". It is only for adding pressure to the pumping stream and would be the minimum type station they would install. There will be a large and a small pumping unit and a control building that will house the remote supervisory control for the station.

Mr. Church presented a plat showing the location of the underground piping and the location of the building. The building will be 34.75 ft. x 56.79 ft. and will be of steel framework with corrugated aluminum siding, glass insulation and steel paneling. If this application is granted they will apply for another area for the transformer, which will be an underground installation.

Mr. Donald N. Rice of VEPCO said the highest structure on the site would be 32 ft. and the noise from the transformers would not cause any problems. All pipes will be underground except the pipe adjoining the pump itself, where the line comes up to go into the pump and out on the other side and goes back into the ground. The pipe is protected with an external coating and cathodic protection. There would be two tanks, one for gasoline and one for kerosene but normally they would be empty. These tanks are above ground and are 16 ft. in diameter and 16 ft. in height.

Mr. Bagwell showed pictures taken of their station in Alabama which would be similar to the station they plan here. They will have controls that watch out for the operation of this station at all times and they can operate without electricity in emergencies as they have a battery control of the valve switching mechanism. There will be only one pipe for transporting the different products -- they run through in batches. They have instruments which identify each production.

They plan to leave the trees which surround this property plus they will add trees in the area cleared to lay the pipeline, Mr. Bagwell told the Board. They plan to replant so this station cannot be seen, regardless of the structure. They will make no commercial use of the other land involved in the ten acres and would build no structures of any kind.

Mr. Dan Smith asked if it would be necessary to expand this station at any time.

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Colonial Pipeline Company - Continued

Mr. Bagwell replied that it would not be necessary to expand. In answer to Mr. Dan Smith's question regarding cost of the station, Mr. Bagwell said it would be approximately \$450,000 for the building itself, including everything within the cyclone fence.

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Mr. Smith asked if there would be any blasting necessary for installing pipes or motors. Would there be any products discharged here at any time? How big a sump do they plan? Is it possible to put in the station without any blasting? How long will it take for completion of the station?

Mr. Bagwell said there have been many pipelines installed without blasting; the sump would be 90 barrel capacity, although they would use only half; and they hope to have the station built in four months. They wish to start construction as soon as possible.

There would be only one man at the station to watch out for the operation on eight hour shifts. This would be only until they get their supervisory control system installed. This will give their Atlanta office up to date information on the equipment functions every ten seconds, plus the ability to stop or start the station; after this is installed there will be no traffic on this road from the standpoint of workmen except one man coming to inspect the station daily for some time to see that everything is all right. He will stay there two to three hours and then go to another point.

Mr. Dan Smith noted that the gates should be kept locked at all times to keep out children who might come in and be locked in by mistake. He asked about the line to the City tank farm.

Mr. Charles Crane said basically this line would follow Braddock Road. Some of the right of way is in condemnation now.

Mr. Dan Smith asked about the need for water. Mr. Crane said they would only need water for keeping up the grass and whatever little the man on duty would use in the several hours he would be there. They use no water in their operation.

Mr. MacKenzie Downs, real estate broker and appraiser, and consultant, gave his report. He had made a study of the area adjacent to this station, taking into consideration soils, housing in the area, potential of the area, etc. He showed plats indicating location and assessed values in the area and pictures of housing immediately adjacent and in the general area. He said he had considered similar installations, one at Anderson, S. Carolina. The most similar thing to this operation in this County he said, was Atlantic Seaboard Corporation for natural gas on Route 7. He showed pictures of the development which had taken place around that operation. Because of soil conditions in the area, he felt that growth would be slow, as it would be some time before sewer comes into the area. Sanitary District #12 is 3,000 or 4,000 feet away.

The housing in the area for the most part is modest, Mr. Downs, continued. He did not think the housing would be affected because of the distance from this station.

Mr. Dan Smith asked what the effect of this installation would be on housing insurance -- how about FHA or conventional loans?

Mr. Downs said he did not think it would have any effect.

Mr. Walter S. Cameron of Cameron's Radio and TV in Alexandria said there was no reason to believe that this would have an adverse effect on radio and television reception in this area.

