The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 13, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax 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. J. B. Smith

DEFERRED CASES:

1- DANIEL K. PHIPPEN, to permit carport to remain as erected within 9.4 feet of the side property line, Lot 17, Block 13, Section 8, North Springfield, (5502 Joplin Street), Mason District. (Suburban Residence Class II).

No one was present to support the case. The Board agreed to put it at the bottom of the list.

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Mr. Lamond suggested that since the agenda was very long - that applicants and their attorneys and the opposition be asked to hold their presentation to a maximum of 15 minutes for each side. It is not the wish of the Board to omit any pertinent evidence - Mr. Lamond stated - but in the interest of all concerned a stream-lining of the cases would be appreciated.

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Mrs. Henderson reported that she had gone before the Board of County Supervisors as requested by this Board, asking that they refer the Pomeroy Sign Ordinance to the Planning Commission for their recommendation and for consideration by the Board of County Supervisors at an early date. The Board agreed that this would be done.

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Mr. Andrew W. Clarke was present, therefore the Board went ahead with the PHIPPEN case....

Mr. Clarke said he had discussed moving the posts on the carport with the Engineer, with the idea of making it conform, and had found that it would be impossible. Mr. Clarke asked the Engineer to discuss this with the Board. The posts support the girders on which the floor of the storage area rests, the Engineer pointed out, and it would be impossible to move the posts in to make the setback conform as it would not give full support to the upper part of the structure.

Then, Mr. J. B. Smith said, we are approving a two story structure with the carport underneath. A carport does not have storage space over it, Mr. Smith continued, it is supposed to be just a roof supported by posts.

This carport has a gabled roof, Mr. Clarke stated, rather than the usual flat roof. They use the crawl space under the gable for storage - it is not a room nor is it accessible to the house. It is reached by a pull-down stairway from the carport.

If a garage in this location would be within the regulations, Mr. Mooreland stated, it would seem not illogical that a carport with a small crawl space would be within the intent of the Ordinance. If this were part of the house - it would require the 15 foot setback, Mr. Mooreland continued, but this

DEFERRED CASE - Ctd.

1- Ctd. crawl space has no entrance to the house. Would the Board consider this to be a part of the house - and therefore that it must conform to a house setback, Mr. Mooreland asked?

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In looking at the plans of the building, Mr. Mooreland was asked, would he consider it a part of the house? Mr. Mooreland answered that his office does not have the plans, they are submitted to the Building Inspector's office. His office approves the setback only, and if this was submitted as a carport, the setback was figured accordingly.

It was brought out that the storage space was only about 3 feet high - it has a small floor space. There is no storage space under the house gable and therefore, this has no connection with the second floor of the house. It is for small things only.

In answer to Mrs. Henderson's question as to how this mistake occurred, the Engineer explained that the carpenter reversed the plans on two houses he was building - both of which had carports.

Since this was the first time this has come before the Board, it was suggested that the Board determine whether or not a storage crawl space over a carport would constitute an extension of the house or simply a carport with storage space.

This is an unfortunate situation, Mr. Clarke observed, it does not appear to violate the intent of the Ordinace, it is a thing that would be approved in Arlington County and there has been no wilful violation on the part of Colonel Phippen. The Colonel bought the house thinking it was within restrictions, he has tried to move the posts back to conform, the violation is not large - it would therefore seem logical for the Board to grant this.

There were no objections from the area.

This may be a case upon which an interpretation should be made by the Board, Mrs. Henderson suggested, to guide possible future cases of this kind. It was suggested that the Board view the property and see how many other gabled carports there are in the area. It had been said that many of the houses in Springfield have the gabled carport roof as the people do not like the flat roof, therefore the gabled roof was used - put in on the original permit and has been approved.

Mr. Mooreland thought this a small technicality - all this person has to do is to close the storage area and the structure could be granted. This storage space is not for human habitation and could not be so used.

Not unless the owner chose to lift the roof and put in a dormer, Mr. J. B. Smith noted. An opening could then be made to the upstairs portion of the house, and it could become another room.

In view of the fact that the 8" violation has been explained to the Board and because this is a slight variance which does not appear to adversely affect the neighborhood, Mr. Lamond moved to grant the application.

Seconded, T. Barnes

DEFERRED CASE - Ctd.

1-Ctd. For the motion: Messrs. Lamond and T. Barnes and Mrs. Carpenter

Against: Mrs. Henderson and J. B. Smith

Motion carried.

Since there are about 140 more houses like this in Springfield, Mr. Clarke asked that the Board clarify this question, and that he be notified of the Board's findings.

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NEW CASES:

1- MARGARET I. LUDWIG, to permit operation of a private school on described premises with elimination of present ceiling on enrollment, Part Lot 2, Farr and McCandlish Subdivision, (on east side of #649, approx. 800 feet north of #236), Falls Church District. (Suburban Residence Class I).

Mr. Hardee Chambliss represented the applicant.

This is not a new project, Mr. Chambliss reminded the Board. In 1951 the Regans owned this property on which the Board granted a nursery school. In February of 1953 the owner applied to enlarge the enrollment of the school. The Board granted an increase up to a ceiling of 125. The present applicant has bought the school from the Regans. In view of her success with the school, Mrs. Ludwig is now asking to enlarge the enrollment to at least 300. The dwelling on the property will be incorporated into the school buildings. This property is well located for a school, Mr. Chambliss stated, no home is closer than 300 feet. Mr. Chambliss displayed a map indicating the people whom they have notified and noting the location of their homes with relation to this property. They had notified all surrounding property owners for a considerable distance.

Mr. Clifford Hines, Architect, showed drawings of the existing building, indicating the contemplated addition, which will be constructed of brick with stucco. The school will adequately take care of 300 pupils, carrying the children through the third grade. All construction will comply with Fairfax County regulations, the Building Code, Fire Ordinance and Health Department requirements. They will have a very small kitchen - they serve no meals - only cookies, milk and soup. The children who stay until 2:30 p.m. bring their lunches.

Mr. Chambliss asked Mr. Charles King, neighbor to the school, to speak.

Mr. King said he had lived immediately adjacent to this property for 22 years. They have never suffered annoyance or inconvenience from this school, the children have not tresspassed on his property and they have not been noisy. In fact, Mr. King stated, the Annandale public school which is considerably farther away has been much more annoying to them. Mr. King said he had heard nothing but good reports on this school from the neighborhood - the children are well disciplined and happy. He felt that this was a much needed facility in this area.

Mrs. Goods told the Board that she lives across the road from the school - they have had no inconvenience from the school - in fact they think it an asset to the neighborhood. While she has no children in the school, Mrs.

1-Ctd. Goods said she thought it was a very worthwhile project and very welcome in the area.

Mrs. Henderson said she had received 28 letters from people in this area all favoring the school. While the letters were not read individually they are on file in the records of this case. Mrs. Henderson read excerpts from the letters:

"Outstanding educational program; excellent instruction and intelligent administration; failure to grant this would be depriving children of excellent schooling; capable instructors; high scholastic standards; a model school; children come out of the school fully equipped to enter any school; valuable addition to the area; mature guidance and a well-planned program; Mrs. Ludwig is a dedicated educational director....."

Mr. Chambliss presented a petition with 41 signatures urging the granting of this application. About 12 persons were present favoring the application.

Mr. T. Barnes moved to grant the application provided it complies with regulations of the County Fire Marshall, Health Department and County Zoning regulations.

Seconded, Mr. Lamond

Carried, unanimously.

It was noted that no limitation was placed on the enrollment.

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2- IVAN J. MONEY, JR., to permit garage to remain within 49 feet of the street property line, Lot 1A, Ivan J. Money Subdivision, Dranesville Dist. (Agric.)

Mr. Mooreland told the Board that this violation was caused by the location of the transcontinental gas line, which made it necessary to push the building as far to one side of the lot as possible. In so doing the garage was found to be in violation. They tried to resubdivide to correct the side setback which they did - but in the re-adjustment the front setback was found to be in violation. In estimating the setbacks they did not take into consideration the angled lot line between Lots 1 and 1A. This was straightened out in the resubdivision. The Subdivision Control office will have to have the okay of this Board before giving final approval on the resubdivision of the lots.

There were no objections from the area.

Mr. T. Barnes moved to grant the application because of the location of the Transcontinental gas line as related by Mr. Mooreland and because of the angle of the lot line.

Seconded, Mr. Lamond

Carried, unanimously

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NEW CASES - Ctd.

3- MANFRED GALE, to permit erection of a screen porch within 7.5 feet of the side property line, Lot 527, Block 17, Section 6, North Springfield (7405 Kelvin Place), Mason District. (Suburban Residence Class II).

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When they bought this house they intended to add a porch, Mr. Gale told the Board, to the side of the house - the only place an addition could be put on - because this is a terraced - split level - house. About two weeks after they had moved in the lot was re-surveyed and 2-1/2 feet were cut off one side of the lot. There had been a mistake in the original survey of the property. They could have broken their contract at that time but they were in the house and they did not think the loss of the 2-1/2 feet would matter. This is the side on which they need the variance.

This porch will add to the house greatly in appearance - it is a split level, 43 foot house, and the porch would make it look larger and would present an attractive front. They could not put the porch in back as the lot is steep and the basement is ground level. They could not put it on the other side of the house as they would have access only through the bedrooms.

Mr. Lamond suggested that the Board should have photographs in many of these cases to show the conditions more accurately. Mr. Mooreland answered that that would be difficult and he could not require photographs, and under any circumstances photographs would not give the Board authority to amend the Ordinance.

Since the plat showed that the applicant could build a 9' 6" porch and stay within the Ordinance, Mrs. Henderson suggested that it is not up to the Board to grant a larger porch simply because an applicant might wish to have one.

The Chairman asked for opposition.

Mr. Prye opposed this addition, stating that the Code does not permit this encroachment, such an addition would crowd the lots and devaluate property and it would not be an attractive addition to the neighborhood. Mr. Prye said that his house was situated about 20 or 25 feet from the lot line, with three bedrooms on the side adjoining this proposed addition. He felt that a porch on this side of the Gale's house which would be used a great deal in summer would be noisy and depreciating to his property. Mr. Prey said he moved here to have a rural life for his children as one of his children has tuberculosis and he felt that he needed all the light and air for this child that he could possibly have. This would crowd the side yard.

Mr. Gale stated that they can put the porch in, it is just a matter of the porch being 9' 6" or a little wider. Regarding the looks of the porch - Mr. Gale said that was a matter of opinion and should not be considered in this case.

Mrs. Henderson agreed that aesthetics cannot be considered by the Board.

Mr. Lamond noted that the porch could be added to a width of 9' 6" and the requested variance is only 6" more - he did not think that would make a great difference in the light and air. However, he moved to deny the case as no hardship was shown by the applicant and a 9-1/2' porch can be built,

3-Ctd. which will not be in violation of the Ordinance.

Seconded, Mr. T. Barnes

Carried, unanimously.

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4- DOCTOR C. C. CHOI, to permit a non-resident office, Lot 10, Block 1, Section I, Belle Haven Estates (703 Belle View Boulevard), Mt. Vernon District. (Suburban Residence Class I).

Doctor Choi read the following prepared statement in explanation of his case:

"April 15, 1958

Honorable Members of the Fairfax County Zoning Appeal Board
Fairfax Court House
Fairfax, Virginia

Gentlemen:

I am a resident property owner, tax payer and practicing physician in the Mt. Vernon Magisterial District. My office is located in my home at 703 Belle View Boulevard which is situated in the northwest section of Fort Hunt Road and Belle View Boulevard, directly behind the Messiah Lutheran Church, one and one-half blocks north of the Belle View Shopping Center and less than a block from the Belle View Service Station.

I wish to apply for a non-resident medical office to be located at this address. I desire to remove my family from our present living quarters and to rent said living quarters to a smaller family, and at the same time maintain my medical office as it is now.

I have reasons for this request which I would like to state. The main reason I feel is that our present living quarters are inadequate in view of the size of my family which numbers five. I also need more space for my practice as it has grown considerably in the past two years. From the time we have lived in this community it has been our practice to invite foreign students to spend their vacations and holidays in our home. We wish to continue this practice and it will necessitate larger living quarters. I hope this request meets favorably with the opinions of the members of the Fairfax County Zoning Appeal Board.

Sincerely yours,

/s/C. C. Choi, M. D."

Doctor Choi told the Board that he had started practicing in his house three years ago when his children were small. They are growing into the age now where they need more space. When he started he was using about 60% of the basement for his offices - his practice has grown in these three years to the point where he needs the entire basement for his offices. His family needs the basement too. The only solution, Doctor Choi told the Board, is to move his family to a larger home.

Doctor Choi presented the following statement which had been sent to nearby residents:

"To the Honorable Members of the Fairfax County Zoning Appeals, Fairfax Court House, Fairfax, Virginia.

1. In order to avoid any misunderstanding among the residents and property owners of Belle Haven Estates, where I now maintain my residence and conduct a medical office, I would like to make the following statements. I further request that they be made a matter of record with your Board.

a. I desire to move my family from 703 Belle View Blvd., and establish a residence elsewhere, in order to accommodate my family with larger living quarters, thereby allowing them to entertain their friends and school-mates, which they cannot do at the present location because of inadequate room.

b. In the event my request for non-resident practice now before your Board is approved, I hereby state that I shall never rent the aforementioned premises to any person or persons who propose to use it for any other purpose than their bonafide residence.

2. I will never again request or petition the Fairfax County Appeals Board if the present request is approved. I will continue my medical practice in my present office space.

/s/ Dr. C. C. Choi
703 Belle View Blvd."

We, the undersigned are nearby residents of Dr. C. C. Choi of 703 Belle View Blvd., Belle Haven Estates, Fairfax County, Virginia, and do not object to Dr. Choi being granted permission to move his residence from the above address and continuing his medical practice at 703 Belle View Blvd., as long as he complies with the above statement."

NOTE: This statement was signed by eight people.

Captain Whitehurst, the adjoining neighbor, stated that he recognized that Doctor Choi needs larger living quarters and he had no objection to the Doctor renting the one floor of his house to a family and using the basement for his offices. That is actually the same situation as presently exists. However, they would object, Captain Whitehurst continued, to another professional man or any further commercial use going in here.

There is one vacant lot at the rear of Doctor Choi, Captain Whitehurst told the Board, and he had heard that the idea of putting a beauty shop on that lot was under consideration.

Mr. A.T. Andros, who lives in Belle Haven, stated that he had known Dr. Choi for four years and he considered him a very desirable citizen and a fine doctor. The community would be lost without him, Mr. Andros assured the Board. Dr. Choi had considered renting the upstairs to another doctor, but withdrew that plan in favor of renting to a family. Mr. Andros commended Dr. Choi both as an excellent doctor and as a member of the community.

Mr. Palmer, who lives on Blue Bill Lane, one lot away at the rear of Doctor Choi, stated that it was his understanding that property across the street is ear-marked for commercial development.

Commercial zoning, Mr. Lamond explained, can be accomplished only upon a rezoning action by the Board of Supervisors.

Colonel Green, who lives at 430 Blue Wing Drive, asked if this would alter the area now zoned residential. The answer was - no. It was then asked if approval of this request could serve as a lever or a wedge in getting a rezoning on nearby property. Again - the answer was no.

4-Ctd. Mr. James Waln of 428 Blue Bell Lane, next to the Palmers, stated that he had a dual interest in this case. The residents buying in this area were told that this was a first class residential area with protection against undesirable encroachments. Mr. Waln asked; are we getting away from that if this is granted? No one wants to injure Doctor Choi, Mr. Waln continued, they want to help him, but these are considerations..... It is not that the people object to the family living there, but they do question what may grow out of this occupancy by a family - other than that of Doctor Choi's. What of the condition of the yard? Will they be hanging out a wash on holidays or on Sundays?

Then there is the question of traffic, Mr. Waln went on. These streets are not built for on-street parking. All of these things add up to - what happens from here on out? It had first been said that Doctor Choi would use the entire building. Now, since he has abandoned that - suppose he does not have a renter for the upstairs - could the Doctor use the whole house?

The lady next door wants a beauty parlor on her property and some attorney has advised her that she can have it. This would increase traffic in the neighborhood. He may have his real estate in his own home, Mr. Waln said, since he is a broker. Across the street lives Captain Whitehurst who may be transferred and rent his home to a dentist..... This may wind up with a creeping business community.

It is good to have Doctor Choi in the neighborhood, Mr. Waln continued, his company sold Doctor Choi his home at a good price because it is good business to have a doctor in the community. The question is now - will it harm the community ultimately if this is approved? Mr. Waln said he could forsee Doctor Choi's business expanding a great deal - he has a large practice not only from the immediate area but from other places. Does this community stand to gain or lose in the long run? The human element is always with us, Mr. Waln warned.

Mr. Andros is from another community, Mr. Waln pointed out, and has no interest here.

They are not opposing Doctor Choi, Mr. Waln made it plain, and they do not want to move him out of the area, but they do not want his operations to harm the neighborhood.

The Chairman asked if opposition was present.

Mr. Robert Scott told the Board that he had just recently bought in this neighborhood, and he along with many others are greatly concerned for fear the granting of this request will permit other business enterprises and ultimately rezonings. Mr. Scott made it clear that they have no personal feeling against Doctor Choi, they want to keep him in the neighborhood. He noted that the support given Doctor Choi from Mr. Andros should be considered only as a professional and character recommendation as Mr. Andros is not a resident of this locality. His main fear, Mr. Scott concluded, is possible future commercializing of the area.

NEW CASES - Ctd.

4-Ctd. Mrs. Waln suggested that no one would have to rezone the area - that these creeping business uses would take care of that. A dentist could come in without a permit and there are many other limited business uses which could locate in a residential area and operate within the Zoning Ordinance.

Mr. William Clarke, from 421 Blue Bell Lane, objected, stating that he was stationed here last year for a period of ten years. In the title to his property the restrictions said - no trade, nuisance, etc.....should be maintained on the property. This is a nuisance, Mr. Clarke insisted, because of the traffic situation. However, they feel that so long as this property is used as a residence with a Doctor in the building it is not too bad. But this can be a creeping process, Mr. Clarke continued, another doctor or an X-ray laboratory might be the next step. They do not want to hurt Doctor Choi but they want to see this approval made specific - with conditions outlined which must be adhered to, so the commercialization cannot be extended.

Mr. Lamond suggested that this could be granted to the applicant only to protect the property owners - or Mrs. Henderson suggested a time limit with the possibility of a renewal.

Mr. Palmer said he had no objection to Doctor Choi maintaining his office in the basement, and a family upstairs, but he did object to a creeping paralysis which would put the neighborhood in a business character later on.

Doctor Choi told the Board that he would not rent to a professional group - ever.

Mrs. Henderson asked about the traffic and parking.

Doctor Choi said he had an appointment system which he had put into effect recently and it works very well - setting appointments at 15 minute intervals. This brings very few cars at one time and they park on the street.

Reverend Disbro told the Board that his Church has a small parking lot which Doctor Choi may use for his patients at times when it does not conflict with the Church.

Mrs. Henderson asked if there was a professional building or office building in the area where Doctor Choi could locate? The answer was - no. The nearest place would be Belle View shopping center, which is several blocks away. (It was noted - two or three blocks).

That is in the community, Mr. Waln pointed out. One doctor is going into an apartment at Belle View - however, it was agreed that there was probably no other apartment vacant at this time.

Mr. Andros noted again that granting this would not change the activities in the house in the least.

Mr. Lamond moved to permit the operation of a non-residence office in this home - granted to Doctor Choi only - and this granting is coupled with the statement by Doctor Choi that he will not rent the upstairs for any professional group or for a professional office. This motion includes the terms of the statement presented by Doctor Choi - dated May 13, 1958 (quoted in these minutes).

4-Ctd. Seconded, Mr. T. Barnes

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

Against the motion: Mrs. Henderson

Motion carried.

Mrs. Henderson thought this could result in a creeping commercialization process, and that the case should have more investigation.

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5- JACK M. MANHERZ, to permit dwelling to remain as erected 10.3 feet of the side property line, Lot 19, Section 4, Mt. Vernon Woods, (404 Martha Washington Street), Lee District. (Suburban Residence-Class II).

Mr. Manherz showed a picture of his house stating that this room was in violation when he bought the house and moved in. (That was in July of 1956) Mr. Manherz also showed a diagram of the homes of people whom he had notified of this hearing. Each signed a statement that they had no objection to this violation and Mrs. Wade added an additional statement that she is adjoining Mr. Manherz on the side of the violating carport, and she "much prefers" it to remain as it is.

Mr. Manherz said he moved into the house in July of 1956 and closed settlement in August of that year. The house was in violation at that time but they did not know. They asked for a FHA appraisal recently and the violation was discovered. He talked with the County zoning office, Mr. Manherz stated and to the original owner and builder of the house. The original permit had been issued for a carport which would have been within the limits of the Ordinance. When the addition was put on it became a den. The Zoning Office retracted approval of the setback when they realized it was not a carport.

Mr. Manherz said when they first talked to the salesperson about the house they told him they liked the house and wanted it, but it was too small. It was agreed then that this addition would be put on. Actually, Mr. Manherz said, he instigated the construction of the addition, but he had no thought that it would be in violation. Mr. Miller and the owner were the ones to whom they talked - and they had the addition put on.

Mr. Mooreland said the builder probably sent the final plat in to him before the house was finished, then went ahead and enclosed the carport, therefore, they had no record of this being an enclosed room.

In answer to Mrs. Henderson's question, Mr. Manherz identified those houses in his immediate area which have enclosed carports. One has no carport, two have garages which are enclosed, two have carports.

There were no objections from the area.

Mr. Miller did the work on the carport which became a den, Mr. Cloth, the real estate salesman, made the arrangements, Mr. Manherz said. He is wanting to sell the house now, Mr. Manherz told the Board, and for that reason asked FHA for the appraisal.

This room has actually added value to their house, Mr. Manherz noted, and it would cost approximately $1100 to take it off.

NEW CASES - Ctd.

5-Ctd. The two in your area who have open carports - will very likely want to enclose them, Mrs. Henderson suggested to Mr. Manherz, that is our problem. A granting of one such violation encourages others to ask for the same thing and it would be difficult for the Board to refuse the others. Even though they may not plan to enclose their carports, these people could sell their homes, and the new owner would feel that he is eligible to apply. This is a new area, Mrs. Henderson continued, only about two years old - it does not set a good precedent to start granting violations.

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Mrs. Henderson thought Mr. Manherz had recourse against the builder and the salesperson.

The Board agreed that the builder was completely at fault in this, and should be made to accept the responsibility. He had evidently misrepresented the designation of this addition as a carport when he had every intention of adding the room.

It was stated that the carport had been shown on the original plat, which was presented to the Zoning Office - by dotted line - giving the impression that it was a carport. A room would have been indicated with a solid line.

Mr. Lamond moved to defer the case until May 27th, and that Mr. Miller be present to explain why he did not get the proper permit.

Mr. Mooreland asked how Mr. Miller could be brought here - since he has no authority to bring him.

Mr. Manherz was unhappy over the delay as he is in the process of a sale on his place, which he hoped to consummate before he leaves the County.

Mrs. Henderson asked Mr. Manherz if he would prefer action on the case now - even if it is an adverse decision? Mr. Manherz said he would - as he did not think Mr. Miller could help his case.

Under any circumstances, Mr. Lamond thought Mr. Miller should come before the Board with an explanation of why he went ahead with this building without the proper permit. The Board should know how far Mr. Miller is going with this disregard of the zoning regulations as Mr. Miller is apparently continuing to build in the County. He felt that it is necessary that both Mr. Miller and Mr. Manherz be present to discuss the case.

Mr. Manherz asked to whom he could talk to learn where he stands legally.

It was suggested that he see the Commonwealth's Attorney.

Motion to defer seconded by T. Barnes

Motion to defer carried.

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6- MARGARET ANN HOWDERSHALL, to permit operation of a day school and kindergarten, Lot 18, Z. B. Groves Subdivision (807 Grove Street), Dranesville District. (Suburban Residence Class II).

Miss Howdershell stated that she is now operating her school in the Donna Lee Apartments, where she has been for nine years. She is licensed for 10 children who attend the school from nine to twelve in the mornings during the school year. She has served hot lunches. The house to which she wishes

6-Ctd.

to move is larger, having three bedrooms and a kitchen. No one would live in the house - it would be used exclusively for the school. This is an old frame house, Miss Howdershell continued, located about 20 feet from the street. She will continue to have ten children.