Opposition: Mrs. Dorothy Labson said her property would be only 500 to 600 ft. from this installation. They have lived here for fourteen years and have a very nice home constructed of stone, brick and redwood, and own seven acres of land. They are not protesting this installation but are trying to make sure that nothing will be done to be detrimental to their property. She asked that the Board reassure them that there will be no noise to disturb them; to assure them that there would be no tankers coming into the area; that Moore Road will not become a hazard to children in the area; that there will be no dynamiting; that there will be no fire hazards; no work on Sundays; that this will be fenced, and that this will be of value to the community and will not hurt their property in any way.

Mrs. Clyde Kessler living on Moore Road spoke of the area's housing. She felt that most of the people owning property here were waiting for sewer to come in before building.

Mr. Church said there would be no tankers coming in and none of their products will be taken out of the pipeline and shipped away. They have no plans for a tank farm.

Mrs. Penny Holland asked why did they wait till now to get the permit and Mrs. Henderson explained that they could have gone here without a permit before last October. At that time the Board of Supervisors amended the Ordinance to require them to come before the Board of Appeals.



## Colonial Pipeline Company - Continued

Mr. Dan Smith said the case for the pipeline has been made before the Board, the requirement of the Ordinance is that they must definitely define the location and state that this is the most desirable, and this installation in all probability could be installed at the request of the court so he thought it only fair to the community that the Board issue the permit with restrictions protecting the property owners. Knowing other installations made in other areas where they are regulated and properly policed and supervised, that they will be in harmony with the surrounding area and will have to be kept maintained. If this is not maintained properly the use will have to cease until such time as it can be properly maintained. Therefore, he moved that the application of Colonial Pipeline Company before this Board, 72,982 sq. ft., be granted; this application is a part of a 10 acre tract; but for all practical purposes this 10 acre tract is included. No further use or expansion would be made of the ten acre tract in connection with the pumping of the petroleum products, storage of petroleum products or maintenance of equipment or storage facilities. It is understood that in granting this use permit that Colonial Pipeline Company would stick to the diagrams laid down by the Board of two pumps, two tanks -- the entire part of this installation. No expansion will ever be made other than an additional pump; the area will be fenced with a 7 ft. fence with barbed wire capping around the top. There will be no blasting of any type during the installation; no dispensing of products pumped by the pipeline at this point; the land will be properly seeded and brought into harmony with the surrounding wooded area; the area outside of the fenced area immediately adjacent to it be replanted as soon after installation as possible, after consultation with the County Soil Scientist as to the best possible growth, to screen both the installation from sight and noise to the adjacent property owners; there will be no Sunday work during installation of this plant, and during construction of the plant, if there is any deterioration to Moore Road caused by the pipeline company, the company will repair any holes or deterioration brought about by them. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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STREETS ENTERPRISES OF VIRGINIA, to permit erection and operation of 26 motel units, and extension of use permit granted March 12, 1962 (total units 126) property at S.E. corner of Leesburg Pike and Patrick Henry Drive, Mason District (CDM)

Mr. Jack Bradley represented the applicant. Originally they asked for 100 units, he explained, but their plans were not complete then because they had a change involving underground parking. From the beginning they have tried to have two spaces per unit, even though they were only required to have one. As they progressed their builder pointed out that the economics of this project would support additional units in the front, instead of wasting it underground. They started out with one parking space per unit. They are asking for 126 because they may in the future take two bedrooms and partition them. They actually plan to construct 120 units, 20 per building, if this is approved. They will have six buildings. They are requesting extension of their permit primarily because of their delay in getting site plan approval. The restaurant-tea house is on the back of the property. There is a line drawn on the plat, separating the front four acres from the back 2 1/2 acres and their plans do not involve building past that line. The building nearest the line will probably be moved back to save some of the trees. When they went to the underground parking their buildings widened to 64 ft. and in widening the buildings they ended up with more square footage.

Mr. Dan Smith asked whether or not the Board of Appeals had granted a waiver to the screening. He felt this should be cleared up before taking action on this application.

Mr. Bradley said they plan to start construction as soon as this clears through Streets and Drainage; it is a matter of weeks. They have a problem with the retaining wall and they may have to cut the service road down to grade. They had hoped to follow the contour of the land.

Mr. Chilton said the standard County requirements for screening did not serve any purpose in this area. He thought some type of planting along the ridge line at the edge of the present restaurant parking lot would serve some purpose. If the slope is graded and sodded to prevent erosion some modification should be in order. Sodding should be required along the slope where grading has taken place and planting should be put along the parking lot edge.