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The question was asked - why Miss Howdershell was moving?

She wants to have more play space and her own fenced yard, Miss Howdershell answered. They have a swimming pool at Donna Lee and the apartment owners do not want to be responsible for the children in the school. Also she wants more play equipment. She will expand the hours of the school to from seven a.m. to six p.m. (This is a nursery and kindergarten).

It was noted that this property contains about 1/4 acre.

The Chairman asked for opposition.

Mr. Van Meter, represented property owners on Grove Street. He presented an opposing petition signed by eleven families.

There is a need for a school of this type in the County, Mr. Van Meter admitted, but he questioned this location. This house is on a dead end street - there is no cul-de-sac nor turn around of any kind - he could foresee parking in driveways of homes in the neighborhood. The street is not wide, there is no curb and gutter - only deep ditches along the road. There is barely room for passing cars - he continued - and most certainly not room for parking. There will be a considerable amount of coming and going to take care of the school - this would create a hazard. The street is practically impassable during the bad weather. The house is small, Mr. Van Meter pointed out, and most of the houses on this street are only about 35 feet apart. With less than 1/3 acre - this would bring the school very close to homes.

Mr. Hinkle and the neighbor living next door to this house work at night - and the school next door would be very annoying. The fact that no one will be living in the house, and no one there at night also presents a problem - There are no families on the street who would use this school - therefore most of the pupils would come from other localities. People feel that this use would devaluate their property.

Mr. Van Meter noted that there is no outside entrance to the basement. (Miss Howdershell said she did not intend to use the basement).

The people in this area feel that there is a need for nursery schools in the County, but not in this location - because of the narrow dead end street with no turn around which would cause a hazard, the small lot and the nearness to the neighbors, inadequacy of the house, and lack of parking space.

There are about 20 homes on this street, most of whose owners object to this use.

Mr. Hinkle spoke opposing, for reasons stated.

Miss Howdershell stated that the fact that this house is on a dead end street was one reason she wanted to locate here. Her thought was that traffic would be slowed down and the only cars coming and going would be those who belong in the neighborhood. She would plan to rent the place now by the year, Miss

NEW CASES - Ctd.

6-Ctd. Howdershell told the Board, with the possibility of buying at the end of that time.

Since there is so much objection, Mr. Lamond suggested that this might not fit into the neighborhood.

Asked how the pupils would be transported to the school, Miss Howdershell said the all-day pupils would be brought by their parents. She would pick up the half day group. The driveway has its own turn-around which would make it possible for those bringing the children to use her driveway.

Contrary to her original statement, she will have ten children all day and 20 for the half day session, Miss Howdershell stated.

The Board questioned if this would be enough space - both yard and the house - for 30 children. Mrs. Henderson called attention to the fact that the new Ordinance requires 5 acres for a school of this type.

Mr. Lamond moved to deny the requested permit. A school of this type is a good thing and needed in the County, but since the hearing has brought out that the school will have 30 pupils it does not appear that this is an adequate place for that size school, and it would not fit into the neighborhood.

Seconded, Mrs. Carpenter.

Miss Howdershell asked what type of building and location should she look for? She had thought this ideal. It was suggested that such schools did not usually fit into subdivisions where the houses are so close, and where so little land is available.

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7- MORRIS D. MARGOLIS, to permit erection and operation of a service station and to permit pump islands within 25 feet of the street property line, northeast corner of Old Dominion Drive, Route 309 and Kirby Road, Route 695, Dranesville District. (General Business).

Mr. C. E. Multog from the Texas Company, represented the applicant.

The lease to cover this use includes about 1/2 of this entire tract, Mr. Multog pointed out. They will have a right of way to the filling station from Kirby Road as shown on the plat, but they will not use the property between the area requested for the filling station and Kirby Road, except for access. The old building now on the property will be torn down.

There were no objections from the area.

Mr. Mooreland told the Board that so many filling stations have been granted in the County that it has become increasingly hard for the operators to make a living. Therefore, many of them are going into other businesses in conjunction with the filling station - or are renting space for other uses. There is no way to stop this, Mr. Mooreland continued, unless the Board in granting limits the use on the property to a filling station.

NEW CASES - Ctd.

7-Ctd. That is perfectly acceptable to his Company, Mr. Multog stated, but they have found it difficult to restrict the operators in this way as the Government has sought to intercede for the filling station operators by appearing before the Small Business Committee relative to this practice. The Company cannot restrict the operator from carrying on another business. If the local authorities can rule out other business activities - that is satisfactory to the Oil companies as they do not like the encroachment of these other businesses.

Mrs. Henderson agreed that the limitation was no doubt good, but she asked - how can the County enforce that? Mr. Mooreland said he would make the effort to enforce it, if he has something to go on - which a Resolution restricting the business activity would be. As it is now - the property is zoned for business uses, and he cannot stop them from engaging in any business which is allowed in that particular district.

Mr. Lamond moved that the permit for erection and operation of a filling station be granted with a 25 foot setback from the property line for the pump island - this station to be located at the northeast corner of Old Dominion Drive and Kirby Road. It is noted that the plat presented with the case shows the entire tract, but only the portion of the property designated on the plat for the filling station shall be so used - this in accordance with plat No. NFK 2801A, dated March 14, 1958. It is understood that this is granted for a filling station use provided no other use is made of the property.

Seconded, T. Barnes

Carried, unanimously.

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8- NOLEN C. WALKER, to permit an addition to dwelling within 12 feet of the side property line, Lot 3, Section 1, Chesterbrook, (5431 Kirby Road), Dranesville District. (Suburban Residence Class III).

Mr. Walker recalled that in 1942 he had come before this Board requesting an addition to the rear of his house, as shown on the plat accompanying the case. It was granted with a variance of 12 feet from the side line. This was granted because the Code had not been in existence for very long at that time and he had started the addition before the Zoning Ordinance was adopted. After completing the addition he was transferred over-seas for some time, Mr. Walker continued. Now he is wanting another room on the back of the first addition. It will have the same side setback as the first room addition.

Mrs. Henderson asked why not move the room over a little to conform to the required setback? Because of the slanted roof, which would make it more expensive - and because to move the addition would close in the back door. Mrs. Henderson suggested putting the back door on the side of the building. That, Mr. Walker said was not good as it practically puts the back door in the front. He owns the adjoining lot and nothing is built upon that lot.

8-Ctd. Mr. Walker said he also owns the lot to the rear and the lot on the side where this violation occurs.

Mrs. Henderson suggested re-subdividing these lots. He thought that not practical, Mr. Walker answered, he rents the house on the one side of him, and that building is only about 21 feet from the line. That would not change the situation, Mr. Walker continued, as the houses would still be the same distance apart.

The house is two story and this addition will be only one story - he thought it would look unattractive not to have the same setback as the existing building. Mr. Walker asked what would be gained by moving this addition in to meet the setback requirement - the other addition is there and the house on the adjoining lot is farther forward on the lot - it would not be affected in any way by this addition.

There is no topographic condition, the lot is level and below the road grade. Mrs. Henderson said she could see no reason why the addition could not be moved so it would conform - this case was granted in 1942 under circumstances which do not exist now. Since there is an alternate location for the addition, Mrs. Henderson said she could see no reason for compounding the variance. There would appear to be no peculiar nor extraordinary situation, resulting in a hardship for the applicant.

Mr. Walker said he could see it as a peculiar situation - he does not want this addition sticking out in such a way as to look odd and to change the plan of his house. It would not be an injustice nor injury to anyone and it would fit in with his plans and would be less expensive to add as he has planned.

But you have shown no hardship, Mrs. Henderson noted, nor any real reason why the room could not be shifted - except, that you want it in this particular location.

Mr. T. Barnes moved to deny the case as there is an alternate location for the addition which would come within the setback requirements.

Seconded, Mrs. Carpenter

Carried, unanimously.

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9- JOHN V. BUFFINGTON, to permit conversion of dwelling being erected to a two family, east side of #645, 4/10 mile north of the Railroad and 100 feet north of Clifton Town Limits, Centreville District. (Agriculture).

Mr. Gordon Kincheloe represented the applicant, who was present also.

Mr. Kincheloe said he had talked with the near neighbors and had found no objection to this request.

It is their plan to put the apartment in the basement of the house, which is now being constructed on this 18 acres, Mr. Kincheloe told the Board. The house will be approximately 30 x 80 feet, which includes the carport. The house is located at least 100 feet from the side property line and 400 feet from the roadway. This is a well wooded area, Mr. Kincheloe went on -

9-Ctd. the house is only partially visible from the road. It is located across from the Clifton School, which is on a high hill, and is well protected. The apartment will contain garage area, kitchen, recreation room, utility room, living room and bedrooms. This is being built in order to have separate living quarters for the owner's mother-in-law. This is not to be used as a rental unit.

What constitutes a duplex was discussed - it being agreed that the separate kitchen was the determing item. However, the Board also noted that many people have full kitchens in their basement recreation rooms, yet they do not have a duplex.

Mrs. Henderson asked if the plans for this building had been before the Planning Commission, as required in the Ordinance? Mr. Mooreland said these cases had not been taken to the Planning Commission for many years.

It was suggested that this might be approved subject to approval of the Planning Commission.

Mr. Kincheloe said that would delay construction on the building. Mr. Buffington must move within 65 days - the house is under construction and it must go ahead in order to be completed in time. They are ready to install the plumbing which they cannot do without knowing if this is granted.

This would appear to be a very reasonable request, Mrs. Henderson observed, but she thought the requirements of the Ordinance should be complied with and this should go before the Planning Commission.

Since this is built exactly the same as a one family dwelling and the only thing that makes it a duplex is the second kitchen - which so many single family dwellings have, it was suggested that this might be granted as a one family dwelling, thereby avoiding the necessity of going to the Planning Commission.

Mr. Mooreland suggested that this be granted in the same way as the Board granted a home in Sleepy Hollow - to the applicant only for his own family. There were no objections from the area.

Mr. Lamond moved to grant the application to the applicant only (Mr. John V. Buffington) for the use of himself and his immediate family.

Seconded, J. B. Smith

Carried, unanimously.

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10- IZAAK WALTON LEAGUE OF AMERICA, INC., to permit extension of permission for club house and small arms range granted April 21, 1953; for an indefinite time, on #657, approx. 1 mile west of Route 28, Centreville District.(Agric.)

Mr. Mooreland identified this case as being an extension of the permit granted the applicant in 1953. This use had been operating since that time without complaint. They are now asking for an extension of the time.

Mr. Lamond moved to grant the use requested because this has been in operation for some years and without objections. Seconded, Mrs. Carpenter

Carried, unanimously.

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NEW CASES - Ctd.

11- ROBERT L. HARRINGTON, to permit erection of a pump island within 35 feet of the street property line, on south side #1 Highway, approx. opposite Lee Av., Rolling Hills, Mt. Vernon District. (Rural Business)

017

Mr. Harrington located the building and the pump island. The pump island will run parallel with the building now on the property. This is being operated now as a car wash. The pump island will be 35 feet from the right of way of U. S. #1.

Mr. Mooreland suggested that the same restriction be placed on the granting of this as on the former case - limiting this to the operation of a car wash and a filling station. No objections from the area.

Mr. Lamond moved to grant the use permit which would allow the pump island to come within 35 feet of the right of way of U. S. #1, because this seems to be in line of orderly development of the property.

Seconded, Mr. T. Barnes

Carried, unanimously

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12- MORRIS L. KRAFT & SOLOMAN STICHMAN, to permit erection and operation of a service station with pump islands within 35 feet of the street property line, southeast corner #123 adjoining Oakton Methodist Church, Providence District. (Rural Business).

Mr. M. L. Beckner represented the applicant.

Mr. Beckner recalled that he had made application for a filling station at this location in 1956 when he owned the property. He was negotiating with Sinclair Oil Company at that time. There was some question by Sinclair regarding the lease - therefore he abandoned the effort and sold the property. The new owners renewed negotiations with Sinclair, but before the deal was consumated the time limit on the permit expired. The owners are now re-applying under the same conditions.

They had originally obtained a building permit for the footings but did not put them in, therefore the whole thing is out and the new owners are starting from scratch.

All adjoining property owners have been notified of this hearing, Mr. Beckner continued, and the people across the street. He located the property with relation to the school, the Church - which is immediately adjoining, and the nearest filling stations. There is a residence on the property, which will remain. The applicants are applying for 16,896 sq. ft., the same area as the Board approved in 1956. The filling station will occupy one corner of this entire tract, however, the property is zoned to a 200 foot depth and 200 foot frontage.

It was noted that by cutting out the 16,896 sq. ft., which would be used for the filling station, the remaining property would have only a 50 foot frontage and would border the filling station on two sides - el shaped.

12-Ctd. Mr. Lamond asked what could be done with this odd shaped piece of ground? It could be developed in conjunction with the filling station, Mr. Beckner answered.

The Chairman asked if opposition was present.

Mr. Van Houwelling, Lay Leader of the Methodist Church, read the following statement:

"May 13, 1958

Board of Zoning Appeals
Fairfax County, Virginia

Gentlemen:

The official Board of the Oakton Methodist Church, Oakton, Va. at its regularly scheduled meeting on May 5, voted unanimously to oppose the granting of the use permit to operate a filling station on the property lying between the church property and the Beahm property, located on Rt. 123, commonly known as Chain Bridge Road.

In registering this opposition the Board was fully aware of the hearing held for the same purpose approximately two years ago. At that time our Official Board did not oppose the granting of the use permit. At a special meeting of the Official Board the application for a use permit to operate a filling station on the same property was considered. A motion to interpose no objection was passed by a 14 to 4 vote.
In the opinion of the members of the Official Board, there are several things that have changed during the past two years which explain the active opposition of our Official Board at this time. The reasons for opposing the granting of this permit are:

1. The operation of a filling station in close proximity to our church will be injurious to the utilization of the church in carrying out the purposes for which it was constructed.

2. The operation of a filling station on this property will contribute to the traffic congestion and the inherent dangers to the many small children who attend our church and Sunday Church School, and to the automobiles that are used to transport members to our meetings on Sundays and during the week. The narrowness of the road, the poor visibility, and the increasingly heavy traffic on Rt. 123 are all contributing factors to this danger to public welfare.

3. The noise that goes with the operation of a filling station would detract from the use of our buildings, in that our Sunday School classes meet in the buildings that are closest to the property line that adjoins the property for which the use permit is being sought. Especially during the summer months, when it is necessary to have windows open, the noise, commotion, and activity associated with the operation of a filling station would detract from the best utilization of our facilities for the conduct of Sunday School classes.

4. We are concerned as to the possible danger to health which would result from seepage, because our well is located close to this property for which a use permit is being sought.

5. We question whether it will be possible to provide adequate drainage for all of the waste waters and sewage which will come from a filling station.

In regard to the reasons as to why the Official Board of our church is now opposing the granting of this use permit, and did not oppose it at the previous hearing, we submit the following:

1. The Official Board as presently constituted believes that a mistake was made two years ago in not registering opposition to this application.

2. The present Official Board believes that the experience of the past two years leads us to this conclusion. These experiences include the great increase in our membership, the increasingly heavy traffic on the road on which our church is located, the fact that there has just been completed another filling station in our immediate vicinity, that there have been no sidewalks constructed for the children to use, and the difficulty that we have experienced in handling with safety the traffic of children and automobiles at the time of our Sunday Services.

Very Sincerely yours,
/s/ C.D.Van Houweling,Church Lay Leader"

NEW CASES - Ctd.

12-Ctd. They have an investment of over $75,000 in their Church, Mr. Van Houweling told the Board, the filling station would be very close to the sanctuary and the education building where they hold Sunday School classes - he thought the operation of a filling station in this location would be noisy and distracting. He emphasized the traffic hazard to children walking to the Church School and to cars coming and going from their parking lot. Route #123 is not wide, and facilities are not good - traffic is very heavy and the filling station would add to the danger, causing congestion at this point.

Mr. Van Houweling stated that this Church has been in this location for over 50 years. Three years ago they completed the addition. The Church people were aware that their property was zoned business when they put on the $75,000 addition.

It was noted that there are about 25 or 27 feet between the Church property and this business.

Mr. J. B. Smith asked if the Church Board had considered the other businesses which might go on this property, without a public hearing? The answer was - "yes".

Mr. R. M. Loomis, a member of the Church Board, pointed out that the residence presently located on this property is on the westerly part of the tract, which would necessitate locating the filling station between the residence and the Church - the nearest place possible to the Church.

Mr. Gilbert Stuart was also present.

Mrs. Whitsel, from the Greater Oakton Citizens Association, read the following letter from the Association:

"May 12, 1958

Chairman
Board of Zoning Appeals
Court House
Fairfax, Virginia

Dear Sir:

The Greater Oakton Citizens' Association, at its regular monthly meeting on May 12, 1958, a quorum being present, passed the following motion:

'The Greater Oakton Citizens' Association opposes the establishment of a gasoline service station on the land adjacent to the Oakton Methodist Church, and also goes on record as opposing the establishment of gasoline service stations adjacent to any church in the community of Oakton, Virginia.'

Yours very truly,

GREATER OAKTON CITIZENS' ASSN.

/s/ Emil Lutz, Jr.
President"

Mrs. Whitsel objected to this for reasons stated, and also recalled that this was not brought before the Citizens Association when it was requested in 1956 - she did not think Oakton had a Citizens Association at that time.

NEW CASES - Ctd.

12-Ctd. Mr. Ralph Beahm, who owns the property immediately adjoining this tract on the opposite side from the Church, objected to this use, citing the fact that there are 15 acres in Oakton zoned for business which are waiting to be developed. He could see no reason to locate filling stations adjoining residences.

020

Mr. James Rogers told the Board that this Church is a very active organization. It is used seven days a week by one group or another - Boy Scouts, Cub Scouts, and the many groups directly connected with the Church. Mr. Rogers noted that this would locate three filling stations within 500 feet.

Mr. Beckner asked Mr. Beahm when he built on his property? In 1952 Mr. Beahm answered.

Mr. Beckner asked Mr. Van Houweling if the meeting at which they discussed this filling station was a regular meeting and were advance notices sent out to the congregation?

Mr. Van Houweling answered - "no" - that this did not come before the congregation, it was brought before the Church Board only.

Mr. Beckner asked Mrs. Whitsel how many attended the Citizens Association meeting at which this filling station application was discussed?

Mrs. Whitsel answered that a quorum was present - she was not sure how many - perhaps 35 or 40. Not all were members, however, but only the members voted.

At the time of the original hearing on this case, Mr. Beckner said he was chairman of the finance committee of the Church. They were contemplating the addition to the Church at that time. Miss Mary Bell made an offer to the Church of property on Hunter Mill Road, which would take the Church out of a business district. This was an offer of the ground free of any obligation to Miss Bell. He, Mr. Beckner, had thought it a very good move - to take the Church out of business and sell the property they are now on, which would help finance the new Church building. Dr. Pearson, Superintendent of the Northern District of the Diocese, appeared at a meeting and said - "no" - the Church should remain on the Highway where it can be seen. Keep the Church here, Dr. Pearson said, we can live with our neighbors. In spite of his objections, Mr. Beckner continued, the Church turned Miss Bell's offer down and went on with their building.

It is therefore unfair, Mr. Beckner pointed out, to cite the money the Church has invested in their buildings as a case in point against this application. The Church chose to remain here and now they want the business district to conform to the Church. They knew this application was pending when they started their building. The old sanctuary is nearest to the filling station, Mr. Beckner noted, but the only interference would be on Sunday morning when filling stations have very little business.

With regard to the well seepage noted in Mr. Van Houweling's letter, even if the permit is granted they must have a permit from the Health Department before they can operate.

NEW CASES - Ctd.

12-Ctd.

Mr. Beckner recalled that the vote taken two years ago - before the filling station hearing was held - was participated in by the entire Church and congregation - it was discussed in open meeting and it was not thought then that the filling station would be a nuisance. A Church which would chose to remain in the dead center of a business district should accept the consequences of its location.

021

Mr. Beckner called attention to the fact that Mr. Beahm built 11 years after the business zone was put in. He too knew this was the center of a business zone.

Mr. Van Houweling stated that the Church moved into their addition in June of 1956 - construction had begun in 1955 - before the filling station permit was granted. They did not start the building knowing that a permit had been granted on this property. Also, Mr. Van Houweling stated that the Church is not in the center of a business district - it is on the edge.

Mrs. Henderson asked Mr. Beckner if the company had any other style of filling station other than the standard type, which might blend in with the residential character of the area, perhaps of colonial architecture? Mr. Beckner answered that this station would be the standard white and green job.

Mr. Lamond thought the objections of the Church to a filling station were quite logical - the noise would interfere with the normal activities of the Sunday School and it would take away from the sanctity and dignity of the Church.

Mr. Mooreland recalled that any trade or service could locate here without special permit - even a property yard which is a normal retail service, and the Zoning Office could place no restrictions on that. This part of the Ordinance is very broad, Mr. Mooreland continued and the Commonwealth's Attorney has agreed that very little restriction could be put on a rural business area. Mr. Mooreland noted that Mr. Newton, with his equipment yard, probably could not be stopped from locating here.

If this case had been denied at the original hearing the Board would be in a difficult position, Mr. Beckner pointed out, but this is the same application, it is not offensive and where a Church is in a business district and choses to remain there, it puts the Church in the position of controlling the adjoining business property, which is not fair and equitable. This business district has been here for 17 years, Mr. Beckner continued, and the Church had the opportunity to leave - yet they stayed and now they seek to control what use is made of the property adjoining. That is not fair to the owner of this property.

It was brought out that there is one filling station in the immediate area and another under construction.

Mrs. Henderson thought the traffic situation could result in a hazard. She recalled the conditions in the Ordinance regarding the granting of a case of this kind - that it shall not adversely affedt the health and safety of persons working or residing in the neighborhood.

NEW CASES - Ctd.

12-Ctd. Mr. Lamond moved that the application be denied, because it appears that it will adversely affect the neighboring property, particularly because of the noise and traffic which would be generated by the installation of a filling station.

Seconded, Mrs. Carpenter

For the motion: Lamond, Carpenter, Henderson

Against the motion: J. B. Smith, T. Barnes

Motion carried.

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13- DOAK C. STOWERS, to permit division of lot with less area than required by the Ordinance, on north side of North Street, opposite Lots 11 and 12 of Oakwood Subdivision, Mt. Vernon District. (Rural Residence Class I).

Mr. Stowers said his father had started a shed on his property but before it was finished his father fell ill. He completed the job in order that his father would not lose what he had in the building. But when the shed was completed it had become a house, and he, Doak Stowers, Jr., moved in. His father had planned to build the house for rental purposes. There are now two houses on this property, which they wish to divide into two lots - one of which will have an area less than the half acre required. It was noted that a 10 foot outlet easement leads to the second house to the rear - from North Street. The porch shown in dotted line on the plat on the front house will be taken off, leaving the houses about 20 feet apart.

Mr. Mooreland said the division of the lots as shown on the plat was the best the surveyor could do. Both lots cannot conform to area requirements. Since there appears to be no other way to divide this property and the division applied for appears to be fair and logical, Mr. Lamond moved to grant the division of the lot in accordance with the plat presented with the case, prepared by Alvin C. Moran, Certified Land Surveyor, dated March 1958 and revised April 17, 1958. It is also understood that this division of lots will be recorded.

Seconded, T. Barnes

Carried, unanimously.

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14- NATIONAL SIGN COMPANY, to permit erection of three signs with larger area than allowed by the Ordinance (163 sq. ft.), Part Parcel 1, Section 1A, Culmore, Mason District. (General Business).

Mr. Kinder represented the applicant. This is a request for the same signs as granted by the Board on two other Seven-Eleven Stores - one on Arlington Boulevard, and one on the Falls Church-Annandale Road. This store is identical and the signs are the same size - 103 sq. ft. on the building pylon, 30 sq.ft. on the canopy and 30 sq. ft. on the free standing pole. Mr. Kinder called attention to the fact that the neon tubing around the outer edge of the pylon has been eliminated. This is their standard store and standard signs which they wish to maintain insofar as possible.

NEW CASES - Ctd.

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

Mrs. Henderson questioned the location of the free standing pylon. Mr. Kinder explained that the free standing pylon was not necessarily always located in the same place with relation to the building, but its location was determined by conditions on the ground - in order that it might have the most advantageous and appropriate location. This is located like the Graham Road sign.