Mr. Bradley suggested using the 275 American boxwoods which they will have to take up. They are very high boxwoods and they had planned to use them in the rear with Canadian spruce.

Barbara Donahue, owner of property in question, and also a member of the citizens group spoke in favor of the application.

Mrs. William Bolin spoke in favor of the application and said that Mr. Bradley had always kept the citizens in the area informed of his plans.

Col. William K. Moran, owner of adjacent property, objected because of drainage problems and because this creates a mountain in his back yard. He was concerned about the filling which he said would kill some elegant oak trees and which is causing water to come onto his property.

Streets Enterprises of Virginia - Continued

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Mr. Moran said there would be parking literally in his bedroom and patio. He objected to this.

Mr. Bradley said there would be a well behind Mr. Moran's house, with a row of boxwoods and a walkway, then a higher wall and boxwoods, and then parking. The graduated slope would be sodded and there would be no parking within 100 ft. of Mr. Moran's property.

Mr. Dan Smith moved that the application of Streets Enterprises of Virginia, to permit erection and operation of twenty-six motel units and extension of use permit granted March 12, 1962 (total units 126), property located at southeast corner of Leesburg Pike and Patrick Henry Drive, be granted as requested, with the type screening proposed by the applicant at this hearing, and that the permit be extended for a period not to exceed one year due to the fact that there has been a delay in site plan approval and other problems connected with the State and the County regarding road development. All other provisions of the original permit and provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson read the <sup>FAVORABLE</sup> recommendation of the Planning Commission.

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TEXACO, to permit erection of a service station, part lot 1, Section 2, Franconia Hills Subdivision, Lee District (C-N)

Mr. Hansbarger represented the applicant.

Mr. Dan Smith said that in view of the request made by citizens who had been here in opposition, but had to leave because of the late hour, he would move to defer the application for two weeks.

Mr. Hansbarger objected to deferral. He said he had stayed at the hearing all day and he felt the opposition could have done the same. The property was rezoned to C-N in 1963. Mrs. Edna B. Hunter is the owner of the property and she has sold it contingent upon the property being developed as a service station. At the time of the rezoning they were not able to get a station in this location because there were already numerous stations in the area, but since that time the Highway Department has made plans for widening Shirley Highway and enlarging the interchange. This means that several stations now there will have to be removed, including one Texaco station. (C) BY FOR A

Mr. Dan Smith asked if a gasoline station was the reason given at the rezoning hearing before the Board of Supervisors.

Mr. Hansbarger replied that it was not, but the property was bought with the idea in mind that it would be for a service station. Prior to that time, the contract purchasers advised him that they could not get a service station to go there. But now the situation has changed. At the rezoning hearing they brought out the fact that they had attempted to get a service station in this location but had not been successful and therefore the property would probably be used for stores. The church on adjoining property has no objection to this.

Mr. Everest seconded Mr. Smith's motion to defer for two weeks. Voting on the motion -- Mr. Barnes and Mrs. Henderson voted no; Mr. Everest and Mr. Smith voted in favor. Tie Vote. Motion lost

Mrs. Henderson read a letter expressing opposition to the proposed filling station.

Mr. Hansbarger read a letter from the church in favor of the application. He said this would be a three bay colonial station, similar to the one they have on Arlington Boulevard.

Mr. Dan Smith said he was concerned about zonings being made under pretense -- if the Board rezones property based on statements that it will be used for specific thing then the applicant should live up to his statements. He asked to see the minutes on this rezoning hearing to see if there was a statement made based on the letter which had been handed him by the opposition.

Mr. Hansbarger said the letter was not entirely correct and he had never seen the gentleman who wrote the letter before last night. He said the church and fire department had always been aware that this would be used for a filling station and they had no objections. They are giving the church a 20 ft. easement off the side for getting in and out of parking spaces. The firehouse will share mutually in that parking as long as it does not conflict with the church.

Mr. Everest stated that the Board had heard no objection except the one letter they had received. He could not see where this would do any harm in the area and it might help to remove those two gasoline pumps across the street.

The Board discussed the proposed amendment regarding the prohibition of gasoline stations in C-N zoning.

Texaco, Inc. - Continued

General Kastner spoke regarding the comments made by Mr. Hansbarger.

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Mr. Dan Smith felt everyone would be better off without this proposed amendment and he hoped the Board of Supervisors would give a lot of thought to taking gasoline stations out of C-N zones.

Mr. Hansbarger said this property is a portion of a larger piece of C-N zoning; all around this small piece is C-N and there is still room for neighborhood stores to go in. This would be the relocation of one of their Texaco stations now located at the interchange. That station will probably continue to operate until it is torn down.

Mr. Barnes moved that the application of Texaco, to permit erection of a service station, part lot 1, Section 2, Franconia Hills, Lee District be granted and it shall comply with site plan approval required for this use. They are not asking for any variance and he felt this would not be detrimental to the surrounding area. Seconded, Mr. Everest. Mr. Everest amended the motion to read "in accordance with plat by Richard W. Long dated February 1964."

Mrs. Henderson stated that she would vote in favor of the motion because she did not think the reasons stated in the letter of opposition were sufficiently valid to vote against the motion. Need cannot be used as a basis for preventing a use. This is a permitted use in a C-N zone and she saw nothing in the basic standards for C districts that this does not comply with. Motion carried with Dan Smith voting no. All others yes.

Mrs. Henderson read the Planning Commission <sup>FAVORABLE</sup> recommendation.

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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 Subdv., Providence District (RE-1)

Mrs. Henderson read a letter from Mr. Brophy requesting deferral to April 14 because the engineer's completed plans will not be available until the 20th of March and they needed time for area residents to see the plans. General Kastner and a lady in the audience were in favor of deferral.

Mr. Barnes moved to defer to April 14. Seconded, Mr. Everest. Carried unanimously.

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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)

Mr. Paul Ebert represented the applicant. He explained that Mr. Brophy was their representative originally but as a judge in Vienna had to be on the bench today - therefore Mr. Ebert was asked to take his place before the Board. This was deferred from the previous hearing for new plats. This porch was built in this location purely by mistake. The house was staked out without the porch. The lot is odd shaped -- it is a curved lot and this is only the second house Mr. Flower has built. He has purchased outlot A, Mr. Ebert told the Board.

Mrs. Henderson stated that the Board would still need plats showing outlot A as part of this property.

Mr. Everest moved to defer the case for two weeks until Mr. Gene Smith is present to hear the case -- suggested April 14 -- at which time the Board will make a decision on this and also to give the applicant adequate time to get new plats. Seconded, Mr. Barnes. Carried unanimously.

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JAMES HOOPER, to permit division of lots with less frontage at the building setback line than allowed by the Ordinance, Proposed lots 14A, 15A, 16A and 17A, James Hooper's Addition to Chesterbrook Woods, Dranesville District (R-17)

Mr. Dewberry, engineer, and Mr. Hooper, builder, were present to discuss the case. Mr. Dewberry said the plat had been recorded but the houses not yet built. He showed the layout for the five houses and stated that they wish to resubdivide the <sup>LOTS</sup> and instead of five they would like to have four. The variance they are requesting is on the width. Lots 16A and 15A will replace the three lots now served by the cul-de-sac. Lot 15A has been sold. The houses in this subdivision will start at \$45,000 and go up to \$75,000 in price. No side line variance is needed. This type thing is permitted in <sup>REC</sup> zoning, Mr. Dewberry explained.

There was no opposition present.

James Hooper - Continued

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Mr. Everest moved that James Hooper be permitted to divide lots with less frontage at the building setback lines than allowed by the Ordinance, as shown on the plat of James Hooper's Addition to Chesterbrook Woods, dated February 1964, variance granted as applied for. Mr. Barnes seconded the motion.

Mrs. Henderson pointed out that at the building setback line the lots are too narrow but the actual location of the house will require no variances in side line setbacks. This is more or less a technicality. Carried unanimously.

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Moose Lodge Progress Report: No one was present representing Moose Lodge.

Mrs. Henderson pointed out that someone from the Lodge had been present at the meeting of two weeks ago so she felt there was some confusion as to when they were supposed to report. She had received a letter from Mr. Brinson, Mr. Lynn, who called himself "co-chairman of the Moose Defense Committee", was present and said he thought it would be well if Mrs. Henderson would read Mr. Brinson's letter into the record. The citizens in the area are seriously disappointed in the "niggardly" approach Moose Lodge is making toward compliance with the plan. In the matter of screening, they did put out the 6 foot trees and have just recently filled in between these with what appear to be rooted cuttings about eight to fourteen inches high. This is in place of the 2 ft. that the standard County screening calls for. The ground there was to be sodded or seeded, but it is cut up, bare, muddy and ugly. The lights on the building still glare toward the residences. They understand that these things take time but they are disturbed that they take as much time as they seem to take in this case. The other matters are covered in Mr. Brinson's letter, Mr. Lynn told the Board. He felt it very annoying to spend the day at the courthouse and find that no progress report has been made. He felt that Moose had had the same opportunity as he had had.