023

Mrs. Henderson noted also that the pylon on the building was parallel with the abutting street in one case and at an angle in another. That too was done, Mr. Kinder said to have the most advantageous visibility. Then, Mrs. Henderson noted, the building pylon is not an integral part of the building, since it can be changed at will.

Since the building grows from the ground up - a pylon which has the same foundation as the building could be changed when the building is started. The plans are sufficiently adjustable as to allow for minor changes which would adapt the building to each particular location.

Mr. Lamond moved to grant the application as it does not appear that it would adversely affect the neighborhood.

Seconded, J. B. Smith
For the motion: Lamond, J. B. Smith, T. Barnes, Mrs. Carpenter
Against motion: Mrs. Henderson, stating that she was opposed to the free standing pylon.

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15- FOLKS & MILLER SIGN COMPANY, to permit erection of one sign with larger area than allowed by the Ordinance (Total area 213 sq. ft.), at 2823 Richmond Hwy. Millers Tourist Court, Mt. Vernon District. (Rural Business).

Mr. Miller represented the applicant. The signs in the immediate area, Mr. Miller told the Board, are very like the one he is asking for - both in size and character. They have 102 sq. ft. of sign on the property, which sign will be removed when the new one goes up. They have been operating here for about seven years, and they have found that the old sign is out-moded. The new and more modern signs around them - like Robert Hall and Kinney Shoes - dwarf this little 102 sq. ft. sign. While they have done a good business in the past seven years competition is getting strong and they feel it is necessary to modernize the sign in conformity with the trend of the times. They need a sign at least double what they have.

Mr. Lamond suggested that they did not need the extra advertising shown on the sign, television, air conditioning, and AAA Sponsored. Those are important Mr. Miller answered, other places have these listings. All these things help to bring in the customers.

Mr. Miller called attention to the fact that they have 250 feet of frontage. Robert Hall and Kinney Shoes have 150 sq. ft. in their pylons.

There were no objections from the area.

NEW CASES - Ctd.

15-Ctd. The sign is obviously too large, Mr. Lamond stated - he suggested that Mr. Miller discuss the idea of reducing the sign with the applicants - rather than allowing the Board to refuse the sign at once.

Mr. Miller thought the business, the frontage, and the character of the area warranted the large sign, but agreed to do what he could, although he felt that competition dictated the need for the large sign.

It was noted that the applicants had apparently made out very well with the "little 102 sq. ft. sign".

Mr. Lamond moved to defer action on this case to May 27th, to give the applicants the opportunity to reduce the sign area requested to at least 175 sq. ft.

Seconded, Mrs. Carpenter

Mr. Lamond asked that the applicant bring a revised illustration of the sign so the Board would know what it is granting.

Carried, unanimously.

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16- HAINES S. LIPPINCOTT, to permit existing shed as erected to remain within 3 feet of the side property line, Lot 2, Beechtree Subdivision, (1302 Beechtree Land), Falls Church District. (Rural Residence-Class I).

This is a corner lot with wide frontage on both Annandale Road and Beech Tree Lane. The place really has no back yard, Mr. Lippincott pointed out. In view of that this little shed was placed in the far corner of the lot - the greatest distance from both streets. Also his back yard is his neighbors side yard. The little shed which is in violation is about 10 feet from the south line and 3 feet from the west line. It would appear to be the most inoffensive place it could be located - both from the standpoint of the streets and the neighbors.

Mr. Lippincott said he did not know that a shed - so small - was subject to zoning restrictions. He moved it back close to the line to keep out of the way of the septic tank and found that the neighbors on both adjoining lots prefer to have it just where it is rather than located 10 feet from both lines. The neighbor on one lot has a screened porch on this side of his house - if the shed were moved forward to make the 10 foot setback from the west line, it would block his view from the porch, which they use a great deal. He is content the way it is.

The neighbor on the west says he prefers the 3 foot setback as it keeps youngsters from playing around the shed and therefore gives him more privacy the way it is.

Mr. Lippincott said he had put redwood siding and jalousies on the little building; he has attractive planting and a grill in the yard. He will have a pool in time. This is ideally situated to work in with his future plans. It is to be used for a play house for the children, for his wheel barrow, lawn mower and tools.

NEW CASES - Ctd.

16-Ctd Mrs. Henderson recalled that the Board had been deferring "shed" cases without processing them - pending the new Ordinance - because of inequities in the present Ordinance which will be corrected in the Pomeroy Ordinance. She asked why this came on to the Board instead of being held aside without action by the County?

Mr. Mooreland did not recall just how - nor why this had come up. He did not think there had been a complaint.

There were no objections from the area.

It was noted that the building could not be moved to the conforming setback without encroaching upon the spetic field - the only answer would be to tear the building down. If it were moved away - across the septic field - it would be near either one or the other of the roads, which would be a most unattractive location for a little shed, and he was sure most objectionable to the adjoining neighbor.

Mr. Lippincott said he could see no advantage in moving the shed and he could see many advantages in leaving it as it is. He had no wish to do anything to hurt his neighbors - and both affected neighbors have said they want the shed to remain where it is - completely out of the way of their view and it affords a certain privacy to the other neighbor. It would seem that the location as it is offends no one.

Mr. T. Barnes moved to grant the application, because of the location of the septic tank and field, and there are no objections from neighbors most affected, and in fact both adjoining neighbors prefer to have the building left in its present location. This is a corner lot with no back yard.

Seconded, J. B. Smith

Carried, unanimously.

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17- RAYCO OF ARLINGTON BOULEVARD,INC., to permit mufflers, tailpipes and exhaust system installations and repairs, Lot 2A, Section 7, Hillwood, (33 Arlington Blvd.), Falls Church District. (General Business).

Mr. Sattler represented the Company.

Since this requested use borders on a repair shop, Mr. Mooreland told the Board that he has requested the applicant to come before the Board. The case should be considered under Section 6-16 of the Ordinance.

They plan to increase the size of the building, Mr. Sattler explained, with an addition on the rear. The additional installations they plan (mufflers, tailpipes, and exhaust system) will increase the commercial activities on the property very little. They will use ground which is now occupied by Mr. Wissinger for storage of cars. This is not a noisy operation, it is not in the same category with a repair garage, Mr. Sattler continued. The Sleepy Hollow Citizens Association have stated that they have no objections to this use - nor do others in the area, including their competitors.

NEW CASES - Ctd.

17-Ctd. There are very few places in the area which specialize in handling mufflers for all cars, Mr. Sattler continued, it is a greatly needed service - especially in this area where there is so much urban driving and mufflers deteriorate so fast. They will have sufficient parking space at the rear - the area now being used by Mr. Wissinger, where he has 180 cars stored.
Mr. Lamond moved to grant the application with the understanding that it conforms to Section 6-16 of the Ordinance. Granted as per plat submitted with the case - plat labeled Job #503, dated 3/20/38.
Seconded, Mrs. Carpenter
Carried, unanimously.
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18- JAKE SNIDER SIGN COMPANY, to permit two existing signs to remain as erected (Total area 74 sq. ft.), north side of Arlington Boulevard west of Cherry St. on Kinney Shoe Store, Falls Church, District. (General Business).
Mr. William Volker stated that they had had no answer to the notifying letters they had sent out. They talked with the people adjoining and they said they did not care one way or the other. Mr. Volker did not have evidence to show he had sent the letters.
It was suggested that the applicant must show proof of notification even though the recipients pay no attention to the letters - the receipt showing that the letter was sent is all that is necessary in case there is no reply.
Mr. Lamond moved to defer the case to May 27th, for proof of notification to adjoining and nearby property owners.
Seconded, Mr. T. Barnes
Carried, unanimously.
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DEFERRED CASES:

2- NATIONAL SIGN COMPANY, to permit erection of three signs with larger area than allowed by the Ordinance, (163 sq. ft.), south side of Route #644 - 7 feet east of Hanover Avenue, Mason District, (Rural Business).
Mr. Kinder represented the applicant.
Mr. Kinder said they had talked with the people all around this location and very honestly he had found that they want this store in the area - they feel that it would be a great convenience.
The following letter from Mr. Tom Davis, First Vice President and Chairman of the Planning Committee of Springfield Citizens Association, was read;

"March 22, 1958

Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Honorable Board:

I refer to the application filed by the National Sign Company requesting a variance to permit installation of a sign 163 square feet in area on the business tract located on Keene Mill Road approximately at the junction of that Road with Hanover Avenue, to be heard by you on April 22, 1958.

DEFERRED CASES - Ctd.

2-Ctd. Letter from Mr. Tom Davis - continued

I am instructed to advise you that the Executive Committee of the Springfield Civic Association at its last meeting passed a resolution requesting that the Board deny this application or any variation of same which relates to a larger sign area for this business tract than is permitted under the Zoning Code. The Association also wishes to thank you at this time for the denial by the Board of a prior application by the Seven to Eleven Stores for a variance to allow a building within 14 feet of lot sides (where the Code requires 20 feet).

The reasons given in our earlier letter to you on the Seven to Eleven side line application are also pertinent to this case. In particular, such a sign would affect adversely the values of properties located on Hanover and in Monticello Forest. The exception or variance would also not be in keeping with business realities of the area in that it would over-advertise a business tract which is a spot-zoned tract. It would also detract from the orderly developed shopping center of Springfield.

In conclusion, aside from the important fact that such a sign would adversely affect the value of nearby residential property in Monticello Forest, it is highly questionable that a spot - or strip-zoned business tract should obtain a variance of this type which is apparently for the purpose of obtaining by means of exaggerated publicity a more favorable position in the public market than its business location as to site selection warrants.

Sincerely yours,

/s/ Tom L. Davis
First Vice President
Chairman, Planning & County Affairs Committee
Springfield Civic Association, Inc."

Mr. Kinder said that the people to whom he talked knew of this opposition from the Citizens Association, but the ones most affected are the ones who want the store. It is away from the Springfield shopping center and would be especially convenient for women without cars during the day - as they could walk to the store for small things.

Mr. Barnes moved to grant the application in accordance with the plat submitted with the case, dated 4/21/58, prepared by Springfield Surveys, H. L. Courson, Certified Land Surveyor, property located on Old Keene Mill Road (Rt. 644).

Seconded, Mr. J. B. Smith

Carried. (Mrs. Henderson voted against the motion).

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3- ERNEST ROBSON, to permit operation of a repair garage, part Lots 17 and 18, Section 1, Dowden Center, Falls Church District. (General Business).

No one was present to discuss this case.

Mr. Lamond moved to defer the case until May 27th at which time a decision will be made.

Seconded, Mrs. Carpenter

Carried, unanimously.

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4- THE JACK STONE COMPANY,INC., to permit erection of two signs with larger area than allowed by the Ordinance, 206 sq. ft. total area, Parcel C, Sec. I, West Lawn, Falls Church District. (General Business).

Mr. Jack Stone represented the applicant

4-Ctd. Mr. Stone recalled that the original request for sign area on the first "McDonalds" which was granted on U. S. #1, was for 278 sq. ft. of sign area. That was reduced to meet the Board's request. Now the Board had asked him to discuss further reduction with the Company. They are greatly disturbed, Mr. Stone told the Board, as they have reduced the sign once and they feel that another reduction would be beyond what would be workable and reasonable. Mr. Stone said he had discussed sign areas with Mr. Schumann and Mr. Mooreland preparatory to working up the new sign Ordinance, and they had come up with 300 sq. ft. or 2 sq. ft. for each square foot of frontage. That would work out, in this case, to be about the same area as the Hybla Valley business - about 167 sq. ft. In working out the 2 sq. ft. formula with 285 ft. of frontage, they would be entitled to more than they have asked for here. They are wanting the 167 sq. ft. plus 40 sq. ft. on the building - the same as is on the Hybla Valley business.

Mr. Gibson, from the Company, stated that they had made a very complete study of these signs after the Hybla Valley sign was reduced and have found that a further reduction here would be completely unworkable. They are behind a service road here which places them back just beyond the normal vision of the driver. They depend upon the sign to attract their business. If they can't have the sign area which will be immediately visible, they must abandon the project, Mr. Gibson continued. They have found in their surveys that the little boy in the back seat will sell more hamburgers than the father who is driving - they must have a sign that will attract the little boy and a sign that he can see easily. The 167 sq. ft. pylon will be satisfactory, Mr. Gibson went on, it is the same as Hybla Valley and that has proved a successful business. They have more sign area in other places - 275 sq. ft. is the regular amount in other counties.

Site distance was discussed.

Mr. Gibson called attention to the low place in the road at the location of this business and stated that visibility was not too good, also he called attention to the heavy traffic and the speed in this area.

Mr. Stone said he thought the studies on the new Ordinance were very realistic and would do away with about 90% of the sign cases now coming before the Board.

Mr. Mooreland thought the re-write of the Ordinance would allow 3 sq. ft. of sign for each lineal sq. ft. of building or 2 sq. ft. per lineal frontage of lot. That, Mr. Mooreland explained, would take care of large motels and stores. Any sign, however, would be limited to 300 sq. ft.

Mrs. Henderson asked if the type of highway was being considered?

Mr. Mooreland answered - "no" - that would be too controversial. The character of highway could change. It would be difficult to determine exactly the type of highway and who would determine at what point a highway might be classified as U. S. #1 or a U. S. #50.

DEFERRED CASES - Ctd.

4-Ctd. But there are no trucks on Rt. #50, Mrs. Henderson observed, and there is more residential property on Rt. #50 than on U. S. #1.

(Mr. Lamond disqualified himself in the vote on this because of his interest in the property.)

Mr. J. B. Smith moved to grant the application for a total of 206 sq. ft. of sign area - 166 sq. ft. on the pylon and 40 sq. ft. on the building.

Seconded, Mr. T. Barnes

For the motion: J. B. Smith, T. Barnes, Mrs. Carpenter,

Against: Mrs. Henderson

Carried.

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The meeting adjourned

029

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held May 27, 1958, at 10 o'clock in the Board Room of the Fairfax Courthouse, with all members present, Mrs. M. K. Henderson, Chairman, presiding

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

CLYDE A. FORNEY, to permit utility room to remain as erected 9' 4" from the side property line, Lot 6, Section I, Calvert Park, Mt. Vernon District.

Mr. Louk, from the Commonwealth's Attorney's office, was present, stating that this case is in Court and the Board of Zoning Appeals has been requested by the Court to review the evidence presented at the hearing of April 9, 1957 and determine if the Board will reaffirm its decision of that date.

After reading the minutes -

Mr. Lamond, who voted against the motion to deny the case, stated that he saw no change during this year to warrant a change in his vote. This case was fully discussed, Mr. Lamond continued, and in his opinion there is a definite hardship on Mr. Forney, because the septic tank is so close to the rear of the house.

These are small lots, Mr. Lamond pointed out, which were bought up by some speculator who probably was not too particular that all County requirements were met. It could be that there are many houses in the County in this same position, however, this condition has not come before the Board often and the purchaser of this property was apparently the victim of circumstances.

The Health Department requires that the septic tank be placed at least 10 feet from the House, Mr. Mooreland told the Board, the distribution box would require another two feet, and the drainfield is beyond that. Therefore, the drainfield would have to be at least 18 or 20 feet from the house.

Mr. Lamond said he was guided by the information presented at the hearing when Mr. Forney said he could not build the addition on the rear of his house because of the nearness of the septic tank and drainfield.

It was asked - how did Mr. Forney know the exact location of the septic tank? No actual proof of the location was presented at the meeting, and it was not certain if Mr. Forney had checked with the Health Department.

In this case, Mr. Mooreland stated, the Board had no authority to grant the variance simply because the man made the statement that his septic tank and field were in the way of the construction. No one knows where the septic tank is located - certain statements were made to the Board - but no substantiation of fact was presented. A little drawing of the tank and field with relation to the house was shown by Mr. Forney, but no indication that the Health Department had so located it.

But, Mr. Lamond contended, if the septic tank is located close to the house, the Board certainly would not expect the man to move it - if it were located in error before he bought the place. The function of this Board is to alleviate hardships, Mr. Lamond continued.

CLYDE FORNEY - continued

It was suggested that Mr. Clayton of the Health Department be asked to check his records and give the Board the location of the tank and field.

Then, if it is incorrectly located, will you grant this, Mr. Mooreland asked? Is it the policy of this Board to grant anything that happens to be wrong - does one mistake justify another?

031

Mrs. Henderson noted that it is possible for Mr. Forney to have his addition extended down the side, which would conform to setback requirements. She could see no hardship, since there is an alternate location.

Mr. Lamond moved to defer further action on the case until such time as the Board can find the exact location of the septic tank, and that Mr. Forney should be advised of this.

Seconded, T. Barnes

Mr. Lamond stated that he considered this a hardship to the applicant -which fact gives the Board the jurisdiction to grant it.
For the motion: Lamond, J. B. Smith and T. Barnes
Mrs. Henderson voted "no" - stating that the burden of proof of location of the septic tank is on the applicant.

Motion carried.

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It was agreed that Mr. Lamond contact Mr. Clayton of the Health Department regarding location of the tank and field - and report back to the Board at their next meeting - June 10th.

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1- DEFERRED CASE:

ALEXANDER S. ALEXANDER, to permit erection of an addition to dwelling within 15 feet of the side property line, Lot 21, Section 1, Oak Ridge, Providence District. (Rural Residence - Class II).

11- NEW CASE:

ALEXANDER S. ALEXANDER, to permit garage to remain as erected 49.4 feet of the Street property line, Lot 21, Oak Ridge Subdivision. Providence District. (Rural Residence - Class II).

NOTE: These cases were heard together.

Mr. Alexander recalled his statements made at the last hearing at which time he indicated that he had understood that this addition could come 15 feet from the side line. When he came for his permit and discovered a 20 foot setback was required he made application for the 5 foot variance. The last hearing brought to light his second violation on the garage, which was granted as a carport and subsequently had been enclosed. It is therefore too close to the street right of way.

It was noticed on the plat that the lot line on the side where this addition is proposed is not parallel with the line of Locust Drive, and that the lot becomes wider at the other end of the house. It was suggested that this addition could either be moved to that end of the house where it would

need less variance or the addition could be reduced to a 9 foot width, which would conform to the 20 foot setback.

Moving the room over would not accomplish his purpose as he could not extend the kitchen and dining area and enlarge the living room, Mr. Alexander answered the suggestion - the real purpose of his addition is to enlarge these rooms, and the 9 foot width was not sufficient.

Mr. Lamond suggested moving the addition to the Addison Street side. That would not conform to the plans of the house, Mr. Alexander stated, an addition which does not accomplish a purpose is no use to him, Mr. Alexander continued. He had planned this to give convenience and extra living space and there is only one place where the addition would serve this purpose.

This is a desirable addition, Mr. Alexander pointed out, it is an asset to the community, it would improve the house, there are no objections from the area - and he needs it - therefore, what reasons could there be for not allowing it?

Mrs. Henderson reminded Mr. Alexander that there may be many other places in the County where this same type of request could be asked and that it is the duty of this Board to try to keep some semblance of order and uniformity in the County by administering the Zoning Ordinance - rather than to allow the County to develop with a hodge podge of setbacks and irregularities.

Mr. Mooreland told the Board that his inspector had advised him that the garage (setback applied for in the second case before the Board) is 7 feet in front of the front line of the house. Mr. Alexander did not agree with this. The garage may be a few inches beyond the house, but nothing like 7 feet, he contended. Mr. Alexander assured the Board that his property line is not straight and the certified plat is wrong.

All we have to go by is the certified plat, Mr. Mooreland answered, and a certified plat is assumed to be correct.

Mrs. Henderson asked Mr. Alexander if he had obtained a building permit to erect the garage? He got a permit to enclose the carport, Mr. Alexander answered. However, Mr. Mooreland volunteered that the only permit issued to Mr. Alexander on this was for a carport. That was at first refused, Mr. Mooreland explained - then the Ordinance was amended to allow a carport to extend 10 feet into the front yard, and the carport permit was issued to Mr. Alexander, but no permit was ever given to enclose the carport.

Mr. J. B. Smith suggested allowing Mr. Alexander a 12 foot addition. This would be only a 3 foot variance, which he could use as a bay - thereby increasing the setback to conform to the 20 foot requirement.

Mrs. Henderson suggested that the Board should have a certified surveyors plat of the property. The house is not located parallel with the lot lines, Mrs. Henderson pointed out, according to the plat presented with the case and therefore there is no assurance as to the accuracy of any of the setbacks.

1 & 11 DEFERRED CASE & NEW CASE - continued

Mr. J. B. Smith moved to defer both cases - the one scheduled at 10:00 a.m. and the second case scheduled for 12:10 p.m., until June 10th, to view the property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES:

2- JESSE A. FLEENOR, to permit duplex dwelling to remain as erected, northerly adjacent to Springman's Subdivision, Lee District. (Agriculture).

Mr. Cockran represented the applicant. This case was deferred to view the property.

The house in question is a very old place, Mr. Cockran told the Board, probably considerably over 100 years. In 1937, before the Zoning Ordinance was adopted, the commanding officer at Fort Belvoir provided such housing as he could for army personnel, but it was very limited as very little housing was available in the area. Because of the need for housing this house was converted during 1937 to a two family dwelling and was rented to personnel from Fort Belvoir. This use has been continued on a non-conforming basis since that time. The records do not say if this use ever was abandoned for 180 days, but to the best of their knowledge - it was rented without a lapse.

The two family use of this building is not a permanent thing, Mr. Cockran explained, it is a temporary expedient until such time as someone will want this property for business purposes. This property has all the facilities available to it, and it affords the only access to the Shirley Highway cloverleaf from this area. This is the only Shirley cloverleaf that has not yet been developed - but it will be Mr. Cockran assured the Board - and in the not too distant future. This use provides a means of paying taxes on this property until it becomes profitable to develop. The use has been in operation for 21 years, there is no objection from the area, Mr. Cockran said he could see no reason to discontinue the status quo for the present.

Mr. Lamond agreed that rental units are in demand in this area and he did not think this two family dwelling out of keeping with the neighborhood - therefore, he moved that the the use of this building as a duplex dwelling be allowed to remain, as it will not adversely affect the neighborhood, nor is it out of keeping with the general area.

Seconded, Mr. T. Barnes

Mrs. Henderson thought granting this might encourage others in the area to ask for the same thing. If that happens, Mr. Lamond stated, the Board will have to make very sure that each case is handled on its own merits.

Mr. Mooreland said he would like the record to be straightened out if possible - Mr. Fleenor had said at the earlier hearing that this two family dwelling use was established in 1950. He later said it was done in 1946. Now he says it was established in 1937. Which is correct, Mr. Mooreland asked?

DEFERRED CASES: (continued)

2- ctd. Mr. Mooreland recalled that in July of 1950 Mr. Fleenor had built a house on this property which he said was a single family dwelling. He questioned where that house is located, and where other buildings on the property might be located?

Mr. Fleenor said he came to the Zoning Office at that time and was told to draw a plot plan showing the house location for the new dwelling. They also told him to show the old house - which he did. They did not ask for the location of any of the outbuildings. There were eight buildings on the property at that time, Mr. Fleenor continued.

Vote on the motion: For: Lamond, Barnes and J. B. Smith

Mrs. Carpenter refrained from voting as she had not seen the property.

Mrs. Henderson voted "no"

Motion carried.

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3- GROVER H. DODD, to permit erection of a building appearing as a single family dwelling and to be used as offices for Doctors, nearer to Street property line than allowed by the Ordinance. Lot 40, Buffalo Hills Subdivision, Mason District. (General Business & Suburban Residence-Class II).

Mr. William Hansbarger representing the applicant read the following letter from Buffalo Hills Citizens Association, dated May 22, 1958 - and his reply to the Association, dated May 26, 1958:

"22 May 1958

Mr. William H. Hansbarger
156 Hillwood Avenue
Falls Church, Virginia

Dear Sir:

Subsequent to the meeting between our Buffalo Hills Citizens Zoning Committee and Mr. Roan, Mrs. Whitman and yourself on Wednesday, May 14, the Buffalo Hills Citizens Association, at a special meeting on May 21, 1958 voted to support your application for zoning variance and use permit subject to the following conditions:

(1) Plans showing the exterior of proposed building to be submitted to appropriate committee of Buffalo Hills Citizens Association for approval. Plans to be similar to artists rendition as submitted at meeting on May 14, or as approved by Buffalo Hill Citizens Committee.

(2) The proposed building to be relocated on lot #40 so that it shall face on the road connecting Sleepy Hollow Road and Castle Road. As you face the building the left end shall be in line with the houses on lots 41 and 42; thus approximately 40 feet from Castle Road.