Mr. Dan Smith wanted to be sure that the Moose Lodge had been notified to be here. He felt this should be deferred in order to give the representatives a chance to be here.

Mr. Lynn said the Lodge had agreed to standard screening, which everyone told him was 6 foot trees on 5 foot centers with 2 feet or 2 1/2 foot trees interspersed.

Mr. Dan Smith suggested taking a look at the property.

Mr. Lynn said the matters not complied with are screening, access, (they are still insisting that they will not have to stay in compliance with the point about access), the lights have not been shielded, they have not landscaped the area, and even though the noise has not been annoying during the winter, they are waiting to see what warm weather will do.

Mrs. Henderson said she appreciated Mr. Lynn staying all day and giving the Board the other points in Mr. Brinson's letter but she did not think the Board should act without someone being present from Moose Lodge.

Mr. Lynn said the feeling in Sunset Manor is stronger than ever. However, he agreed that someone from Moose should be present here. People in Sunset Manor feel that Moose is trying to wear them out as this has gone on and on.

Mr. Chilton of the Planning Staff said he had been down to the Lodge and while he was there he saw six or eight trucks coming in and out of the road leading in off Maple Street and it was terribly dusty. They had put bluestone down but dust came up every time the trucks came by.

Mr. Dan Smith said the Board had been very lenient with Moose Lodge and the citizens had been very reasonable. The time has now come where they must produce or close up. Mrs. Henderson said she saw no reason why a motion could not be made at this time to clear these things up. There have been reports today of at least three violations -- planting, lights and dust -- these should be cleared up.

Mr. Dan Smith moved that all conditions of the Moose Lodge permit except drainage, shall be complied with by April 14 and continue to be complied with, or the permit shall be revoked. Ten days notice is required for revocation of permit and this will serve as notice. Seconded, Mr. Everest. Carried unanimously. (Mr. Eugene Smith was not present.)

Mr. Lynn said that while representatives of Moose do come here and assure the Board, they are telling people living there that they do not intend to comply and are publishing articles in their newspaper to this effect.

Mrs. Henderson asked if a copy of this could be obtained for the Board. Mr. Lynn said this would be done.

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Kena Temple Progress Report - Mr. Hansbarger said he had nothing to report other than that the building has been faced with brick; the permit has been acquired from the Highway Department for the service drive along Arlington Boulevard and the entrance on Barkley Drive to be commenced within thirty days. Some cut and fill is needed and the State will not permit them to fill with moisture laden dirt. Referring to the letter to Mr. Buckley, the potentate, from Mr. Woodson, stating that they must send a sketch of the building that is up, Mr. Hansbarger said he would be responsible for Mr. Woodson getting this sketch.

Mr. Woodson said he had had no response from Mr. Buckley.

General Kastner of 309 Hamilton Drive said he had a great respect for the Masonic Order but in discussing this particular situation with a relative who is a member of that Order, he was amazed at what had gone on, and suggested that if the organization as a whole knew what had gone on they would be considerably displeased.

In listening to the previous case (Moose Lodge), General Kastner said he could see the picture of Kena Temple -- it is the same thing, they drag their feet, hoping that people will soon get tired.

General Kastner said the last meeting for reports from Kena Temple was on January 28 and he had called representatives of the Board before then but nothing had come in. On the 28th, a letter dated that same day, from Mr. Hansbarger, came in. At that time, Mr. Hansbarger was just as lackadaisical toward the situation as he was today when he came up, General Kastner charged. The letter of January 31 to Mr. Buckley from Mr. Woodson with a carbon copy to Mr. Hansbarger has not been acted upon. This situation is different from that of Moose, because at the time of hearing, Mr. Gibson stated that money was no problem. That was two years ago.

With Mr. Woodson's letter he sent a copy of the restrictions placed by this Board at the time the use permit was granted. Evidently they paid no attention to that either, General Kastner continued. They have not put in the road; they have not put in the trees.