(3) Lot #40 shall be graded down to a few feet above Castle Road and connecting road on north side.

(4) Retaining wall shall be constructed parallel to and approximately 5 feet from the north side of lot #41.

(5) A planting strip of Hemlock trees not less than 4 feet high nor more than 4 feet apart shall be maintained above retaining wall; between lot #41 and retaining wall.

(6) Parking shall be provided on the west end of lot #40, the right end of proposed building.

(letter from Buffalo Hill Citizens Association - continued)

(7) There shall be no parking now or in the future on the east end of lot #40 (between proposed building and Castle Road) and this portion of lot shall be attractively landscaped.

We trust we can work together as proposed and agreed at our previous meetings in proper development of our community.

We would appreciate your acknowledgement of this letter and concurrence in proposals set forth above.

Sincerely yours,

/s/ Philip D. Yaney, President
BUFFALO HILL CITIZENS ASSOCIATION

Mr. Hansbarger's reply:

May 26, 1958

Mr. Philip D. Yaney, President
Buffalo Hills Citizens Association
22 Hazelton Street
Falls Church, Virginia

Re: Use Permit - Grover H. Dodd
Lot 40, Buffalo Hills Subdivision

Dear Mr. Yaney:

This will acknowledge receipt of your letter of May 22, 1958, on behalf of the Buffalo Hills Citizens Association, wherein seven specific proposals were set forth relative to the granting of a Use Permit concerning the above matter.

Please be advised that I have been instructed by the owner of Lot 40, Grover H. Dodd, and the purchasers, Albert D. Alexander and wife, that the proposals outlined in your letter are acceptable and that a Use Permit will be sought on Tuesday, May 27, 1958 at 10:20 a.m., before the Board of Zoning Appeals containing your proposals as part of the Use Permit.

Very truly yours,

/s/ William H. Hansbarger

In the original proposal, the applicant needed only the variance on setback, Mrs. Henderson noted, but if the building is relocated on the lot as suggested in the letter from Buffalo Hills - the applicant will require a use permit. Mr. Hansbarger agreed as the building would be located out of the business district. (It was recalled that that has been done by the Board in previous cases - particularly the Annandale Clinic).

Mr. Hansbarger showed front and side elevations of the approximate style and size of the proposed building. The drawing also showed the proposed wall and planting.

Mr. Lamond suggested that the building appeared a little large to be considered in the category of a "single family dwelling".

Mr. Hansbarger agreed - however, pointing out that it is an attractive building, brick construction, with simple colonial lines. While this may not satisfy absolutely everyone in the Citizens Association, Mr. Hansbarger stated, the majority are pleased with it and realize that it is just about the best that can be done under the circumstances. The lot is partially commercial and could be so used - it is not property which anyone would wish to put a house on -

3-Ctd.

a good transitional use is the only possible future for the property and this would appear to be that.

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Mrs. Henderson also commented on the building - saying that it is attractive, but by no stretch of the imagination could it be thought of as a "single family dwelling". This is an office building, Mrs. Henderson continued, to be placed on a residential lot.

Still, the people in the neighborhood are protected, Mr. Hansbarger pointed out. The lot must be used for tranitional purposes, and it would be difficult to find a more appropriate use.

Mrs. Henderson read the following letter from seven individuals living in the Buffalo Hills area - objecting to the action of the Citizens Association as detailed in the letter quoted above.

"May 24, 1958

Fairfax County Board of Zoning Appeals
Mrs. L. J. Henderson, Jr., Chairman
Court House, Fairfax County, Va.

Dear Mrs. Henderson:

The undersigned residents of Buffalo Hill wish to express strong disagreement with the action taken at a recent citizens' meeting relative to the size and location of a proposed structure to be built on Lot 40 in Buffalo Hill Subdivision. The action taken at this meeting is outlined in Mr. Yaney's letter to Mr. Hansbarger dated May 22, 1958.

We want your Board to know that:

(1) The vote was not unanimous
(2) Those who voted for it did not constitute a majority of the residents who live within sight of the proposed structure and who would be most affected by it.
(3) We believe that both the size of the structure and locating it on the front of the lot would violate both the covenant covering all lots in Buffalo Hill Subdivision and the existing zoning of the lot, to wit:

SIZE OF STRUCTURE: It will be recalled by members of your Board that at the hearing on April 22 of applicant's petition for a use permit and setback variance, counsel for the applicant read from the covenant requirements that structures erected on lots in Buffalo Hill Subdivision shall be detached single family dwellings, except for lots 37, 38 and 39 which face on Route 7. Counsel also read from the covenant requirements that all such structures shall be approved in writing by a majority of the trustees as to "conformity and harmony of external design with existing structures in the subdivision". A member of the Board asked counsel for a description of the building his client intended to erect on lot 40 and the counsel referred the inquiry to Mr. Roan, builder of the proposed structure. Mr. Roan responded that it would be "a colonial type in keeping with other homes in the subdivision", but gave no details. The Board requested Mr. Roan or counsel to furnish an artist's sketch of the proposed structure, together with drainage and parking plans, on May 27. In the interim Mr. Roan has submitted to a committee of the Buffalo Hill Citizens' Association a drawing of the proposed structure. It is a building 82 feet long, 40 feet wide, and 2-1/2 or 3 stories high - with a floor area of approximately 8500 square feet. Obviously this large floor area could reasonably be partitioned off into approximately forty separate offices, each measuring approximately two hundred square feet in area. We submit that by no stretch of the imagination can a building of that size and bulk be construed as having the appearance of a "detached single family dwelling", especially when considered in relation to other homes in the Buffalo Hill Subdivision. By way of comparison, the house on the adjoining lot 41 is a one-story structure 48 feet long by approximately 29 feet wide, with a total floor space of 1285 square feet. We do not believe that the proposed large structure could possibly be considered as complying with the covenants requirement of "conformity and harmony with existing structures in the subdivision".

Letter continued:

LOCATION OF STRUCTURE: Mr. Yaney's letter suggests relocating the proposed structure from the rear of the lot (where applicant intended locating it in order to comply with the zoning) to the front of the lot. This would cause the east end of the structure to be in line with the fronts of all existing homes on Castle Rd. We strenuously object to this relocating for two main reasons.

(1) It is our understanding that before relocating the structure it would be necessary to rezone the front portion of lot 40. To this we strongly object. We believe that rezoning would be a most serious mistake because it would represent spot zoning in our subdivision and we fear would be an open invitation for similar rezoning actions on other vacant and improved lots in this same general location.

(2) We believe that if a structure of the size proposed has to be built on lot 40, that it should be located as far as possible to the rear of the lot and that the lot be graded down to the present level of Castle Road in front of lot 40. By so doing we believe that the building will be less conspicuous from Castle Road, from Buffalo Ridge Road, and from seven or eight homes which are within sight of this lot.

Always in the past there has been complete harmony and friendship among all residents of the subdivision and we hope and trust that it may continue so. In this instance it is merely a difference of opinion among the residents of the subdivision as to what each thinks is best for Buffalo Hill as a whole. We are residents of the subdivision living nearest to lot 40 and who will have to live with whatever is built on the lot.

We therefore petition the Board to grant applicant's original request for a use permit locating the building on the rear of the lot and we trust the Board will do what it believes best for our community in reducing the size of the structure and in topography, drainage, and parking decisions.

Sincerely yours,

(Signed by seven residents of Buffalo Hill)"

In the light of this letter the Board again discussed the location of the building - Mr. Hansbarger assuring the Board that his client would comply with whichever location the Board preferred. They had offered to accept the changed location as a compromise - thinking it would be more satisfactory to people in the area.

It was stated that while there was some difference of opinion among the people in the area - just where the building should be located on the lot - the people realize that they have a commercial lot here, which they would like to see developed in the best way possible. They are not opposed to this use - they only want to be assured that the building will act as a buffer to protect the residential area from business. It was stated that there are probably 20 families who are in agreement with the building as proposed to be located, and four who are against it. The Citizens Association held several meetings on this and they feel this is the best use to be made of the land.

Mr. Rowan said the building would take care of a very limited number of doctors, as the units will have from 1200 to 1500 square feet of space.

The Board again discussed the size of the building with relation to the neighborhood - the location of the building and location of the parking space in an attempt to assure themselves that the greatest protection would be felt in the neighborhood.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Boan compared the size of the proposed building to many of the larger colonial homes in Buffalo Hills, and suggested that it was not out of keeping. This is a community of many large colonial homes and long ramblers - it is a combination of both large and smaller homes - a normally developed attractive community into which he thought this building could blend. He assured the Board that the pictures shown depict the building at its worst. The planting and landscaping and the interesting architectural detail would greatly add to the finished product, and would be an attractive addition to the area.

Mr. Mooreland recalled that on the Annandale Clinic, which is residential property, the Board not only granted the use but waived the 100 foot setback requirement on both sides - giving a 60 foot variance.

Mr. Lamond suggested locating this building in the commercial zone and granting the setback variance. He thought that arrangement with attractive landscaping and planting might cause less impact upon the neighborhood.

Therefore, Mr. Lamond moved that the application be granted - with the understanding that the building be placed on the lot as proposed at the first hearing on this case, utilizing the commercial zoning and that the building be allowed to extend back into the residential zone 30 feet. Sufficient parking shall be provided for all users of the use on the front of the lot with landscaping on the Castle Road connection and on the fringe of the lot. Landscaping shall include 4 foot evergreen shrubs. It is also included that a retaining wall will be provided on the back of the lot and that 4 foot evergreen shrubs shall be planted on top of the retaining wall. This is granted as it does not appear that it will adversely affect the health or safety of people residing or working in the neighborhood. It is also noted that a 15 foot setback shall be allowed on the front of the building. This case is granted in accordance with plat presented with the case - showing Lot 40, Buffalo Hills Subdivision, plat prepared by Patton and Kelly, dated March 10, 1958.

Seconded, Mrs. Carpenter

Carried, unanimously

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NEW CASES:

1- CAMP PLAY TIME, to permit operation of child care center in present building, N. E. corner of Lee Highway and Route #608, (Hunter's Lodge), Centreville District. (General Business).

Mr. Merrill Whitman, the applicant, discussed the case with the Board. Mr. Whitman identified this location as being in the rear of the Hunters Lodge Tavern. The room used for the nursery is the large addition which was put on several years ago.

NEW CASES - Ctd.

1-Ctd. Mr. Whitman explained that he would fence the play yard, he plans to have swings and play apparatus, and will use the Sprinkle ponies (from the property next door). He has had children here for the past month not knowing a permit was required to operate this use.

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Although he owns the Lodge, he will operate this entirely apart from the school use - they will not open at the same hours, therefore, will not be in conflict. The Lodge is open only Saturday and Sunday, while the school will operate from 9:30 a.m. to 4:30 p.m. for children from two to six years old. In summer he will have children up to twelve. He also owns a 100 acre farm in Loudoun County where they will make field trips. They plan for about 30 children with one adult for each 10 children. The children will be under constant supervision. He will comply with all State and County laws.

This would appear to be a strange situation, Mr. Lamond observed, a nursery school on the property in daytime and a tavern at night.

But there would be no connection between the two businesses, Mr. Whitman answered. They will sell no alcholic beverages on the property and the tavern will be run as a bottle club - for dancing and dining.

Mr. Whitman said he would have an inspection from the Fire Marshal and would comply with his requirements. He has told the State that he intended to open here and that he would comply with their regulations. He has asked someone from the State office to see the property.

Mrs. Henderson asked about this addition on the rear - when it was put on?

Mr. Mooreland said no permit was ever issued for this room. He didn't know how nor when it got there. The only permit requested on the place was from Doctor Adkerson to enclose a little porch on the Route 608 side - which was granted by this Board.

Mr. Whitman said he has been operating this school for about two months. He has 16 children enrolled.

Mr. Lamond thought this very risky to operate in this building with all these children without protection of compliance with the fire regulations. A fire caused by defective wiring could sweep through the building with very little notice and seriously endanger the lives of these children. Mr. Lamond thought the school should be closed or that Mr. Whitman should comply with fire regulations immediately.

There is very little danger of fire this time of year, Mr. Whitman assured the Board. There could be an exit through the front door of the restaurant if necessary. Mr. Lamond thought that not sufficient safeguard.

Mr. Mooreland said he had received copy of a letter to Mr. Whitman from the State telling him that he would have to comply with all State regulations.

There were no objections from the area.

In answer to Mrs. Henderson's question regarding sanitary facilities, Mr. Whitman said the installations were all inspected by the Health Department and okayed - he will have the electric wiring checked.

NEW CASES - Ctd.

1-Ctd. Mr. Lamond thought the case should be denied, at least until such time as Mr. Whitman can get the place in shape to pass all inspections - both by the County and State.

040

Mr. Whitman said he had been misinformed regarding the permit, and the license. He told the State office they were opening and he thought that was sufficient. He stated that he had not wanted to spend too much on the building then be refused by the Board.

Mr. Lamond moved that the use now being conducted on this property (a child care center and nursery) be suspended immediately (this day) and remain closed until such time as the applicant can meet all County and State regulations governing this type of use. It is understood that this permit will be issued - subject to compliance with County and State regulations.

Seconded, Mrs. Carpenter

Carried, unanimously.

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2- MARGIE E. DEAN, to permit conversion of existing structure to sleeping quarters, Lot 101, Annandale Acres, Mason District. (Rural Res.-Class II). This case had been deferred to June 10, 1958, as the applicant is in the hospital.

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3- JOHN H. NICHOLSON, to permit erection of dwelling within 35 feet of the street property line, Lot 72, W. R. Reynolds 3rd Addition Golf Club Manor, Dranesville District. (Suburban Residence-Class III).

The applicant withdrew this case.

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4- RAYMOND ANDERSON, to permit enclosure of existing carport within 18 feet of side property line, Lot 6, Section 1, Little River Pines, Providence Dist. (Rural Residence-Class II).

Mr. Ralph Erwin represented the applicant.

This carport has been built as an integral part of the house, Mr. Erwin explained, having a common roof over the house and carport. Since his house has no basement he is badly in need of this extra room for his children. The house is closer to the side line than he had realized when he planned this addition. The land is level - therefore presenting no topographic condition, but he could not put the addition on the rear of the house because it would be considerably more expensive and it would not harmonize with the floor plan. This would be enclosed with jalousies.

There were no objections from the area.

Mr. Lamond moved to deny the case as there is an alternate location for the addition on the rear of the house, and because no hardship has been shown by the applicant.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

5- FRANCIS PETROLA, JR., to permit recreational and boating activities on approximately 15 acres of land, on south side Route #647, approximately 1.5 mile west of Route #123, Lee District. (Agriculture).

041

Mr. Petrola said he had lived on this property for 50 years. His property has been used as a public access for people going back and forth to the river front - many of whom have been friends for a period of many years. But, Mr. Petrola continued, civilization has finally caught up with him and many more people are coming each year - for fishing and boating. Over the week ends his yard is filled with 15 or 20 cars - people going to the river. He is now in the position where it is sensible to go along with changing times, Mr. Petrola continued. If he is to have a recreation area on his property - he might as well have it operated under County restrictions. He would like to bulldoze off about 3 acres so people can have an open area to the river. He would build a road and put in a parking lot. To finance these improvements he is asking for this permit. This will be a private road all on his property. He has riparian rights over the flood rights which were bought by the Occoquan County for the power line back in 1901.

There were no objections from the area.

Mr. Petrola said he had no near neighbors so he had notified people within a radius of two miles - covering about 1200 acres. None have objected.

This place is something of a fisherman's paradise, Mr. Mooreland told the Board. He knew many people from the Courthouse and this area who have gone to Mr. Petrolas for years - it has served as a very pleasant recreation for many of the old time fishermen in the area.

There will be no swimming, Mr. Petrola told the Board, as the water is too deep and dangerous, and this is used for the Alexandria water supply - and State regulations prohibit swimming. Also they will not allow fire arms nor high speed motor boats.

Mr. Lamond moved to grant the application, as it does not appear that it would adversely affect neighboring property and it is in keeping with the area. The following statement from Mr. Petrola's letter of notification to his neighbors is made a part of this granting:

"It is my intention to open a small portion of my property located on Hampton Road (647) for a public recreation area for the citizens of the area. This recreation area will be for the purposes of fishing, picnicing, and related activities. There will be no commercial activity other than that related to recreation, no alcholic beverages will be served. The activities will be strictly controlled by a system of some acceptable 'land - access' permit - in order that any possible undesirable client may be excluded."

Seconded, Mrs. Carpenter

Carried, unanimously

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NEW CASES - Ctd.

042

6- HARTLEY F. DAME, to permit conversion of carport to garage and sun porch over within 10 feet of the side property line, Lot 40, Section 2, Barcroft Terrace, (7508 Parkhill Drive), Mason District. (Suburban Residence-Class II).

Mr. Dame showed sketches of the front and side elevations of his home, indicating the carport enclosed to make the garage with the sun porch on the second story. The end of the sun porch would be enclosed for winter use.

Mr. Dame stated that he has a family of five children with a considerable difference in the age groups, therefore it has been necessary that they have separate recreation areas to take care of the different age groups.

This is the only place he could have an addition, Mr. Dame explained, as there is a ravine at the back of the house and the property drops off at the front.

Only one other carport in the area has been enclosed, Mr. Dame pointed out, it is attractive and very adequate. That carport gave him the idea for his addition.

Mrs. Henderson suggested that Mr. Dame buy 5 feet from the adjoining lot.

He had tried that, Mr. Dame answered, he had talked with Mr. Arthur Walters who owns the lot but he is not interested in selling a portion of the lot and the price of the whole lot is prohibitive.

Mr. Lamond moved to grant the application because of the topographic condition which presents an unusual situation.

Seconded, Mr. T. Barnes

For the motion: Lamond, T. Barnes, Mrs. Carpenter

Against: Mrs. Henderson, J. B. Smith

Motion carried.

Mr. Lamond commended Mr. Dame on his excellent preparation of his case.

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7- FAIRFAX COUNTY HOSPITAL & HEALTH CENTER, to permit erection of a temporary sign of 124 sq. ft. on west side of Gallows Road, Route #650, approximately 2400 feet south of Route #50, Falls Church District. (Rural Residence-Class 2).

Mr. Don Wilkins represented the applicant.

Mr. Mooreland explained to the Board that the Hospital Association does not need to come before the Board for this variance, since according to the Zoning Ordinance the County is exempt from this requirement. The Association has made this application to assure the fact that the Zoning Office will not be criticized for granting this over-sized sign.

Mr. Wilkins stated that the Hospital Commission had decided unanimously that any permit or any requirement in the County ordinances would be complied with by the Commission.

This is an informational sign, Mr. Wilkins pointed out, showing the location of the hospital and what it is to look like, put here in order that people who are putting up the building money and who own the land may know more about it.

NEW CASES - continued

7-Ctd. Mr. Wilkins said he had talked with the State Highway Department, who will allow two signs at Gallows Road and the Boulevard to show the location of the hospital. This sign will be located 35 feet back of the centerline of Gallows Road. The total sign area requested is 124 square feet.

043

There were no objections.

Mr. Lamond moved to grant the application.

Seconded, T. Barnes

Carried, unanimously.

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8- JOHN L. BOWDEN, to permit erection of an addition to dwelling within 11 feet 8 inches of side property line, Lot 54, Accotink Heights, (907 E. Esterbrook Drive), Falls Church District. (Suburban Residence-Class III).

This is a subdivision of about 50 homes, Mr. Bowden told the Board, recorded in 1940. He was granted a variance on the garage addition in 1952 because a clause in his deed says that no building could come closer to the side line than 8 feet - but it appears, Mr. Bowden observed, that that 8 foot setback has no weight at this time.

There is a misunderstanding regarding the 8 foot setback, Mr. Mooreland explained - Mr. Bowden was not granted the less setback on the carport or garage because of the 8 foot restriction in his deed of dedication. It is not true that the 8 feet was granted at one time and is refused at another. The deed does not say that <u>any</u> building may come within 8 feet of the side line and it does not say that you can build in this subdivision within 8 ft. of the line, irrespective of the laws of the County. The granting of any setback is at the discression of the Board.

When he bought this property he thought the 8 foot setback would hold, Mr. Bowden stated. He needs the room - having only two bed rooms - and he does not have an expandable attic. It is impossible to build on the rear as it would close the basement windows and entrance, and the addition would be too close to the septic tank. It would also be more expensive to add on the rear. They had planned to sell this house in the Spring, Mr. Bowden told the Board, in order to get a place with more room, but they turned down a sale offer thinking they could put the room on - which would serve his purposes and he did not feel able to take on additional debt for the larger house. The builder had told him the room could be added. There are very few houses in this subdivision with only two bed rooms, most of them have three or four - or at least they have an expandable attic. Those few people with the two bed rooms will not wish to expand as most of them have no children. There are homes already built which are closer to the side line than he is asking, Mr. Bowden told the Board, one porch is 4 feet from the line.

Mr. Mooreland said he went to see this property - to be sure he could not grant the variance - on the basis of the old subdivision recorded before the Ordinance, but could not, as the area more than meets the requirement of the Zoning Ordinance.

NEW CASES - continued

8-ctd. Since there is an alternate location for the addition, Mrs. Henderson called attention to the fact that the Board does not have the jurisdiction to grant this.

This is one of the first houses built in this subdivision, Mr. Bowden explained, and it is smaller than most of the others - by adding the room it would be more in keeping with other houses in the area. Other people in the subdivision are under the impression that the 8 foot setback holds, Mr. Bowden continued, they have no objection to this. They would have bought the larger house had they realized this addition could not be put on.

It is unfortunate that many people are ignorant of the zoning laws, and these regulations are so often ignored, Mrs. Henderson stated, but it is not the purpose of this Board to go along with misunderstandings or misinterpretations.

Mr. Lamond suggested an addition at the rear of the garage. That would interfere with the septic tank, Mr. Bowden answered. He assured the Board that the only way to put on the addition is on the one side.

Mr. Lamond moved to defer the case until June 10th, to view the property.

Seconded, J. B. Smith

Carried, unanimously.

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9- SAM L. HERRELL, to permit operation of a private recreation area, on N. E. corner of Route #236 and Prince William Drive (Westchester Subdivision), Providence District. (Rural Residence-Class II). (Jessee Johnson Community Assn.)

Mr. Herrell recalled that after the original swimming club was granted to Jesse Johnson Corporation, the subdivision ran into financial difficulties, and not enough homes were built to support the swimming club. Mr. Herrell bought the swimming pool in the foreclosure.

They plan to operate only the swimming pool this season, Mr. Herrell explained, but will wish to expand the facilities to include tennis, badminton, putting green, and whatever other activities the members might wish, in the future.

This is practically identical with the permit granted by the Board to Mr. Johnson - except the membership will not be restricted to property owners or people living in Westchester or the immediate neighborhood. It will provide the community with recreational facilities and will be well located to serve a well developed area. They hope this will carry itself financially - it is not planned to be a money-making proposition. This year it will probably run at a deficit, but as time goes on and they have more members, they believe it can carry itself. He met with the people in Westchester, Mr. Herrell told the Board, and they have no objections to opening membership to people other than Westchester - they are all enthusiastic about the project and are eager to have it opened this season. He had notified 43 people, Mr. Herrell continued, and found no objections - but rather - all endorsed the club. They have engaged the same firm to operate the pool as operated it last year.

NEW CASES - continued

9-Ctd.

Mr. Mooreland asked if the former corporation to whom this use was granted has been dissolved. The foreclosure cut off any legal rights of that corporation, Mr. Herrell answered. They have advised the present members of the club and those joining that the club will be sold to them as soon as it is able to maintain itself.

045

Mr. Mooreland thought the Board should be assured in some way just how the club will be operated. The present plans may not materialize, Mr. Mooreland continued, and the Board should know that this will not develop into just a public pool - there should be some control to know that this will be a membership club - operated by the members, and under their control.

Mr. Lamond asked what the difference would be between this pool and the one the Board granted on the Crippen property. That is a very large thing, Mr. Mooreland answered, and it is far away from everything. This would be in a closely developed area, with homes practically adjoining the pool.

Mrs. Henderson suggested that the Board should have a statement of the activities planned on the property now and in the future.

Due to the lateness of the season, Mr. Herrell stated, he would like to know today if this can be operated. He has no plans for activities beyond the swimming pool and the use of the club house for this season, and he would like to open on that basis. However, Mr. Herrell continued, as the demand arises, he would like to add other facilities - tennis, badminton, and putting, but it is very sure that nothing will be added until the people want it and until they can afford to do so. If the Board should grant this limited use today - they could open on May 30th, Mr. Herrell continued - which they would like to do.