Mrs. Henderson asked Mr. Hansbarger to get Kena Temple to get the road started and tell them the screening will have to go in.

Mr. Dan Smith moved that this Board instruct Mr. Woodson to send a follow-up letter and tell Kena Temple the number of things they have not complied with, and ask for an immediate answer as to when they will comply -- state that the Board expects compliance in two or three weeks on all things where they can comply. The road cannot be constructed during winter months but certainly they can plant. Planting and screening shall be done immediately. The Board will ask for another progress report in thirty days. The building was put up without complying with the Board's request, but they did face it with brick. They have been sent a copy of the conditions of the permit and Mr. Woodson is to send a copy to each new potentate and sketches of subsequent buildings are to come in before any construction is started. If they do not comply the permit will be revoked. The present potentate has been made aware of the present conditions which have not been complied with. Kena Temple shall be notified immediately that they have not replied to Mr. Woodson's letter and they must put up screening within the next 30 days, and report again to this Board on April 28. One condition of the permit is maintaining the buffer with supplemental planting - no supplemental planting is there. The Board will take a look at the property. The Board will expect the service road to be started at the time of the next report. Some actual representatives of Kena Temple should be present at the next report to the Board, in addition to Mr. Hansbarger -- it is suggested that Mr. Buckley, the present potentate, be present. When the service road is complete, Karen Drive shall not be used. Seconded, Mr. Everest. Carried unanimously, Mr. Eugene Smith not present.

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Parliament Swimming Pool. Mr. Fagelson said they are asking to amend their original application to cut down on the number of parking spaces. This is called Parliament Pool, in King's Park. When the Board granted the permit they were allowed 114 parking spaces. Now it turns out that seven of these spaces were located within the building restriction line, and there are fourteen spaces they are unable to get because of the topography. They would like to reduce the required number by twenty-four.

Mr. Fagelson said that parking would be no problem because most of their members live close enough to walk to the pool. This is a 400 family membership.

Dan Smith felt this was dropping way below the safety margin on the parking. This is almost one-fourth of the allotted parking space that the Board is being asked to reduce.

Mrs. Henderson asked why couldn't they park under the trees in the rear. Mr. Fagelson said they wished to use this area for picnicking.

Mrs. Henderson suggested building walls around the trees and when they are not using the area for parking then they could use it for picnics.

Mr. Dewberry said there is a creek in the rear and they are worried about filling too close because of siltation. There is a two to one slope there now. It is quite steep.

March 24, 1964

Parliament Pools - Continued

and  
Mr. William Patton, Vice President of the Association/Mrs. Knight were present in support of the request. They have a deadline to meet and they must get started as soon as possible.

Mrs. Henderson was concerned about parking -- they cannot be parking all along Parliament Drive. She suggested reducing the membership but Mr. Fagelson said they could not finance the pool if they did that.

Mr. Dan Smith said he was concerned about these things coming back to the Board after they had been granted and he thought the Board was in error when it granted this application as there were no setbacks shown on the plats presented the Board. If there had been setbacks shown these seven parking spaces would have been shown in the building setback line.

Mr. Fagelson and Mr. Hennaker asked the Board to reduce the number of parking spaces to 100 and possibly they could live with this.

Mr. Dan Smith said he had seconded the motion granting this pool originally and he was reluctant to change anything that was granted in the original motion.

Mr. Barnes felt that any change in the stipulations of the original permit should be up to the mover and seconder of the original motion.

Mr. Everest said he had made the original motion and therefore would amend it to allow 110 parking spaces instead of 114. Seconded, Mr. Dan Smith. Carried unanimously.

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Mrs. Henderson said it was the consensus of the members of the Board that they did not like the idea of taking gasoline stations out of C-N zoning. This is coming before the Board of Supervisors for hearing on April 8. Mr. Dan Smith asked if Mrs. Henderson would report the feeling of this Board to the Board of Supervisors at their meeting. Mrs. Henderson said she would be out of town, possibly Mr. Gene Smith could do this.

Mr. Everest said if Mr. Smith could not be there, he would be glad to present the Board's feeling on this amendment.

Mr. Dan Smith felt that Mrs. Henderson should write a letter to the Board outlining this Board's opinion.

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

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

Date

June 9, 1964

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