They have plans to turn the pool over to Mr. Winkler of the Red Cross in the mornings for Red Cross instruction. The pool would then be open to the members from 12 o'clock until 9 at night. They would probably have a small snack bar - with hot dogs, candy and packaged sandwiches.

Mrs. Henderson suggested that if the Board should grant this today, perhaps the extensions of facilities could be made by letter to the Board without Mr. Herrell having to come back for further hearing.

Mr. T. Barnes moved to grant the application with the activities limited to use of the Club House, a snack bar, and swimming pool for the 1958 season. Any extension of additional facilities will require the approval of this Board. It was also included that the applicants may have picnic grounds and badminton during the 1958 season. This is granted to the applicant only.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - continued

10- MARJORIE COOKE, to permit erection of an additional building on property for use as a day nursery, N. W. corner of Popkins Lane and Davis Street, Mt. Vernon District. (Suburban Residence-Class II).

She has been operating this school for over six years, Mrs. Cooke told the Board, and it is her plan now to construct a new building - a one story with brick facing. The building would be located on the 1.1 acre - wherever the Board would wish to designate. She has 50 children in the existing building. With this extension she could probably have 80. This is primarily a kindergarten and first grade - most of whom stay for the half day - a few of the children, about 20, are there all day.

At present they conduct the school on the first floor of the existing building and live on the second floor. When the school building is erected, they will live in the existing dwelling and all school facilities will be in the new building. They have public sewer and water.

The building will conform to county and state regulations in every way.

Mr. Lamond moved to grant the application, provided it meets all requirements of the County and State pertaining to this type of operation.

Seconded: T. Barnes

Carried, unanimously.

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12- HARRY M. HODGE, to permit existing carport to remain as erected within 9 feet 6 inches of the side property line, Lot 10, Block 21, Section 4, North Springfield, (5418 Ferndale Street), Mason District. (Sub. Res.-Class II).

Mr. Hodge showed pictures of his carport indicating the type of construction and the stage to which the construction has progressed. The carport will be unenclosed except for a small area at the rear, which will be enclosed for storage of garden tools and yard equipment. His building permit shows that this structure will be 10 feet from the side line, Mr. Hodge explained, but they started measuring to get the setback from the border of what he thought was his yard, and it resulted in this violation.

The home of the neighbor on the adjoining lot is located 22.7 feet from his line - therefore, this setback could be 9 feet 8 inches from the line and still maintain the required distance between the houses.

It is difficult to locate the exact lot line, Mr. Hodge continued, from the stakes that are in the ground, without making an entirely new survey.

Mr. J. B. Smith suggested moving the posts back - in toward the house to take up the 6 inch violation.

Mr. Hodge did not think that practical, he has the footings in to support the 2 x 6 boards which support the roof - changing the posts would throw the contour off, and the support of the roof would not be properly balanced. This roof is a continuation of the roof of the house. It looks very attractive Mr. Hodge continued, in fact this house has often been used in the advertising of the North Springfield area.

NEW CASES - continued

12-ctd. When he bought, Mr. Hodge told the Board, he was told that he must have any contemplated change in his house approved by the C. & J. Company Architectural Control Committee. He did that - he showed the Committee what he wished to build and explained his plan. He had a letter in return, dated April 15th, stating that his plan was approved by the Committee - that the addition not only met their requirements but it would be an attractive addition to the neighborhood.

047

It was noted that this carport is about 32 feet from the neighbors house on the adjoining lot. His carport would have to be 11.5 feet in order to come within regulations, Mr. Hodge continued, he thought that not wide enough. Since there is an uncertainty as to the exact lot line between these two houses, Mr. Hodge told the Board, his violation cannot be estimated exactly. There are about 2 inches of "no man's land" between the houses, and no one is entirely sure to whom it belongs.

Mr. Mooreland said these discrepancies can happen easily because most people are uncertain from which point to start measuring in determining a setback. Also people have the impression that a fence cannot be placed on the property line (which the Ordinance does allow). When a property owner puts his fence a couple of inches within his property line - trouble with the actual line starts.

If these plans are submitted to the C. & J. Architectural Committee for approval, Mrs. Henderson suggested that Mr. Carr's Company should know if the setback conforms to the County regulations before giving approval on the additions. She could foresee many others going ahead with construction on an addition which is in violation.

Mr. Hodge called attention to the fact that his deed says he could come within 8 feet of the property line with any construction. However, Mr. Mooreland answered that that meant an accessory building - not just any construction. Mr. Mooreland said people in this subdivision have misunderstood that clause in their deeds.

Mr. Herbert, who lives two doors from Mr. Hodge, stated that he had no objection to this encroachment and thought the carport an attractive addition to the neighborhood.

Mr. J. B. Smith moved to grant the application because it is a small variance and the house on the adjoining lot is 22+ feet from the property line, which gives adequate space between houses and this would not appear to adversely affect the neighborhood.

Seconded, Mr. Lamond

Carried, unanimously.

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NEW CASES - continued

13- A. F. KRAUSE, to permit erection of a garden tool building within two feet of the side and rear property lines, Lot 205, Section 6, Broyhill Crest, (1327 Larchmont Drive), Falls Church District. (Suburban Residence-Class II)

Mr. Krause showed the Board pictures of his house and tool shed, indicating its location with relation to adjoining property. The letters of notification to adjoining and nearby property owners all carried the statement in return that they had no objection to this shed, either from the standpoint of design or location.

Mr. Krause pointed out that his lot is three or four feet below the level of the adjoining lots at this point, and the little building setting in that corner would be just about roof-high with the fence along his neighbors' property line, and therefore would be unobjectionable to any of the neighbors. The shed would be 8 x 12, cypress siding with batton strips, painted brick red. He has taken great care in the design and construction of the little building, Mr. Krause said - to be sure that it would add to the charm of the colonial atmosphere of the area, and would blend harmoniously with the development of his yard. However, it was noted that the structure is not fire proof, and it has not been the policy of the Board to grant non-masonry buildings closer than 4 feet from the side and rear lines.

Mr. J. B. Smith asked if the building could not be located 4 feet from each of the property lines? It could, Mr. Krause answered, but actually he would like to have it right up against the line - the closer to the line it is located the better for all concerned - since it would be better shielded and less noticeable to the neighbors. He plans to put in attractive planting. There were no objections from the area.

Mr. J. B. Smith moved to grant the application, allowing a 4 foot setback from the two property lines, rather than the 2 foot setback as requested - because it does not appear that this would adversely affect the neighboring property.

Seconded, Mrs. Carpenter

Carried, unanimously.

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14- DORSEY BEACH, to permit dwelling to remain 22.3 feet of Street property line and 13 feet of the side property line, Lot 3, Beach's Addition to Pine Ridge, Falls Church District. (Rural Residence-Class II).

This is an old house which has been incorporated into this subdivision, Mr. Beach explained, he plans to add to the house to modernize it and make it more attractive. As it is - it would not be in keeping with the new construction which will take place in the subdivision.

They would add two side wings which would give the house balance, and character. The building is non-conforming as to location from the street and one wing would be in violation.

NEW CASES - continued

14-ctd. These are structural alterations, Mrs. Henderson noted, which are not allowed by the Ordinance - on a non-conforming building. From the picture of the proposed additions, Mrs. Henderson suggested that the house would not be in keeping with whatever is done in the subdivision.

049

Mr. Beach said he had talked with Mr. Smith who has bought lots on either side of this house, and showed him his plans for this house. Mr. Smith has no objections.

There is a curve in the road starting at Lot 4, Mr. Beach told the Board, the house on that lot would be back of this dwelling. On the other side, Lot 2, Mr. Smith would work up gradually to the 50 foot setback - staggering each front setback until he reaches the 50 feet required.

Under the new ordinance, Mr. Mooreland said, it is proposed that anything that has been erected before the ordinance he (Mr. Mooreland) can grant a variance up to 2% of the width. The Board can grant up to 10%.

Mr. Mooreland told the Board that he believed when this property was divided this building was supposed to be removed. (Mr. Beach said as far as he knew that was not so.) Subdivision Control would not approve a plat, Mr. Mooreland went on, if this building was here in violation, as they could not record the plat with that violation. Mr. Mooreland recalled many times subdividers have come before the Board to have such violations cleared before they can record their plats.

His attorneys put this on record, Mr. Beach stated, and they told him nothing of such an agreement - to remove the house - or to suggest getting approval for the location of the house before this Board.

Mr. Mooreland asked if this house was shown on the subdivision plat?

Mr. Beach thought not - he was not certain.

It could have been that the agreement to remove the building was verbal, Mr. Mooreland continued, he didn't know how those things were handled between Subdivision Control and the developers - but there must have been a definite understanding.

Mrs. Henderson asked if the building could be moved back to make it conform?

Mr. Beach said that would not be practical - he had looked in to that.

It was noted that a 5 foot easement to be used in straightening the curve in the road is set aside for future use.

Since the house is about 25 years old, and it cannot very well be remodeled to be harmonious with the modern development, and it is not practical to move it, and the Board has no jurisdiction to grant structural changes in a non-conforming building, Mrs. Henderson suggested that it might be wiser to tear the building down and start all over. She thought it would probably be an improvement to the neighborhood to get rid of the building which would be entirely out of harmony with a newly constructed development.

The unfortunate thing is, Mr. Beach explained, that they have a great deal of new equipment inside the building which they cannot sell for any substantial amount and they could not use it in a new house.

NEW CASES - continued

14-ctd. This is a reconstruction job, Mr. Lamond observed, rather than remodeling. It would cost $1500 to move the house back, plus the cost of a basement. It would have to sell for at least $25,000 in order to come out - which the house would not bring, Mr. Lamond stated.

The granting of this 25 foot setback would encourage others to ask the same thing, Mr. Mooreland commented, it would not look good to have this old house setting out in front of the other - newer homes. Again, Mr. Mooreland questioned the fact that this subdivision could go on record with this building shown on the plat - in violation.

There were no objections from the area.

Going back to the recordation of the subdivision plat - it was noted that the plat was approved with the house on the property.

But, Mr. Mooreland contended, it is very likely that the house should not be there. He felt the Board should know whatever transpired between the Subdivision Control office and the owner of the property, or his engineer or attorney. The attorney, as legal representative of the owner could have made the agreement to remove the house. It may have been a verbal agreement - but under any circumstances if the attorney made the agreement it would be considered authoritative by the County offices.

Mr. Frank Carpenter did the engineering on this, and Deem and Slagel handled settlement, Mr. Beach stated, he told them to put the plat on record - and he heard nothing of any agreement to demolish or remove the house.

The Board asked Mr. Mooreland to bring the subdivision plats in for observation. The case was set aside temporarily.

In the meantime the Board discussed:

15- LOUISA LEE WILLIAMS, to permit division of lot with less frontage than allowed by the Ordinance, Lot 6, James Lee Subdivision, Falls Church Dist. (Suburban Residence-Class I).

Mr. Hansbarger represented the applicant. Mr. Hansbarger stated that Mrs. Eleanor Barnes, who has been helping Louisa Williams to get a home for her son, was present and that she concurs in this application.

Mr. Hansbarger located the property, explaining the reason for the request and presenting a supporting petition with 23 signatures.

Louisa Williams has owned this property, approximately 1/2 acre, since 1929. Mrs. Barnes helped her to buy the property and make a home for herself. She now has her own home on the eastern half of the property. Louisa has a son, Joseph, who works for the County, Mr. Hansbarger told the Board. Joseph has four children and is now living in two rooms. Louisa has located a little building, which if this 1/2 acre could be divided, she would buy and have moved on to this property for the use of Joseph and his family. The 1/2 acre could be split so each lot would contain approximately 10,891 sq. ft., which is above the minimum required by the ordinance in this zone - but both lots would have less than the required frontage - approximately 62.8 feet each. They will have sewer and water.

NEW CASES - continued

15-ctd. Mr. Lamond suggested that the property be divided so the lot with the existing house (Louisa's home) would conform to frontage requirement and allow the variance on the other lot - to be used by Joseph. That was agreeable to Mr. Hansbarger. This would give the Louisa lot a 70 foot frontage and a variance of 12.5 feet on the other lot. It was noted that the house could be located to conform to setback requirements on the smaller lot. 051

Mr. Lamond moved to grant a division of the lots in such a manner that the lot on which the present dwelling is located will have a minimum of 70 feet frontage and that the Board grant the variance on frontage on the other lot. Seconded, Mr. J. B. Smith

Carried, unanimously.

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14-ctd. At this point Mr. Mooreland returned with the DORSEY BEACH plats and the Board continued with that case.

Mr. Mooreland said he was unable to contact the surveyor. The preliminary plat shows the house on Lot 3 but the house is not shown on the final plat, which was recorded. However, the preliminary does not show that the house is to be removed. Something must have been decided, regarding the house, between the handling of the preliminary plat and the final, Mr. Mooreland stated. Subdivision plats require that all buildings be shown with their locations with regard to streets or lot line.

Mr. Mooreland said he had discussed this with Mr. Schumann, who said that the house would have to have approval from this Board or be removed.

Had he not known of the background of this, Mr. Mooreland stated, his office would have issued a permit, but since it has come to light it will have to be cleared up. Actually, Mr. Mooreland continued, the subdivision itself is in violation because it was recorded without showing the existing house.

Mr. Mooreland asked if there were any other buildings on the property?

Mr. Beach answered - "yes" - several; the garage, an old shed and a barn - the barn will be torn down. None of these buildings are shown on the recorded plat.

Mr. Mooreland said he also talked to the men in Subdivision Control. They too don't know why these buildings are not shown on the final plat.

It was brought out that Mr. Smith (who owns the lots on both sides of this house) cannot get permits for buildings on his lots because the Subdivision is in violation.

Mr. Lamond moved to deny the requested addition on Lot 3, Beach's Addition to Pine Ridge, as the variance is so great that the Board feels it does not have the jurisdiction to approve it. This is a new subdivision and the Board is of the opinion that it should be started in the best way possible to set the pattern for good development and the Board also believes that to grant this would impair the general purpose and intent of the Zoning Ordinance.

Seconded, Mrs. Carpenter - Carried, unanimously.

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NEW CASES - continued

16- WORTH V. ANDERSON, to permit existing structure to remain within 23 feet of the rear property line, Lot 21, Section 1, Fairwood Acres, Lee District. (Agriculture).

This little building was originally designed for a construction shed, Mr. Anderson told the Board. He had put the shed far back on his lot as he had planned to some day build a home toward the front of the lot. He has abandoned that idea for now, Mr. Anderson continued, and wishes to cowert the little existing building into the rear of his house. He would make this into a kitchen, and put the other rooms toward the front of the lot. It was noted that there would be no further encroachment on the rear setback line. He has about one acre, Mr. Anderson continued, he will meet all building requirements. He could not move the little building, Mr. Anderson explained, as a chimney is attached to the building, which would have to be torn down. He has put quite a bit of money and time into the building and he would like to use it to the best advantage. He is doing the building himself. Mr. Anderson said he could not purchase additional land from the rear property owner - as Mr. Mooreland had explained that that would require a resubdivision, which cannot be done.

This property is generally hilly, Mr. Anderson explained, but it is level at the spot where he wished to put the addition.

There were no objections.

The applicant has plenty of room on the lot, Mr. Barnes noted, and the location is off only about two feet at the rear, he therefore moved to grant the application because of the topographic condition - there is a hill at the back of the property. This is a small variance and would not appear to adversely affect the neighborhood. This is granted as per plat of Lot 21, Section I, Fairwood Acres, presented with the case.

Seconded, Mr. Lamond

For the motion: Lamond, Barnes and J. B. Smith

Against: Mrs. Carpenter, and Mrs. Henderson

Motion carried.

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DEFERRED CASES

4- JACK M. MANHERZ, to permit dwelling to remain as erected 10.3 feet of the side property line, Lot 19, Section 4, Mt. Vernon Woods, (404 Martha Washington Street), Lee District. (Suburban Residence Class II).

Mr. Gordon Kincheloe represented the applicant. Mr. Kincheloe recalled that this case had been discussed at length at the last hearing, and it was the Board's opinion that the builder, Mr. Miller, was the culprit....

Mr. Kincheloe quickly reviewed the facts in the case. The house was originally built with the carport located 10 feet from the side line. When Mr. Manherz talked with the sales agent he said he would buy the house if the carport

DEFERRED CASES - continued

4-ctd.

would be enclosed. Mr. Manherz moved in during July of 1956. When he moved the carport was completed. Final settlement was made during August of 1956. The violation amounts to 4.7 feet, Mr. Kincheloe pointed out.

053

This is a case of extreme hardship on the owner, it is a situation of which he had no knowledge, and over which he had no control. He was guilty of no wrong doing.

Mr. Kincheloe showed pictures of the building, indicating its relation to the house on the adjoining lot. He also showed pictures of other houses in the subdivision noting that they are ramblers and split levels - long houses - most of which have carports. The five people most affected have stated that they have no objection to this encroachment.

Mrs. Wade, the neighbor adjoining the carport side added the following statement to her letter of notification, "The closed-in carport is on the side of the house nearest my property and I much prefer that it remain as it is. (signed) Irene Wade".

Mr. Kincheloe noted that the carport was shown on the plat as a part of the house and was so approved. However, Mr. Mooreland insisted, that the plans called for an open carport and it was approved for that. It is true that the line indicating the carport is a solid line and not broken as it is usually done to indicate a carport - yet both the plans and the permit called for a carport. Mr. Mooreland suggested that granting this would encourage others to make similar requests.

Mr. Kincheloe said the people in the neighborhood are very sympathetic with Mr. Manherz, they dont want to see him lose anything of what he has paid for in this house - they realize he has a substantial investment in the property and he should not be required to do anything which would depreciate the value. Mr. Manherz came from another state and bought here without the slightest knowledge that this house had an illegal setback. He is a victim of someonelses violation of the law.

Mr. Kincheloe stated that it was agreed by all that Mr. Miller, is the offending one - but there appears to be no control over Mr. Miller - he cannot be forced to appear here - therefore, Mr. Kincheloe asked the Board to grant this small variance which is in no way the fault of the applicant. The refusal of this would penalize Mr. Manherz for an act which has been committed by someonelse - one who cannot be apprehended - a violation for which Mr. Manherz is not responsible.

Again it was asked - can we bring Mr. Miller before the Board?

It was stated again that Mr. Manherz would not have purchased the house had the carport not been enclosed. Mr. Manherz had told Mr. Miller he did not want the house as it was - so Mr. Miller enclosed the carport. The settlement was not made until after the carport was completed, therefore, Mr. Manherz was in no way responsible for the illegal act of the enclosure.

DEFERRED CASES - continued

4-ctd. Since Mr. Miller is responsible, Mr. Lamond moved to defer the case until such time as Mr. Miller could be brought before the Board.

Mr. Kincheloe asked the Board, in all fairness to Mr. Manherz, to please not make his client the goat - because of the illegal act of another person. Mr. Miller has made the mistake, Mr. Kincheloe continued, if the Board can take action against him - that certainly should be done - but in the meantime why penalize Mr. Manherz? He has transacted this business in good faith and now he is under pressure to make a sale of his property - because he is being transferred and he wishes to have this cleared up before leaving.

Mrs. Henderson quoted the hardship clause from the ordinance - showing that the hardship must be created by the ordinance, and not by the applicant.

But the applicant did not create the hardship, Mr. Kincheloe insisted.

Neither did the ordinance, Mrs. Henderson answered, and while this Board is set up to relieve certain conditions - the reasons for granting relief are restricted and well defined in the ordinance.

The Board was loathe to grant this and let Mr. Miller go scott free, as the only way he might be apprehended would be through the Manherz deal.

Mr. Kincheloe agreed that Mr. Miller should be apprehended, but not at the expense of assuming that Mr. Manherz was guilty of a criminal act.

Mr. J. B. Smith noticed that this plat was approved in July 1957 - why it is just now coming to the Board, Mr. Smith asked? Because it is only recently that his office received the certified plat on this, Mr. Mooreland answered.

Mr. Lamond again moved to defer the case until such time as Mr. Miller can be brought before the Board - one way or another.

Mr. Manherz said Mr. Miller had indicated that he would not come before the Board.

It is true that the Board has no authority to subpeonea Mr. Miller, Mr. Kincheloe agreed - but that leaves his client in a nebulous situation. If Mr. Manherz were in the wrong himself, Mr. Kincheloe argued, if he had built without a permit, or if he had disregarded any County regulations, it would be reasonable to make him a party to this violation - but here is a man completely innocent of any wrong-doing. Suppose Mr. Miller were here today, Mr. Kincheloe continued, and admitted he did this - where would that leave Mr. Manherz? He would still be at the mercy of the Board.

Mrs. Carpenter thought this was a case peculiar to itself, certainly not like anything the Board probably would ever be asked to grant again - and granting this would not set a precedent to grant other violations as each case would be handled on its own merits.

The County has recourse against Mr. Miller, if they wish to push it, Mr. Kincheloe stated, but the property as improved and developed is a tax asset to the County, the variance is small, and no one objects. He urged the Board to grant relief from this extreme hardship.

Mr. Mooreland termed the granting of this to be amending the ordinance in the guise of a variance.

DEFERRED CASES - continued

4-ctd. Harship, as a reason to grant a requested variance, was discussed at length. Mr. Mooreland questioned Mr. Manherz again - regarding the dates of his purchase and his statement to the sales person about the enclosing of the carport, and Mr. Miller's agreement to enclose the carport, the day he moved into the house and the date of completed settlement.

055

Mr. Mooreland asked Mr. Manherz if he would testify in Court to these things? Mr. Manherz answered that he would. Then, Mr. Mooreland said he would notify Mr. Miller to be here at the next hearing and proceedings would be started against him.

Mr. Lamond said it would appear to him that the only logical legal action is Mr. Manherz' case against Mr. Miller.

Mr. Kincheloe questioned what would be gained as far as his client is concerned if Mr. Miller is brought here. The circumstances are known already - but, Mr. Kincheloe insisted, the County could go ahead with the warrant without holding up his client. A warrant can be obtained on a person who has violated the law, Mr. Kincheloe continued, but whatever transpires between Mr. Miller and the County in this - it still leaves his client in the same position as he is in now.

It was suggested that Mr. Manherz could sue Mr. Miller and perhaps get judgement for the price of the house.

Again, Mr. Lamond offered to move for deferral until Mr. Miller could be present.

Seconded, Mr. T. Barnes

Mr. Mooreland asked - what are you accomplishing in that? The Commonwealth Attorney says you can take a man to Court and fine him $50 a day - but the owner can keep him from entering the property to take the structure down. This carport is in violation, Mrs. Henderson noted, it makes no difference who did it, and Mr. Kincheloe is asking the Board to justify this violation and make it legal.

This Board has some duty to the people coming in here from other states, Mr. Kincheloe stated, people who buy - are here for a limited time and must leave and sell their property. This man came here, he bought in good faith. He put a considerable sum into this property, paid taxes to the County. Now he is leaving. This is a small variance - only 4.7 feet. This is an area of substantial homes - this house is very like the others in the neighborhood - they are all close together and no one objects to that. This Board is set up to help people who get into a situation over which they have had no control. People who come in like this - for a few years - must accept the word of the person from whom they buy. They are decent honest people - they are not crooks trying to put something over on the County. They make every effort to comply with County regulations - but if a situation like this develops - it is not their fault - and this Board can give them relief.

4-ctd.

DEFERRED CASES - continued

The Chairman put Mr. Lamond's motion to a vote (to defer for Mr. Miller).

For the motion: Lamond and T. Barnes

Against the motion: Mrs. Henderson, J. B. Smith and Mrs. Carpenter

Motion lost.

Mr. J. B. Smith moved to defer the case until such time as the Board can get information to justify some action on this case.

Mrs. Henderson asked who would take this case up with the Building Inspector and others to get the information - should it be a committee from the Board?

It was suggested that Mr. J. B. Smith and Mr. Mooreland contact Mr. Payne (the surveyor) the title people and Mr. Miller.

Mr. Mooreland asked what the Board was accomplishing by all this investigation?

Mr. Kincheloe agreed - and what does it do to his client, he asked?

The only cause of action is against Mr. Miller

There was no second to Mr. Smith's motion.

Mrs. Henderson suggested that under any circumstances, Mr. Manherz should take action against Mr. Miller.

Mr. Kincheloe said he believed that every member of the Board is sympathetic with Mr. Manherz. If that is so, Mr. Kincheloe continued, there is only one thing to do - give him the relief he asks. To Mrs. Henderson's statement that the Board had no jurisdiction to do that - Mr. Kincheloe answered - the Board has the authority to do that - otherwise they would not have filed this application. The Zoning Administrator is limited to the letter of the law - but the purpose of this Board is to exercise its judgement in the granting of these requests.

Mrs. Henderson still considered that the applicant had proved no hardship caused by the ordinance - but only a personal hardship.

Mr. Lamond stated that the plat submitted with this case shows the building and it would appear that the carport is included as a room, and this was approved. There is no broken line to indicate that this might be a carport but every indication that the addition is a room. If our office has erred in the issuance of this permit - then the plat in our office should be corrected - therefore, Mr. Lamond moved to grant the application.

Mr. Lamond said he wanted it understood that he was moving to grant this only because of the fact that it was approved by our zoning office on Aug. 19, 1957 and because of the extraordinary and exceptional situation where the strict application of the zoning ordinance would result in practical difficulties.

Seconded, Mrs. Carpenter

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

Against the motion: Mrs. Henderson

Mr. J. B. Smith refrained from voting

Motion carried

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056

DEFERRED CASES - continued

5- FOLKS & MILLER SIGN COMPANY, to permit erection of one sign with larger area than allowed by the ordinance, (Total area 213 sq. ft.), at 2823 Richmond Highway, Millers Tourist Court, Mt. Vernon District. (Rural Business)

057

Mr. Miller represented the applicant, stating that he had discussed the size of the sign with the applicants and they have agreed to reduce the sign area to 176 sq. ft., which they believe will still give them sufficient advertising. The overall height of the sign will be approximately 30 feet.

Mr. Lamond moved that the application be granted as submitted on plat labeled N-1038 (Revised) dated 5-16-58, prepared by O. T. Shifflett, which includes a total sign area of 176 sq. ft.

Seconded: T. Barnes

Carried, unanimously.

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6- JAKE SNIDER SIGN COMPANY, to permit two existing signs to remain as erected (Total area 74 sq. ft.), north side of Arlington Boulevard west of Cherry Street on Kinney Shoe Store, Falls Church District. (General Business).

This case was deferred to June 10, 1958.

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7- ERNEST ROBSON, to permit operation of a repair garage, part Lots 17 and 18, Section 1, Dowden Center, Falls Church District. (General Business).

No one was present to discuss the case, although this case has been deferred for three times.

Mr. T. Barnes moved to deny the case

Seconded, Mr. Lamond

Carried, unanimously

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Mr. Mooreland told the Board that the Calvary Presbyterian Church has now stated by letter from the Reverend McPherson that they are ready to go ahead with their building. The three previous extensions of time granted on this permit have run out and Mr. Mooreland recalled that the Board had stated that - such extension would be considered again when the Church was in a financial position to go ahead with construction.

There have been no changes in the situation, Mr. Mooreland went on, the request is for variance on the building setback - the same as the Board granted in the past.

Mr. Lamond moved to rescind the previous motion made on this and to grant the requested variance.

Seconded, Mr. T. Barnes

Carried, unanimously

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The Board agreed to meet Wednesday, June 4th to view the property in the matter of Kraft and Stitchman, after which the Board will convene in the Courthouse to review the case, as requested by the Court, and determine if it will affirm or rescind the original motion.

// Page 58,

POLICY

Mrs. Henderson asked the Board to discuss a policy on carports brought about by the discussion with Mr. Andrew Clarke at the last meeting - regarding the crawl space under the gabled roof over the carport, which was used for storage.

This type of roof is being used quite commonly now in North Springfield and other places in the County, Mrs. Henderson noted, and there are probably a great many cases where crawl space has been made into storage area.

Mrs. Henderson said she believed the Board should accept this as a part of the carport as the storage area is very limited and the pitched roof is certainly a more attractive addition to the house than the flat roofed, box-like carport which has been widely used.

Mr. Lamond stated that his idea of a carport was simply an unenclosed garage with a roof - he did not think the Board should tie it down to the type of roof. He could see no reason not to allow this small storage area.

Mr. Barnes agreed.

The Board agreed that if the crawl space under the gabled roof in time becomes a room - by lifting the roof or adding a dormer - that is up to Mr. Mooreland's office to do something about. He could not issue a permit for such an alteration, and if this were done it would be in violation and would be so handled.

The Board agreed that a carport is an unclosed garage with a roof.

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The meeting adjourned

M. K. Henderson

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

059

A special meeting of the Fairfax County Board of Zoning Appeals was held Wednesday, June 4, 1958 at 3 o'clock p.m., in the County Courthouse with the following members present: Mrs. M. K. Henderson, A. Slater Lamond, T. Barnes and Mrs. Lois Carpenter

DEFERRED CASE:

MORRIS L. KRAFT & SOLOMAN STICHMAN, to permit erection and operation of a service station with pump islands within 35 feet of the street property line, southeast corner #123 adjoining Oakton Methodist Church, Providence District. (Rural Business).

The Board met in the morning at ten o'clock to view the property - at that time Mr. J. B. Smith was present - especiallyto look at the property involved in the case of Morris L. Kraft and Solomon Stichman - heard and denied by this Board on May 13, 1958. The case is being appealed in the Circuit Court and the Court has asked the Board to review their decision. Mr. Lamond recalled that he had made the motion to deny this case. He stated that since that decision on May 13th he had been over the ground and has given careful re-consideration to the case. While there is a lot to be said about the Church operating in a commercial district, Mr. Lamond said he did not feel that the Church is attempting to control the business property adjoining - with that thought in mind Mr. Lamond moved to rescind the motion made on May 13, 1958 denying this case.

Seconded, Mrs. Carpenter

The motion carried, unanimously.

After considerable discussion regarding this location with regard to future development and business uses which might be established on this property, Mr. Lamond made the following statement:

After viewing the property and after giving due consideration to the other types of business uses which may be permitted on this property as a matter of right - businesses which may be far more objectionable than a filling station - Mr. Lamond moved to grant the application - under Section 6-16 - because this appears to conform to that section of the Ordinance.

Mrs. Henderson said she went along with the rescinding of the original motion - in order to give full re-consideration to the case - but she did not propose to vote for a motion to grant this without the assurance that the oil company would agree to put in a filling station that would conform architecturally to the residential character of this area. While the property is zoned for business and considerable more business may develop in the area, Mrs. Henderson continued - the character of this area now is residential and it may be many years before other business uses are established in the area. A colonial station such as that put in at the corner of Hunter Mill Road and Chain Bridge Road would soften the blow, and she believed would be less objectionable to the Church.

MORRIS L. KRAFT & SOLOMON STICHMAN (continued)

It was agreed that no granting of this use could be tied to architectural requirements. Mr. Mooreland suggested that if such a condition were put in the motion it could be thrown out by Court action without question. However, Mr. Mooreland thought it might be possible to suggest and urge that a residential type of station be put in and he felt that Mr. Beckner might be able to get a firm agreement from the Company that they would do this. The Board would be taking that chance that the architectural design would be carried out - but he thought the wishes of the Board could be worked out by diplomatic pressure rather than attempting to place an unenforceable condition upon the applicant.

Mr. Beckner was in the building and was asked to discuss this with the Board.

Mr. Beckner said he could not make a definite statement on this without first contacting the oil company, and he would be glad to do that and urge them to go along with a station that would be in keeping with the residential area. He pointed out the planned business development across the street and stated that he thought the ultimate plan for this area would be commercial. Mr. Beckner also recalled that he had given the Church a ten foot outlet road to their parking lot.

The Board agreed to take no final action at this time - but to wait for Mr. Beckner's report on June 10, 1958.

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The meeting adjourned

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

June 10, 1958

061

The regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, June 10, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present; Mrs. L. J. Henderson, Jr., Chairman, presiding

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

DEFERRED CASES:

1- ELLIS G. HARRINGTON, to permit storage shed to remain as erected 2 feet of side and rear property lines, Lot 4, Block 8, Section 3, Hollin Hall Village, (406) Fairfax Road), Mt. Vernon District. (Urban Residence).

Mr. Lamond moved to defer this case for 90 days with the thought that the new zoning ordinance may have been adopted by that time.

Mr. Mooreland told the Board that deferral of this type was making it difficult for his office - that people go ahead and do what they want as they cannot understand why some one can have a shed located near the line - and someonelse cannot.

It was agreed to put the case at the bottom of the list to discuss fully at that time.

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Mr. Mooreland read the following letter from MR. REET P. SMITH:

"June 3, 1958
5502 Ivor St.

Mr. H. F. Schumann, Jr

Dear Sir:

In the event recourse is possible I would like to appeal for further consideration regarding the 5 May 1958 decision of the County Board. My reasons for desiring this course of action are as follows:

1. Through administrative error my address has been listed as 5508 Ivor St. Board members or member visited that address for on the spot inspection instead of visiting my property at 5502 Ivor St.

2. The violation was not a fault of mine nor do the adjacent property owners object in the least to the carport as constructed - but quite the opposite - they consider it as enhancing the appearance of our area.

3. Certain hardship will of necessity be inflicted upon me if forced to modify the structure. This can now be proven to the Board. Modification will also detract from appearance.

4. Variance was granted for a similar violation at 5502 Joplin St., North Springfield, for a carport constructed by the prime contractor of this development - Edward Carr.

I will appreciate your consideration of this matter.

Sincerely,

Reet P. Smith"

Mrs. Henderson said the only hardship she could see here was a financial one.

Mr. Lamond moved that the Board review the case. But, Mrs. Carpenter asked what new evidence has Mr. Smith brought out?

It was noted that while only one member of the Board, in his inspection saw the wrong property, the plats presented with the case were correct and showed the location of the building. There was no question of the Board not knowing fully what the existing conditions are. It was noted also that the only hardship involved was "in being forced to modify the structure".

Mrs. Henderson read from the Ordinance relative to re-hearings, "A rehearing on any resolution may be had..... No motion for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing."

How can the Board grant a rehearing, Mrs. Henderson asked when no new evidence "which could not reasonably have been presented" at the original hearing has been brought to the attention of the Board?

It was agreed that Mr. Smith be advised of Paragraph 6, page 98 of the Ordinance, regarding rehearings, and tell Mr. Smith that new evidence must be presented to the Board at the earliest possible date in order that he meet the 45 day deadline for rehearings. It was suggested that such evidence be presented by June 24th.

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NEW CASES:

1- ANNANDALE PRE-SCHOOL ASSOCIATION, INC., to permit operation of a kindergarten and nursery school, N. W. corner of Gallows Road and Annandale Road, (Grange Hall), Falls Church District. (Suburban Residence Class II).

Mrs. Plapinger, President of Annandale Pre-School, Inc. read the following statement detailing the purposes and plan of the school:

"June 10, 1958

FROM: Annandale Pre-School Association, Inc.
Statement by Alice E. Plapinger, President

TO: Board of Zoning Appeals

PREMISES: Pioneer Grange Hall, Annandale & Gallows Rds., Falls Church Dist.

USE: Nursery and Kindergarten School

A. THE SCHOOL

1. A non-profit cooperative nursery and kindergarten school established and incorporated under the laws of Virginia in 1947.

2. Current enrollment: 68 pupils in two kindergarten (ages 5-6) classes and two nursery (ages 3½-4½) classes. All pupils reside in Fairfax County, principally in the Annandale and Springfield areas.

3. A Board of Directors, consisting of parents of pupils, is responsible for the administration and management of the school. Much of this administration and management is effected through committees of parents charged with acquisition of school supplies and equipment, pupil transportation, etc.

NEW CASES

1-Ctd.

063

Mrs. Plapinger's statement - continued

4. The School is in operation during nine months of the year. The School is normally in session from 9 a.m. to 12 a.m. on weekdays. Its school year generally conforms to the public school year.

5. The School maintains a highly competent paid professional teaching staff of four who are assisted daily by parents assigned to each class on a rotating basis.

6. The School is a member of the Northern Virginia Federation of Cooperative Schools, which consists of seventeen schools in this area. Among other things, the Federation establishes educational standards for its member schools, assists in teacher recruitment, provides in-service training for teachers, and provides programs for parents concerning their participation in member schools.

7. From 1947 to 1954 the School occupied quarters in the Annandale Methodist Church. A church building program forced us to relinquish those quarters.

   Since 1954, we have occupied quarters in the Annandale Baptist Church. A church building program has compelled us to relinquish those quarters and seek approval of this Board to use the premises above described. Execution of an agreement to use said premises for the purposes set forth herein is conditioned upon such approval.

B. USE OF THE PREMISES

1. Pupil transportation is provided for through from 13 to 15 carpools. The premises contain ample area for parking of automobiles utilized in carpools.. No street parking is here involved.

2. Outdoor recreation periods will be confined to a fenced area in the rear of said premises. No more than two classes are outdoors at any time. All outdoor recreation is under close supervision by at least two teachers assisted by two parents.

3. The character of the community is in no way threatened by the proposed use of said premises.

Our school is highly regarded and provides a sorely needed requirement not filled by the County public school system.

Close pupil supervision and adequate parking facilities on said premises provide assurance to adjoining property owners as well as residents of the area that there will be no impairment of property values. Rather the reverse is true. The proximity of a school, especially one of undoubted competence, is a boon to property owners, whether lessors or occupants.

One final observation - the Pioneer Grange Hall has been used as a public meeting place for more than 37 years.

The use of the Hall here proposed would be consistent with its prior use - in fact under the strict supervision described above, the proposed use would be much more circumscribed than such prior use.

CONCLUSION

We therefore earnestly request approval by the Board of the application of the Annandale Pre-School Association, Inc. for use of the Pioneer Grange Hall."

It was noted on the plat that the building was moved back (Mr. Mooreland said that was done about 5 years ago) but that the exact setback from both Gallows Road and the Falls Church-Annandale Road were not shown on the present building location. It was also noted that the exact acreage was not indicated on the plat - however, it appeared to be 1/2 acre. Mrs. Henderson thought it necessary that the Board know definitely the acreage involved and the setbacks from both roads.

NEW CASES:

1-Ctd. Mrs. Carpenter asked what area would be fenced in - as mentioned in the written statement? The side and back, Mrs. Plapinger answered - away from the roads. The parking space will be apart from the play area.

Mr. Mooreland stated that the building is 55 x 25 feet - two story with a 47.5 foot setback from Falls Church-Annandale Road, and 40 feet from Gallows Road.

The Board asked that these setbacks be shown - certified - on a plat.

Mrs. Plapinger stated that the parking would be located between the building and Gallows Road and that the balance of the property will be fenced for playground. The Grange will want parking area for 18 cars.

At the Baptist Church, where the school is operating at present, Mrs. Plapinger said they have about 1/4 acre of play area.

In the Grange Hall are two baths, public water, and septic field. They will meet the requirements of the Fire Marshal.

Mr. Lamond suggested that the Board should require a plat for the files, showing setbacks, dimensions of the lot and building, indicating the area to be fenced, and that space set aside for parking and play area.

The Board questioned the size of the lot for play - thinking 1/2 acre would not be enough for 68 pupils.

Mrs. McDonald, member of the State Board, League of Women Voters, urged the Board to grant this permit, stating that this school fills a great need in the County, especially because there is no free kindergarten attached to the public schools.

Since this school enlists the help of interested parents, who assist the four professional teachers, this is a low cost school. This is a great benefit to the mothers also as they observe the working methods of the trained staff - especially in the elements of discipline. Many of the teachers have more than one degree, Mrs. McDonald stated, they are highly trained. Being the grandmother of two who attend the school, and having a daughter who has taught in this school, Mrs. McDonald said she felt that she has an intimate knowledge of the high level operation and the excellent results of this school. They bring the children to her home once a year, where they spend the day on her 6 acres getting acquainted with the horses, goats and chickens. This has been a very successful school - the response from both the mothers and the children has been excellent - it would be most unfortunate to dissolve the school at this point, Mrs. McDonald concluded.

Mrs. Sheperd, from the Northern Virginia Federation of Cooperative Schools, told of the work of the Federation in teacher procurement, training, and in help to establish cooperative schools.

With regard to the Board's objection to the small area (1/2 acre for 68 children), Mrs. Plapinger called attention to the fact that no more than two classes would be in the play yard at one time.

The Chairman asked for opposition.

NEW CASES

1-Ctd. Mr. Curtis Trammel of 2228 Annandale Road, stated that he owns property at 2230 Annandale Road, immediately adjoining this property. He lives two doors from the Grange Hall. He owns the house on the lot immediately adjoining the Hall, which he rents. With the coming and going of people to the school and 60 or 70 children playing on this small area - he would never be able to keep his house rented.

065

Both these roads - Falls Church-Annandale Road and Gallows Road - will be widened, Mr. Trammel told the Board, and by the time the State right of way has taken a part of it/this lot/will be squeezed down to about 80 or 90 foot frontage. He had understood that the State will start on the widening of Gallows Road in September.

The back yard of the Grange Hall lot is all heavily graveled, Mr. Trammel pointed out. It would not make a satisfactory play area. If they fence enough area for play, they will have room enough for about 12 cars, which will not be enough for the school and the Grange.

Mr. Trammel again forecast the loss of his renter, whom he said had been with him for three years and has been a fine tenant. Therefore, the establishment of this school would damage him financially, he believed it would even make it difficult to sell his property. He felt that the Board has no right to destroy land values nor to create an adverse situation for the neighborhood. He questioned the need to locate a school of this kind in a residential area. It was noted that this operation is very like a public school which is allowed in a residential area.

Mr. Trammel listed his objections again, adding that aside from the 68 children crowded on this small acreage - the teen dances at Grange Hall - which last until 2 a.m. - are noisy. Also they train dogs at the Grange - in fact, Mr. Trammel stated, he considered the Grange to be a menace to the residential area.

Mrs. Henderson asked Mr. Schumann if he could make a statement regarding the widening of those two roads. Mr. Schumann said he would be glad to call Richmond, as he understood that the local office has no information on these roads. Mr. Schumann said he had been told that the Highway Department would take right of way to the width of 60 feet on the Annandale Road, but he had not heard on which side the right of way will be taken.

Mr. Trammel said he wished the Board to know that he has no prejudice against children, but that his interest in appearing at this hearing is to protect his property.

Mr. Rutherford, who has charge of maintenance of the play ground at the Baptist Church where the school is presently operating, stated that while the play area at the Grange Hall is not as large as they would like, he had stepped off the area and found that it is approximately the same size play area as they now have. He thought they could fence in about 9000 sq. ft.

NEW CASES

1-Ctd.

Actually, they dont want too much play yard, Mr. Rutherford explained, having only the two classes in the yard at one time they dont need a large area and the surplus ground is a job to keep up. They had planned to put their equipment in the graveled area, which they thought a better location for it than on the grass area.

Mr. Trammel does not realize how closely these children are supervised, Mrs. Plapinger told the Board. The teachers or parents are always there, they have never had neighborhood complaints. The Grange Hall has been a public building for over 30 years, it has been used for many public purposes. This use would not differ greatly from other activities carried on here. About 8 cars would remain on the property during the day. They will keep the same enrollment. Actually they have quite a waiting list - enough to justify afternoon school - but they are taking only what they can handle adequately. They will have no more than 16 in a class.

Mrs. Henderson asked if a thorough search had been made for another location? Mrs. Plapinger answered that they had looked in every possible location in the County, and this is their last hope. They have little money and are therefore limited. They dont know if this will be satisfactory, but they must have a new location and this is the best they can do. Mrs. Plapinger called attention to the fact that the houses near the Grange, including the owners who object to this use, were all built long after the Grange Hall, with its history of public activities, was built.

Activities of Grange Halls past and present were discussed.

Mr. Mooreland stated that he has been active for many years both locally and in State offices in the Grange, and recalled that Granges were built and proposed to be used for community purposes. This is not a profit making venture - it is a community project - in keeping with the purposes of the Grange.

Mr. Trammel again charged that this school would damage his property, although it was brought out that the history of schools in the County is that they do not damage neighboring nor nearby property.

The Board recessed - waiting for Mr. Schumann to obtain right of way information from Richmond.

Upon reconvening - Mr. Schumann stated that the Highway Department is in the process of acquiring right of way on the Falls-Church-Annandale Road, and as soon as this is completed (which will probably be in July) they will start work on the widening. Plans showing this road are in the office of the Resident Engineer.

Mr. T. Barnes moved to defer the case until June 24th - in order that the Board may see the existing highway plans for the widening of Falls Church-Annandale Road. It was also requested that the applicant present at that time plats showing setback of the building, location of the building on the property, parking area, and the area they plan to fence for play yard.

Seconded, Mrs. Carpenter Carried, unanimously.

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NEW CASES

2- ALFRED R. HALES, JR., to permit dwelling to remain as erected 37.5 feet of Overly Drive, Lot 2, Block J, Fairfax Homes, (724 Overly Drive), Lee Dist. (Suburban Residence Class II).

Case deferred to June 24th at the request of the applicant.

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3- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station with pump islands within 25 feet of the street property line, south side of Columbia Pike, 423 feet east of Lincolnia Road, Mason District. (General Business).

Mr. Hansbarger represented the applicant. Mr. Hansbarger explained that the people whom they had notified of this hearing are not all immediately adjoining property owners, but across the street and nearby - as this is a parcel of land 115 x 150 ft. which is surrounded by the applicant - who is the contract owner.

Approximately 6 acres in this immediate area and surrounding the property on three sides are zoned for business uses, Mr. Hansbarger told the Board - across from this site and just down the road is a filling station, immediately across the street and to the rear are homes of a substantial type. At the intersection of Columbia Pike and Lincolnia Road there is a filling station and grocery store. It is planned that Columbia Pike will have a 220 foot right of way. This 220 foot width will include service road on both sides of the Pike. Dedication for this width has been made.

Mr. Hansbarger showed pictures of the site indicating the homes across Columbia Pike, and to the rear of this site.

Mr. Hansbarger pointed out that the property line of this tract is 110 feet from the centerline of the existing Columbia Pike. The filling station is 196 feet from the centerline - therefore it should be a minimum of 300 or 400 feet from the houses across Columbia Pike, and also about 400 feet from the houses to the rear.

Leases have now been negotiated for development of this business area, Mr. Hansbarger told the Board, and this filling station is part of that planned group of businesses.

The Code requires that filling stations shall be located in compact groups - Mr. Hansbarger pointed to the other nearby filling stations which he had located.

They first planned to locate this filling station on the triangle at the intersection at Lincolnia Road and Columbia Pike. Esso Standard held an option on that property but abandoned it for this site as the curve at the triangle is dangerous and they felt that this location is not detrimental to public travel as it has excellent visibility in both directions. This is a commercial location, and practically any other retail business could go in here - but it would appear that a filling station is a very reasonable and logical use, Mr. Hansbarger concluded.

3-Ctd. Mr. Lamond asked if there would be a grass strip between the service road and the highway? Mr. Hansbarger answered that he did not know but there would necessarily be some kind of break-through entrance to the shopping center.

The Chairman asked for opposition.

Mrs. Ellen Oshins, representing Lake Bracroft Citizens Association, stated that representatives from Lakewood, Parklawn, and Belvedere were also present opposing this use.

Mrs. Oshins presented the following letter in protest:

"Falls Church, Virginia
June 7, 1958

We the undersigned, co-owners of residential property located at 7801 Columbia Pike in Lakewood, are unalterably opposed to a gas station at the corner of Lincolnia Road and Columbia Pike being located only 25 feet from Columbia Pike.

Due to traffic flow on Columbia Pike it is advisable to have a service road to safeguard the children walking to Parklawn school and to Belvedere school and as a continuance of one already there. Also there is a bad curve which is in itself a danger hazard at this particular point.

A service road is a worthwhile feature to home owners in this area. The home owner in Fairfax County is paying most of the tax load in this county and home owners who have invested heavily without any idea whatsoever of a gas station being built here are entitled to priority consideration.

Signed: Chas. M. Cox
Celeste P. Cox"

It was felt that there must be a service road in front of this filling station in order to assure the safe passage for children walking to the Parklawn school, especially from the far side of Columbia Pike, Mrs. Oshins stated. The people in the area not only want the service road but they want it to be constructed at the same time the filling station is put in, Mrs. Oshins urged, and they hope the service road will continue on into the shopping center area.

Mr.. James Cowden, living at 7933 Columbia Pike, across the street from this proposed filling station objected - both for himself and his neighbor who was not able to be present. Every person living near this site would oppose it, Mr. Cowden continued.

Mr. Cowden recalled the country atmosphere of this area when he bought here in 1953 - cattle grazing on the property adjoining him - the area unobstructed with commercial enterprises. Granting this would allow a filling station to be located in front of his picture window. Filling stations are not only unattractive but they create an odor. Mr. Cowden vigorously opposed this use.

Mrs. Henderson asked Mr. Cowden if he knew this tract was zoned for business - when he bought here? Mr. Cowden answered - "yes" but he understood with restrictions.

The only restriction placed on this type of zoning, Mrs. Henderson informed Mr. Cowden, would be the requirement that the applicant for a filling station or certain other uses must go before the Board of Zoning Appeals for the use permit.

NEW CASES:

3-Ctd. Mr. Paul Harman, living at 7817 Columbia Pike (Lakewood) asked how far from the centerline of the highway this filling station would be built? He wished to be assured of the fact that when Columbia Pike is widened there will be enough room between the filling station and the centerline of the road for the service road. He agreed with previous statements that the service road must be put in on both sides on Columbia Pike for protection of the school children.

069

Mr. Harmon said he had no more objection to a filling station going in here than any other permitted use - he didn't like a business use - period - to be established here, but he thought it very important that the service road on both sides of Columbia Pike should be preserved. He questioned if the Pike would be widened to four lanes here - the same as that at Bailey's Cross Roads and at Annandale, and when and if that widening is done - will there be enough right of way to include the service roads? With an investment such as this filling station the owner would no doubt oppose taking more right of way on this side and therefore the property owners in the area would be made to suffer - because of the lack of service road.

Mr. Maismith of 7941 Columbia Pike objected for reasons stated - recalling the rumor that in the widening of Columbia Pike the service road may be abandoned. He also questioned the need for a filling station here.

Mr. Phillip Gibson of 7809 Columbia Pike objected for reasons stated and presented the following statement from Barcroft Citizens Association:

"7506 Fairfax Parkway
Alexandria, Va.
June 7, 1958

Mrs. M. K. Henderson, Chairman
Board of Zoning Appeals
Fairfax, Virginia

Dear Mrs. Henderson:

Two items have come to light that concern the residents of Barcroft Terrace. An 'Esso' station is being planned for the Columbia Pike-Lincolnia Road corner and a 'variance' is being sought to permit installation of the station gas pumps within 25 feet of the main highway.

Although our area residents are opposed to the gas station construction itself, there would be little hope of contesting this point since the corner mentioned above was zoned 'commercial' a few years ago counter to the wishes of the neighboring communities.

However, the 'variance' should not be granted for a number of reasons:

a. This location is at a sharp turn on a busy highway and the proximity of such an installation would merely increase the hazard of accidents.

b. With Parklawn School opening in the fall this corner will be a crossing site for two-way school traffic (to Parklawn for 7th and 8th graders residing wast of Columbia Pike and to Belvedere Elementary for those living east of Columbia Pike). Inadequate clearance between highway and gas station would increase the danger of accidents involging our school children.

c. There would be insufficient room for the service road east of Columbia Pike.

NEW CASES:

3-Ctd. Letter from Barcroft Citizens' Association - continued

At a special session, the Executive Committee of the Barcroft Terrace Citizens' Association considered the above factors. We request that no 'variance' be issued that will permit installation of pumps within 25 feet of Columbia Pike and that adequate distance be required to permit eventual continuation of the service road east of Columbia Pike.

We thank you for your consideration of our request.

Sincerely,

/s/ Gordon W. Bailey
Lt. Col., U. S. Army
Barcroft Terrace Citizens' Association"

Mr. J. P. Faria of 7944 Columbia Pike objected for reasons stated, emphasizing his concern over the service road and the fact that there is no need for a filling station at this location.

Mr. Lamond called attention to the plat which indicates sufficient setback of the building to allow for the full widening of Columbia Pike to include the service road.

Mr. Mooreland again advised the Board that 220 feet have been dedicated here which would allow for a four lane highway (two lanes are used at present) and service roads on both sides of the Pike.

Mr. Faria questioned who would operate this station? He objected to lessors. It was asked that the pump islands be required to be 50 feet from the right of way.

Mr. Hansbarger asked Mr. Schumann to discuss the service road with the Board. Mr. Schumann stated that Esso Standard is buying this land - therefore the conveyance of this land brings it under the subdivision laws, which would require that a plat go on record and the purchaser will necessarily sign an agreement with the County that they will provide a service road and maintain it. This right of way has been dedicated, Mr. Hansbarger added, and the purchaser will have to build the service road in front of this property.

Mr. Hansbarger cited a case in the Virginia Courts - Carter vs Carter - wherein the Court stated that a filling station is a typical business development of this age - it is considered convenient and necessary and the Court determined that a filling station is not dangerous nor obnoxious - otherwise they would not abound.

People bought here knowing this was a commercially zoned area, Mr. Hansbarger pointed out, whatever business to go in here would undoubtedly have some adverse affect on the residential property in the area, but this filling station would have no more adverse affect than would reasonably be expected.

Mrs. Oshins asked that the 35 foot setback be required in order to have the extra 10 feet in case of necessity in providing the service road.

Mr. Hansbarger said they would agree to that if the Board so desired.

NEW CASES:

3-Ctd. Again the Board discussed the reasonableness of the deeper setback for pump islands - whether or not that encourages parking between the pump island and the right of way and thereby creating a traffic hazard.

071

Mr. Schumann was asked if he considered the lesser setback of pump islands a safeguard to public travel. Mr. Schumann said he could not answer that without looking further into it, but he would be glad to do that if the Board wished, and if it appears that the Ordinance is wrong in this setback it should be changed by amendment.

Mrs. Henderson suggested that a study by Mr. Schumann's office would be very valuable.

Mr. Mooreland recalled that the old Board had ruled that pump islands are a structure whereas the present Board has followed the policy of granting a 25 foot setback for pump islands. The State allows a 12 foot setback and the oil companies are inclined to prefer 15 feet.

Mr. T. Barnes moved that a permit be granted for this filling station allowing the pump islands to be located within 25 feet of the property line. The property involved is located on the south side of Columbia Pike - shown on the plat presented with the case prepared by Springfield Surveys - signed by H. L. Courson, dated May 19, 1958. This is granted because it conforms to Section 6-16 of the Ordinance.

Seconded, Mr. Lamond

For the motion: T. Barnes, Lamond, J. B. Smith, Mrs. Carpenter

Mrs. Henderson refrained from voting.

Motion carried.

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4- DANIEL W. BOYER, to permit teaching of piano and voice in garage, S. W. corner #123 and #701, Providence District. (Rural Residence Class 2).

Mr. Boyer presented seven letters from nearby interested persons - whom he had advised of his plan to use his garage as a piano and voice studio. Two were adjoining property owners and all had stated that they have no objection to this use.

Mr. Boyer said he has been teaching voice and piano for some time and was not aware of the necessity to get a permit from this Board to conduct this studio. The old garage now on the property will be replaced by a two story building - the first floor of which will be used as a hobby shop and the second floor for his studio.

It was noted that this case was filed under the "private schools" clause.

Mr. Boyer said he did very little teaching in his studio - only about 7.5 percent of his pupils come to him - the others he teaches in their homes.

The nearest home to him is about 160 feet away and one home across the street.

He would have no parking problem as he has a lane coming in from Rt. #701 which leads off of Rt. #123. It makes a good and safe entrance.

There were no objections from the area.

NEW CASES:

4-Ctd. Mrs. Carpenter moved to grant the application as there seems to be no objections from the neighboring people and this would not appear to adversely affect the neighborhood.

Seconded, T. Barnes

Carried, unanimously.

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5- REGOR, INC., to permit dwelling as erected to remain within 35.3 feet of the street property line, Lot 2, Block 74, Section 23, Springfield, (6602 Middlesex Avenue), Mason District. (Suburban Residence Class 2).

Mr. Carl Hellwig represented the applicant.

This violation was in fact a mathmetical error, Mr. Hellwig told the Board, made by one of their surveying crews. In the rush of Spring work, when they make every effort to get into production as soon as possible, this one house was staked wrong. This error was overlooked for some time. The house is up to the roof; however, they have stopped construction.

This house is located on an 80 foot road, Mr. Hellwig pointed out, which allows an additional 22 feet from the curb to the house itself. There are sidewalks on both sides of the street - therefore there is no question of safety of travel. In development of the subdivision the houses on these streets have not all been set on the same setback line. They have staggered the setbacks to give variety and interest to the development. Some of the setbacks vary as much as 15 feet.

These people have just started this subdivision, Mr. Hellwig told the Board, they are good builders - putting in substantial homes, costing from $18,000 to $24,000. They have done Yates Village and two other subdivisions in the County. This will be the third section of Springfield.

The first survey check was made when the first floor joists were in, Mr. Hellwig explained, but they did not get around to computing it for several months - by that time the walls were up to roof level. There is no question of good sight distance.

Mrs. Henderson questioned how many such errors Springfield Surveys had made. Mr. Hellwig answered - very few. They have averaged about three cases in one year - during that time they located about 1000 houses. Last year, Mr. Hellwig continued, they had one error.

Mr. Mooreland told the Board that his office had had very little trouble with Springfield Surveys - their degree of accuracy is very high.

Mrs. Henderson asked Mr. Hellwig what would his attitude be when the new Ordinance is adopted - wherein it states that a house in violation will be torn down.

That will be controlled, Mr. Mooreland explained, by prohibiting construction beyond the first floor level until a survey is made. Any error would be caught in the initial stage of construction.

Mr. Hellwig explained that they stake out a house at so much per house. If the regulations force the cost of this "stake-out" jog above a certain point

NEW CASES:

5-Ctd. it will price the cost out of reason, as the price of the extra safety precautions will fall back on the developer. They have many safety precautions now, Mr. Hellwig continued, but if it is necessary to add more ultimately the overall cost of construction will absorb the additional more cost. ~~ultimately the overall cost of construction will absorb the additional cost.~~

073

The Chairman asked for opposition.

Mr. A. O. Apelt, living at 7512 Mendota Place, stated that he was present in opposition, representing himself and three other property owners; J. F. Fenier, 6603 Middlesex St.; David Sender, 7512 Mendota Place and Alexander Bourque, 7510 Mendota Place.

This is a well developed area, Mr. Apelt told the Board, and while this one violation may not harm their property, if this happens again he thought the house should be torn down. This was a very obvious error which should have been corrected at the first floor joists, Mr. Apelt continued, they wish to preserve the symmetry and beauty of their area and he has been delegated to see that such an error does not happen again. They are very eager to keep the area attractive and within regulations.

Mr. Hellwig thought this variance in setback would be little noticed because of the rolling contour of the ground.

Mr. Lamond moved to grant the application under Section 6-16-g of the Ordinance.

Seconded, Mr. T. Barnes

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

Mrs. Henderson voted "no" because in her opinion no hardship was shown by the applicant and a 5 foot variance is too much.

Motion carried.

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6- ROBERT B. SPRINKEL, to permit erection of 2 signs with larger area than allowed by the Ordinance, (total area 250 sq.ft.) on north side of Routes 29-211 easterly adjacent to Hunter's Lodge, Centreville District. (Agriculture).

Mr. Sprinkle pointed out that the sign he wishes to put on the property is not unsightly - in fact it is attractive and a little unusual. It would not obstruct visibility.

It was noted that no plat showing location of the sign was submitted with the case. Mr. Sprinkle said it would be back from the right of way about 25 feet and about 200 feet from the nearest neighbor.

Mrs. Henderson asked why such a large sign was needed.

Coming over the hill from the west, Mr. Sprinkle explained that you do not see the property nor the sign until you are practically to it and a big sign is necessary for quick visibility. This is a big field and a small sign would be lost - in proportion to the size of the property.

Mrs. Carpenter asked the size of the sign now on the property - which she thought very adequate and clearly visible for a considerable distance.

NEW CASES:

6-Ctd. That sign is about 3 x 5 feet, Mr. Sprinkle answered, but it cannot be read very far. The sign requested will set in a V shape which Mr. Mooreland said would require that both sides of the V be computed as sign area. If the sign were back to back, Mr. Mooreland pointed out, it would be computed as a single sign.

Mrs. Henderson also thought the sign carried too much advertising, that it could be cut and would look better to be less cluttered with so many unnecessary things.

Mr. Sprinkle said his operation was a little out of the ordinary and if he said simply "Pony Ranch" without the explanatory material people would not know what he has to offer. He wants them to know that he boards ponies and he would like to advertise the fact that he will cater to clubs and organizations. He has already put about $10,000 into this property and will put that much more into it. He will add an attractive white fence all around the property. He will also have a snack bar, a track and picnic tables. He thought the sign with the cowboy was very expressive and appropriate for what he has to offer. He will eventually sell ponies. There will be two entrances - one through the driveway to his house and the other by way of Hunters Lodge. He has graded his property down to road level.

Mrs. Henderson read from the Ordinance (Page 92) wherein a sign in an agricultural district should be 500 feet from the centerline of the road. It was noted that that would put the sign back on the barn - or practically off the property.

Mr. Sprinkle noted that he is adjoined on two sides by business zoning.

It was noted that Mr. Sprinkle can have 120 sq. ft. of sign and by putting the one sign back to back he could get considerable advertising and the 120 sq. ft. would appear very adequate.

It was recalled that the Board had granted a sign larger than the Ordinance allows on the Snead dog kennel - just up the road on Routes 29-211.

Mr. Sprinkle thought it very necessary that he have at least 4" letters on his sign - in an area where the speed limit is 55 mph.

It was suggested that the man and horse be separated from the balance of the sign - then if Mr. Sprinkle had the 60 sq. ft. back to back sign detailing his activities it would make an interesting and attractive advertisement and still stay within the Ordinance.

This was agreeable to Mr. Sprinkle.

There were no objections from the area.

In view of the fact that Mr. Sprinkle could get adequate signs on the property well advertising his activities and still stay within the requirements of the Ordinance, Mrs. Carpenter moved to deny the application.

Seconded, Mr. Lamond

Carried, unanimously.

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NEW CASES:

7- SAUL ALPER, to permit erection and operation of a service station with pump islands within 25 feet of the street property line, N. W. corner of Routes 29-211 and Route 699, Prosperity Avenue, Providence Dist.(General Business).

Mr. McCloud represented the applicant.

Mr. McCloud located the property in question and indicated the surrounding zoning and business uses.

Mr. Lamond asked Mr. McCloud if he knew of plans to widen Routes 29-211.

Mr. McCloud stated that they had sent their plans to the Highway Department in 1957, they made a few minor corrections in their plans, approving ingress and egress - but said nothing about widening of the highway. The right of way is 80 feet - the highway is improved to three lanes - two on the south and one on the north. Mr. McCloud said there probably would be a second lane on the north side some day - they have sufficient right of way.

There were no objections from the area.

Mr. McCloud also stated that they would use the entire 19,610 sq. ft. for this business.

Mr. Lamond moved to grant the application as it conforms to Section 6-16 of the Ordinance - that part of the Ordinance which gives the Board the right to approve such uses. This is granted because it does not appear that it will adversely affect the neighborhood. Also this is granted according to the plat presented with the case prepared by Patton and Kelly, dated May 16, 1958, showing a portion of the property of Andrew W. Clarke, Trustee. It is understood that the entire 19,610 sq. ft. will be used in the conduct of this business. This is granted subject to approval of the Health Dept.

Seconded, J. B. Smith

Carried, unanimously.

The Board asked Mr. McCloud his opinion of locating pump islands 12 or 15 feet from the right of way. While the State allows 12 feet, Mr. McCloud answered, the Company would recommend 15 feet.

Mrs. Henderson asked where or in what Code or regulations the State sets forth the 12 foot setback.

Mr. Mooreland answered - in the "Highway Standards".

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DEFERRED CASES:

2- ALEXANDER S. ALEXANDER, to permit erection of an addition to dwelling within 15 feet of the side property line, Lot 21, Section 1, Oak Ridge, Providence District. (Rural Res. Class 2).

5- ALEXANDER S. ALEXANDER, to permit garage to remain as erected 49.4 feet of the street property line, Lot 21, Oak Ridge Subdivision. Providence Dist. (Rural Res. Class 2).

The Board agreed to discuss Mr. Alexander's cases together.

Mr. Barnes asked Mr. Alexander if his home was a one family dwelling. Mr. Alexander answered - yes - stating that he did not rent any part of his house.

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Mr. Alexander went back over his needs to expand the house - more kitchen space, additional dining space, the converted den and a larger living room. It is obvious that the carport which has been enclosed with glass extends into the front yard a considerable distance beyond the house, Mrs. Henderson stated; however, she called attention to the fact that if the carport were not enclosed this encroachment would be allowed.

But it will not have the same usefulness for him if it is not enclosed, Mr. Alexander insisted. To remove the enclosure would change the style of the house, it would be unattractive. Nothing would be gained by removing the glass, Mr. Alexander continued, as a matter of fact it would detract greatly from the building and he was sure the neighbors would be unhappy to see the glass removed - they think it is attractive - that it adds to his house - and therefore to the neighborhood.

Unfortunately there are certain things that are not allowed in the regulations, Mr. Mooreland stated, and this happens to be one of them. One cannot always do the particular thing he wants - there are conditions and laws that must be observed. Mr. Alexander is being asked to do no more than any other person who is in violation of the Zoning Ordinance.

The Board discussed how far the enclosed carport encroaches into the front yard, and suggested that since the plat is not correct they should have a plat to indicate the exact setback. Mr. Alexander had thought the violation amounted to about 6/10 of a foot while the inspector had stated to Mr. Mooreland that it was probably between four and seven feet. Mr. Alexander had stated that the survey was incorrect.

It was pointed out that the plats presented with both the Alexander cases were probably incorrect in that the additions were drawn in and the measurements were not likely accurate. The Board suggested that Mr. Alexander have a certified plat made of his property showing the exact setbacks and location of the house. It is evident, Mr. Lamond pointed out, that the plat the Board has been using does not agree with what is on the ground.

Mr. Lamond asked Mr. Alexander if he would be willing to have a certified survey made of the property to show the exact sitance of the carport from the right of way.

Mr. Alexander answered - no - if it is wrong - it is an honest mistake, Mr. Alexanded stated, he has not tried to impose upon anyone - and there is no point in having another survey. He submitted a plat, Mr. Alexander continued, he measured the best way he could and he thought the plat was correct. If the Board cannot grant this - with the present plat - then they wouldn't grant it if he had a certified survey.

If the Board insists upon a certified survey and delays this case again, Mr. Mooreland suggested that such an action would lead Mr. Alexander to think that this case may be granted.

DEFERRED CASES:

2 & 5 ctd. But if this is only 6/10 of a foot in violation, Mr. Lamond stated, the Board may be inclined to grant that - at least he would vote for it. He felt that the Board should give Mr. Alexander the benefit of any doubt - and only the certified plat could clear up that doubt.

Mr. Alexander said he had done nothing wrong as far as the community is concerned. He did not know of this error - the first notification of it came four years after it occurred. He had never read the Ordinance. He called the contractor and told him to do this job and the contractor did it and told him it was okay. When he wanted to put on the addition he came to the Courthouse for a permit and this violation came to light.

Mrs. Henderson noticed that on the permit for the carport the plat was drawn with a solid line as though it is part of the house. But the original plans were the only ones approved, and those plans did not indicate an enclosed garage.

The Board is in a position to say what he must do, Mr. Alexander stated, he would do whatever the Board decides but to remove the glass on the carport - he would be the loser. He was wrong - in enclosing this - but he did not realize it.

11:50 case No. 5 Mr. Lamond made the following motion on the garage case: That the application for the garage be denied because it does not conform to the plats and measurements filed in the applicant's application for a carport, which plans were approved, and this building must conform to a carport status within 30 days of this date.

Seconded, J. B. Smith

Carried, unanimously.

11:20 case No. 2 With regard to the addition, Mrs. Henderson asked Mr. Alexander why he did not put this addition on the side where he has the 60 foot setback. Mr. Alexander answered that that would not suit his purpose.

Mrs. Henderson suggested making the room 9 feet wide.

Had he wanted that he would not have asked for the variance, Mr. Alexander answered. He did not want a 9 foot room. Mrs. Henderson suggested that perhaps Mr. Alexander really doesn't need the addition - too badly.

It was noted that no topographic condition exists on this property.

The Board explained to Mr. Alexander that simply wanting a variance was not sufficient reason to grant it - the Board must follow regulations unless an applicant can show why such regulations cannot be met. The importance of maintaining orderly development in the County was stressed. In this case it was pointed out that Mr. Alexander has an alternate location - therefore it would appear that the setbacks must be met.

Mrs. Carpenter moved to deny this case because there seems to be no evidence of hardship and the applicant could build this addition on the Additon Street side of his house or he could have a 9 foot addition and stay within the Ordinance.

Seconded, T. Barnes - Carried, unanimously.

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DEFERRED CASES:

3- MARGIE E. DEAN, to permit conversion of existing structure to sleeping quarters, Lot 101, Annandale Acres, Mason District. (Rural Res. Class II). This is a little building out on the back of the lot which has been used as a chicken house, Mrs. Dean told the Board. It is a sound little building which - with very little expense - can be converted into temporary sleeping quarters for members of her own family. There will be no kitchen facilities in the building.

Mr. Mooreland suggested the possibility of a hot plate in this temporary room, which would convert it into an apartment and the place could be rented permanently as the second dwelling on the property.

Mrs. Dean said they had no intention of putting in a hot plate, nor of renting the room. They do not even want it for a permanent thing. They plan to put an addition on their home as soon as they have paid for the sewer hook-up and when they do put on the addition this room will no longer be used for sleeping.

Mr. T. Barnes moved that the applicant be allowed to convert the existing chicken house into temporary sleeping quarters to be used by the applicant's family only and such time as this is not used for sleeping quarters the applicant will immediately notify the Fairfax County Zoning Office. This is granted for temporary sleeping quarters only until Mrs. Dean is able to put an addition on to her house.

Seconded, Mrs. Carpenter

Carried, unanimously.

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4- JOHN L. BOWDEN, to permit erection of an addition to dwelling within 11 feet 8 inches of side property line, Lot 54, Accotink Heights (907 Estabrook Dr.) Falls Church District. (Suburban Residence-Class III).

The applicant had been told that it was not necessary for him to be present at this meeting, as the case was deferred to view the property and for the Board to make its decision.

Mrs. Henderson was of the opinion, after seeing the property, that it is feasible to put this addition on the side of the house and still stay within the Ordinance, therefore she could see no reason to grant the requested variance.

It was noted that while the ground slopes slightly at the rear of the house there is no topographic condition on the side and the Board had suggested at the last hearing that the use of a bay window would give increased width.

Mr. Lamond moved to deny the application because no evidence of hardship has been shown.

Seconded, Mrs. Carpenter

Carried, unanimously.

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Mr. Mooreland told the Board that he had talked with Jack Beckner regarding the KRAFT AND STITCHMAN case and Mr. Beckner had said that his clients would go along with the suggestion of the Board regarding the architecture of the filling station to be erected - that they will put up a building architecturally in keeping with the neighborhood.

The Board suggested that Mr. Beckner be asked to appear before the Board for final discussion on this.

Mr. Mooreland left the room to find Mr. Beckner.

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DEFERRED CASES:

6- JAKE SNIDER SIGN CO., to permit two existing signs to remain as erected (total area 74 sq. ft.), north side of Arlington Blvd., west of Cherry St. on Kinney Shoe Store, Falls Church District. (General Business).

Mr. Volker represented the applicant.

The signs are already on the building, Mr. Volkner told the Board. His company did not get the original sign permit for this company, some other company - he thought the Chuckrow Company - got it, and these signs were all lumped in together and sent to the Kinney Shoe Company, and they were put up - not knowing that these signs were not granted along with the others. These signs are needed because - if you are directly in front of the building the pylon is not visible and it appeared to the Company that this eye-level identification was necessary. These are the same signs carried by all their stores, and these signs were supposed to have been included in the original request for signs.

Mrs. Henderson pointed out that Robert Hall has kept to the original square footage of sign area as granted by the Board. She asked why Kinney needed more sign area than Robert Hall - just next door.

It has been used and considered valuable, Mr. Volker answered, and if they must take it down it would be quite a mess - they have drilled holes in the masonry wall to put the signs up. These signs are flat-painted with no lighting. They are in good taste, and are unobtrusive - and at the same time very effective for their business. These signs would be allowed in the District and Maryland, and since they are used on most of their stores - Mr. Volkner said he could not understand why they had not been included with the original application.

It was recalled that Kinney Shoes was granted 100 sq. ft. on the pylon and 120 sq. ft. on the building.

Mr. Lamond moved that the application be denied, as there has been presented no evidence of hardship and the Board has already taken care of the needs of the Kinney Shoe Company.

Seconded, Mr. T. Barnes - who stated that the granting of this sign could encourage others to ask the same thing - and these additions could go on indefinitely.

It was added to the motion (accepted by both Mr. Lamond and Mr. Barnes)

DEFERRED CASES:

6-Ctd.

that these signs must be removed within 30 days of this date.

Motion carried, unanimously.

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RE: MORRIS L. KRAFT & SOLOMAN STICHMAN, for operation of a service station on the east side of Rt. 123, adjoining Oakton Methodist Church.

Mr. Beckner was unable to be present, therefore, the Board discussed this case with Mr. Mooreland.

Mr. Mooreland pointed out to the Board that the architecture of this building cannot be tied down in the motion, unless the applicants agree voluntarily to a certain type of architecture. Mr. Mooreland recalled the case of the dial center at McLean which the applicants had proposed as a flat top building. Through agreement with the applicants the building was constructed with a pitch roof - which the Board had suggested.

In this case the applicants are willing to agree to an architectural design which is in keeping with the neighborhood - they will agree also not to erect the standard green and white station. Mr. Mooreland suggested that the Board make a motion - if they are inclined to grant this use - subject to receipt of a letter from the applicant or his attorney, agreeing to a certain type of architecture.

In view of the Board's action on June 4, 1958 rescinding the motion of May 27, 1958 in the case of Kraft and Stichman, Mr. Lamond moved that the application for a use permit be granted subject to a letter from the applicant stating that the architectural design of the filling station to be erected on the property described in this application, will conform to the architecture in the neighborhood, and that the standard green and white filling station will not be constructed.

Seconded, J. B. Smith

For the motion: Lamond, J. B. Smith, Mrs. Carpenter, and T. Barnes.

Mrs. Henderson voting "no". Mrs. Henderson stated that she voted "no" because, in her opinion, a business of this type is detrimental to the operation of the Sunday School next door as it will be operated on Sunday when the Sunday School is in session. There are many businesses which could operate in a rural business area on a 5 or 6 day basis, but a business which operates 7 days a week is not the proper type of commercial use to be located next door to a Church.

Motion carried.

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The Chairman asked for further discussion on the CLYDE A. FORNEY case to determine if the Board would affirm or reverse its decision made at the hearing of May 14, 1957 - at which time the request was denied.

Mr. Lamond recalled that he had originally favored granting this variance to Mr. Forney because of the location of the septic tank and field, which was represented as being very near the rear of the house; but the fact is, Mr. Lamond explained, his desire to grant the case was probably influenced

CLYDE A. FORNEY - Ctd.

by his desire to see the property. After further investigation, Mr. Lamond said he felt that the case should be denied because no hardship has been proved nor brought to the attention of the Board.

081

Mr. Mooreland told the Board that the Health Department has nothing on this to show location of the septic tank and field - nor do they have a record of a permit having been obtained.

Mr. Mooreland said he made an investigation of the property and talked with Mrs. Forney.

Just back of the house - at the far corner, opposite the addition - about four feet from the house, he noticed a brown spot in the grass about 4 x 6 feet running out from the house, which obviously indicates the location of the septic tank. Assuming that this is the tank, Mr. Mooreland said he estimated the grade to the logical point where the septic field would be located. The natural drop would be to the far opposite corner of the lot which would be a considerable distance from the house. This would give a drop of about 18 inches. The field would have to be out away from the house and on this slope, Mr. Mooreland continued, in order to get a proper drop. If the field were located close to the house, as indicated by the applicant the drainage would be poor and it would run off to the side of the lot into a little gully and the seepage would be evident. Also, if the drainfield were located up near the house as claimed - a fairly good sized pear tree in the back yard (about 12 feet from the house) would be in the middle of the drainfield. It is obvious that the field is beyond the pear tree, Mr. Mooreland stated, where it has sufficient slope. In that location it would clear the house and the proposed addition by a considerable distance. Therefore, there would be no reason why the addition could not have been located on the rear of the house.

Mr. Mooreland stated that Mrs. Forney had told him that she did not want the addition on the rear of the house because it would cover the kitchen window.

Since the Forney case has been before the Board, the neighbor next door has filed for a variance on the very same thing - Mr. Mooreland told the Board.

The Board was of the opinion that the addition was shifted to the side of the building - not because of the septic field but simply because the applicant wanted it that way.

Mr. J. B. Smith moved the following Resolution:

That the Board has reviewed its findings on the original hearing in this case and finds that there is no reason to reverse its original decision to deny the case.

Seconded, Mr. Lamond

For the motion: J. B. Smith, A. Slater Lamond, T. George Barnes, and Mrs. M. K. Henderson

Mrs. Lois Carpenter refrained from voting as she was not a member of the Board at the time of the original hearing.

Motion carried.

DEFERRED CASES:

1- ELLIS G. HARRINGTON

Mrs. Henderson recalled that the Board had recently granted a shed in a similar situation. This is of metal construction, which would preclude a fire hazard.

Mr. Mooreland called attention to the fact that a fire proof garage could be located this close to the line. Asbestos shingle is considered fire-resistent which would probably meet the requirements of "fire proof" material. It would appear, Mr. Mooreland continued, that this could be considered in the same category. Because of a technicality in the Ordinance, Mr. Mooreland thought it not reasonable to deny this.

Mrs. Henderson suggested asking the Board of Supervisors to consider an amendment to the Ordinance to allow accessory buildings the same setbacks as garages.

Mr. J. B. Smith moved to grant the application.

Mrs. Henderson said she would rather see the Board defer the case to see if the Board would consider an early amendment. Then defer it for an indefinite time, Mr. Mooreland asked? He thought it impractical to keep bringing this up at intervals - with no answer for the applicant.

Mr. Lamond thought the Board should take affirmative action that would be in conformance with the Ordinance - as it is now.

It was brought out that the Board has deferred this along for a considerable time - leading the applicant to think it might be granted.

Mr. Lamond moved to defer the case for six months.

Seconded, J. B. Smith

For the motion: Lamond, T. Barnes, J. B. Smith, and Mrs. Henderson

Mrs. Carpenter refrained from voting.

Motion carried

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Meeting adjourned

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, June 24, 1958, at 10 o'clock 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. J. B. Smith.

NEW CASES:

1- ERNEST H. SHELTON, to permit erection of carport within 5 feet of the side property line, Lot 38, Section 1, Kent Gardens, (5804 Tilden Place), Dranesville District. (Sub. Res. Class 2).

Mr. Shelton called attention to the fact that his house had been misplaced on the lot. More room should have been left on the kitchen and driveway side for the carport. There is sufficient room on the lot to have placed the house 5 feet closer to the side adjoining Lot 37 which would have left room for this addition. He needs the 15 foot width on the carport to have clearance for the car as the basement entrance takes up 4 feet on this side of the house. This will be a neat looking addition of metal construction.

It was noted that Mr. Shelton has 24+ feet on the opposite side of the house, however, a concrete driveway has been put in on this side.

While there is room at the back of the house, that area is not usable as there is a steep drop in the ground down to a swamp area. It would be impractical to fill sufficiently for the carport. This is a well built up area, Mr. Shelton told the Board; most of the property owners do not want carports.

Mr. Shelton continued that this would make the most convenient side for him to use for the carport as it leads directly from his kitchen. It was no doubt the intention of the builder that the carport should go on this side as they put in the concrete driveways and most of the other lots have plenty of room for the carport on the kitchen side. This was simply a mistake in the original house location.

There were no objections from the area.

Mr. Shelton presented a petition signed by all of his neighbors and none have objected.

Mrs. Carpenter moved to deny the case as it is a large variance and such an addition would bring the carport much too close to the side line.

Seconded, Mr. Barnes

Carried, unanimously

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2- RICHARD G. ROBINSON, to permit carport closer to Street line and also overhang greater than allowed by the Ordinance, Lot 95, Section 2, Lincolnia Heights, (7115 Hillcrest Road) Mason District. (Suburban Residence Class 2).

Mrs. Robinson discussed the case with the Board. They moved here about one year ago, Mrs. Robinson told the Board. They put the carport on

NEW CASES - Ctd.

2- Ctd. without knowing it was necessary to have a permit. When they received notice of the violation they came to the zoning office and got a building permit. There is a 5 ft. overhang on the garage and they figure this will require a 2 foot variance on the garage and 2 feet on the overhang. Mr. Mooreland said the measurements on this are a little confusing; the carport is 20 by 20 feet; the post supports are approximately 17 feet from the house which should make the end of the roof line about 23 feet from the house. The construction could be 30 feet from the line and a 3 foot overhang is allowed but it is not plain just what the dimensions are. It was noted that the side line of the lot is not parallel with the house.

Mr. Lamond moved to defer the case to view the property. Mr. Lamond suggested that in a case like this pictures would be very valuable in showing exactly what is on the ground.

Seconded, Mrs. Carpenter.

Carried, unanimously

Deferred until July 8th.

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3- HERBERT R. WOOD, to permit operation of a gravel pit on Service Road #6 southerly adjacent to Loisdale Estates, Lee District. (Agriculture).

Mr. Wood recalled that the Board had granted to Mr. C. J. Robinson the right to remove gravel from the Gibson property with restrictions in accordance with the Ordinance, that the ground would be left properly graded. Mr. Wood is now taking over the completion of that Agreement and will assume responsibility for leveling and grading of the banks which adjoin the property on which he is asking the use permit and continue on the property on which he is applying to remove gravel. This will release Mr. Robinson from his agreement.

The following letter was read from Mr. Arthur Hunsberger from the Department of Public Works:

"June 23, 1958

Mr. B. C. Rasmussen
Subdivision Design Engineer
Department of Public Works
Fairfax County, Virginia

Re: Proposed Gravel Pit -
Martin Gibson Property
(Permit in name of
Herbert R. Wood)

Dear Mr. Rasmussen:

On June 3, 1958, Mr. William Mooreland and I made a field inspection of the above named site, which is located 1,450 feet (.36 mile) south of Lois Drive (Section Two, Loisdale Subdivision) and on the east side of the Henry G. Shirley Memorial Highway Service Road #6, as shown on the attached 1"=400' topo #K-8.

3- Ctd.

The 3.19 acre parcel to be used as the gravel pit is bordered on the west by (a) additional property in the name of Martin Gibson and on the north and east by (b) an existing gravel pit, and on the south, (c) by undeveloped wooded land (owner unknown). The following conditions were found at the above inspection:

(1) The topographic map dated May 1958 from the office of Delashmutt Associates and marked VOID in red, was used for the field inspection.

The existing topo is apparently correct, but the proposed grading was not satisfactory to Mr. Mooreland, because of mound of gravel to be left between the proposed and existing gravel pits and was not satisfactory to our office because of the unnatural drainage; so at the request of Mr. Mooreland to the owner of the proposed site, a new plan was submitted that eliminated the two above named objections.

(2) The sight distance at the proposed entrance is 1,000 feet plus or minus in both directions.

(3) There are two houses and one outbuilding 100' to 150' north and west of the proposed pit site.

(4) The topography is rolling and covered with sod.

(5) With the new proposed grading plan, there is 0.09 acre of unnatural drainage.

(6) The drainage ways through this property show very little sign of erosion in their natural state.

If the Board decides to grant this application, the owner should make application to the Virginia Department of Highways for an entrance permit at the point of access shown on the attached plan.

/s/ Arthur T. Hunsberger"

It was noted that the Robinson gravel pit was operated until about three months ago.

The Chairman asked for opposition.

Mrs. Johnson stated that she is a permanent resident of Loisdale, the subdivision to the north of the gravel pit area. Mrs. Johnson represented the residents of her area and citizens association which met recently and cast a unanimous vote against the operation of this pit. The Association objects because the entrance to the pit is .1 of a mile from the last home in Loisdale. Loisdale is a well developed subdivision with homes in the $18,000 class and they feel that this use would be a hazard to the homes on Loisdale Road and to the children waiting for the school bus. Inspection of this site has revealed many hazards, Mrs. Johnson continued. There are steep banks which would be dangerous to children playing in the area. Mr. Mooreland stated that those banks would be leveled and corrected by the operator of this gravel pit. She also stated that the dust and heavy trucks would create a nuisance and hazard to the residential area.

This is a new subdivision, Mrs. Johnson continued. People bought here hoping to have a rural atmosphere and to get away from annoyances and commercial activities.

NEW CASES - Ctd.

3- Ctd. Mr. Mooreland called attention to the fact that many homes in Loisdale are built upon industrially zoned property. He wondered if the people living in this area realized that practically any trade or service could operate in their subdivision. If a property owner wished to open some business which might be particularly obnoxious to the area he could not refuse to give that person a permit.

086

Mrs. Johnson contended that there is a mistake in the map as their deeds clearly state that nothing but single family dwellings can go in this subdivision. She had talked with the builder who expressed the opinion that the map was wrong, that the land would remain residential because of the restrictive covenants.

Covenants do not replace the County zoning, Mr. Mooreland told Mrs. Johnson. The map is correct, he continued, the developer chose to put these houses on industrial land which he could do by observing urban size lots. Industrial zoning does not preclude establishment of homes.

Mr. Lamond observed that the Planning Commission had been faced with this problem and it had been discussed by them. He suggested that the citizens association should apply for a change in zoning of the area. That is the only way this zoning could be changed, Mr. Lamond stated.

There has been a great deal of trucking in their area because of the building of homes and they expect that, Mrs. Johnson continued, but they do not want this heavy trucking as a permanent thing and the dangers of the gravel pit next door to their homes as a threat to the children.

Mrs. Johnson suggested that if this operation is granted they would request that the area be fenced as a safety measure.

It is unfortunate that this industrial land has been developed with homes, Mr. Lamond stated. It should have been put to industrial use, but under the circumstances these people have bought in an industrial area and it is natural that hazards will result.

Mrs. Bolish questioned why was not the builder stopped when he applied for permits to build homes in this industrial area. The people did not know of the zoning and they are now in an untenable position. They cannot fence their front yards according to their covenant, only the rear yards. People bought with the thought that they would be protected by County regulations.

Six were present in opposition.

Mr. Wood said he was surprised at the opposition, knowing this area which has been used for a gravel pit for several years. The road leading in to this property comes off of the Shirley Highway Service Road No. 6. It should create no hazard. The warehouse has access to this service road, the RF&P Railroad is near and the Shirley Highway is within 30 feet. If children are apt to wander off 1000 feet into this gravel pit area, they would probably be inclined to get out on to the Shirley Highway and to the warehouse, Mr. Wood continued. This would appear to be no greater hazard

3- Ctd. than those already present in the area. They carry heavy insurance on their activities.

087

In answer to Mr. Smith's question as to how long they expect to operate here, Mr. Wood said he could not say but they will probably remove 50,000 cubic yards.

When they finish this operation, Mr. Wood continued, the ground will be in far better shape than it is now. They have a clause in their agreement with the owner of this property that the top soil will be taken off and after the grading and leveling is completed it will be put back so vegetation will grow back immediately. There is about 2 feet of top soil now on the property.

Mr. Mooreland thought the people objecting would be in a far better condition to have this gravel removed and the area put in shape for development than if it were left undeveloped as it is. The ground will be graded to a 2:1 slope.

Mr. Mooreland said he did not know how long the original pit had been here, he thought many years.

The resources in the County are limited, Mrs. Henderson observed and when it is feasible to develop natural resources it should be done. These pits are governed by strict requirements and when the gravel is removed the land will be in good condition for development. If the land were left unused in its present condition it would be hazardous and an eyesore.

Mr. T. Barnes moved to grant the application a 3.19 acre tract as shown on plat dated May 1958 prepared by DeLashmutt Associates. This is granted for a period of three years and the operation must comply with Section 6-4-n of the Zoning Ordinance. A permit must be secured by the applicant from the State Highway Department for entrance to this property. This is granted to the applicant only, who must comply with all regulations of the Ordinance.

Seconded, Mr. Lamond.

Carried, unanimously.

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4 - MRS. MABEL LEMON, to permit operation of a nursing home, Lot 1, Section 2, Woodburn Heights, Falls Church District. (Suburban Residence Class 3)

Mrs. Lemon stated that she is caring for three elderly ladies in her home and has been doing so for two years. She has a license from the State but did not know it is required to have a permit from the County. There are no objections from the area, Mrs. Lemon continued, her neighbors and people living in the area have all indicated that they appreciate what she is doing and they wish her to continue. The house is a one story rambler well suited to this use. She did have a large sign on the property to which people objected but she has taken that down.

4- Ctd. A letter from Mr. Willis Burton, Fire Marshall, was read detailing certain changes that must be made in the house, all of which Mrs. Lemon said she would make. The letter reads as follows:

088

"June 4, 1958

Mrs. Mabel F. Lemon
Route 3 Box 324
Annandale, Virginia

Dear Mrs. Lemon:

Re: Lemon Nursing Home

I recently talked with Mr. Croy following our conversation in my office on June 2 regarding the above mentioned building. After further checking of the County Building Code and other references we feel there is the possibility that the building could be used as you propose without altering the walls in the bedroom, hall and living room.

My letter today is based on occupancy by no more than four patients as you are now licensed by the State. For any increase in occupancy, further requirements would have to be met.

The following steps which void my letter of January 28, 1958 must be taken:

1. Provide an exit door directly to the outside from each of the two bedrooms which are not now so equipped. The door, landing and stairs for these exits must meet all requirements of the County Building Code.

2. The furnace room must be enclosed to provide 3/4 hour fire resistance rating. The door must be changed or covered both sides with sheet steel. The enclosing walls must be covered on both sides with Gypsum wall board or equivalent, and in addition, a vent directly to the outside air must be provided so that there will be air for proper combustion.

3. The front door must be marked with a lighted exit sign. This can be either internally or externally illuminated. The exterior stair from the two bedrooms must be lighted. The lights mentioned above must be on a completely separate electrical circuit.

In addition to the above requirements I would strongly recommend that a fire alarm device or devices be provided for the hazardous areas such as the furnace room, kitchen and storage room. The alarm device could be of the local unit type, but in any case, should be Underwriters' Laboratories approved.

Of course it will be necessary to secure a Building Permit for the work mentioned above. At such time the exact details will be needed regarding the exits from the bedrooms and the enclosure of the furnace room. In order to get the Building Permit I believe it will be necessary that you clear through Zoning, first.

As this is a serious hazard due to the patients you are now caring for that are not able to take care of themselves, immediate steps must be taken to remedy the condition. Therefore I would appreciate hearing from you immediately in regards to your plans.

/s/ Willis H. Burton, Jr.
County Fire Marshal"

There are no houses in the immediate area, Mrs. Lemon pointed out, except her step-son who lives across the street. There is no dwelling on Lot 2 adjoining. This is a quiet area especially good for her patients. The ladies are very happy.

Mrs. Henderson asked what was in the room jutting out toward Spicewood Drive, it appeared to be very close to the right of way.

4- Ctd. This is a part of the house, not a garage, Mrs. Lemon answered, but the house is not close to the road (Woodburn Road) which is her entrance road. Spicewood Drive is a little circle street, it has not been dedicated, Mrs. Lemon stated. It goes no place and there are only two houses on it.

Mr. Mooreland said he was not sure about Spicewood. It was not on the plats and he did not know for sure which way it runs.

If this is a public road and the house is located in violation, that should be cleared up, Mrs. Henderson stated.

Mrs. Lemon was very sure this is a private road. It has not been dedicated; the people living on it maintain it.

Mr. Lamond thought that should be looked into. He therefore moved to defer the case until July 8th in order to determine the status of Spicewood Drive, if it is a private road or if it has been dedicated to the State. If it is a State road the variance in setback should be cleared up before granting this use. This is also deferred to view the property.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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5- JOHN K. WILKINSON, to permit operation of a tea room on north side of Lee Highway, approximately 1000 feet west of Mary Street, Falls Church District. (Suburban Residence Class 2).

Mr. Jack Wood, representing the applicant, asked that this case be deferred as he would like to furnish photographs with his presentation of the case.

Mr. Lamond moved to defer the case until July 8th in accordance with the request of the applicant.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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6- JOHN W. BUNTING, to permit enclosure of carport as a bedroom within 10.45 feet of the side property line, Lot 22, Block 31, Section 13, Springfield, (5903 Accomac Street), Mason District. (Suburban Residence Class 2).

Mr. Roy Bragg represented the applicant.

Commander Bunting bought this property in November of 1957 and was informed at the time of purchase that he could bring his house within 8 feet of the side line. The carport is now 10.45 feet from the side line. This would require a 4.45 ft. variance.

Mrs. Henderson called attention to the fact that the 8 foot restriction is in the deed restrictions which has nothing to do with zoning.

NEW CASES - Ctd.

6- Ctd. It was noted that a large storage area at the rear which is practically room size is already enclosed and is within 10.45 feet of the side line. Granting this would bring the entire side of the house that close to the side line.

090

The size of this storage room was discussed. Small storage areas at the rear of the carports have been allowed Mr. Mooreland noted and the fact that this is 11 x 12 feet brings up the question, where does the size of a storage room stop? Many of the storage areas in this subdivision are this size.

Mrs. Henderson suggested that this addition be put on the rear of the house. Mr. Bragg said that was impractical because it would require knocking out a portion of the brick wall which would add greatly to the cost of the addition and it would detract from the appearance of the house. If the carport is enclosed it would break the monotony of the houses which are mostly alike in this development. The applicant needs this space badly, Mr. Bragg continued, he would not have bought the house had he not believed he could enclose the carport. Enclosing the carport would add to the appearance of the house; it is screened now but it would be much more practical and usable if enclosed.

If others in the area were to ask for the same thing, Mrs. Henderson noted, it would be in effect rezoning the land to bring all the houses this close to the side line. But people in the area like it this way, Commander Bunting stated. They are all in favor of his enclosing his carport. They are not worried about bringing the houses too close to the line.

This is not a situation peculiar to this lot, Mrs. Henderson observed, many other property owners probably would want to do the same thing. There is no topographic condition to warrant this and there is an alternate location. She could see no hardship.

Commander Bunting stated that there is no point in following the Code willy-nilly when something attractive can be done for the betterment of the community and for the benefit of the County and work no hardship on other people in the area. If it takes a variance to accomplish that, it should be done.

If all variances that people ask for were granted, the Ordinance would not be giving proper protection to the people, Mrs. Henderson explained. The Board cannot grant variances because it might be cheaper to build in a certain location, it must be shown that the Ordinance works a hardship or is at fault. Because one buys a house that is too small and he needs more room is not sufficient ~~room~~ ground to grant variances.

NEW CASES - Ctd.

6- Ctd. Mr. Lamond suggested that the Commander discuss his needs with some builder who understands his problem and he probably could work out something which would be within the ordinance requirements. Commander Bunting said that was just what he did and the builder suggested enclosing the carport. It would not appear practical to tear out a wall and put this on the back where it would not tie in with his house plan.

091

Mrs. Henderson quoted the hardship clause from the Ordinance.

Mr. J. B. Smith moved to deny the case because the Board has no grounds on which to grant the case. No proof of hardship in accordance with the Ordinance has been shown.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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7- Ctd. KENNETH WILSON, to permit erection of a carport within 12 feet of the side property line, Lot 3, Section 1, Floyd Park, Providence District. (Rural Residence Class 2).

Mr. Wilson described what he is asking for, the 13 foot carport on the side of the house to come 12 feet 2 inches from the side line. Mr. Wilson explained that the house is set on a little knoll with a slope in all directions, especially at the back which makes it impossible to locate the carport there or on the opposite side of the house. There are only six houses in this subdivision.

Mr. Barnes moved that the variance be granted because of a topographic condition on the property. Granted according to plat submitted with the case dated March 14, 1958 prepared by J. D. Payne, granted under Section 6-12-g of the Ordinance. Seconded, Mr. Lamond.

For the motion: Messrs. Smith, Barnes, Lamond and Mrs. Henderson.

Against: Mrs. Carpenter

Motion carried.

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8- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station with pump islands within 25 feet of Street property line, S.W. corner Scoville Street and Seminary Road, Route 716, Mason District. (General Business)

Mr. Bell represented the applicant. Mr. Bell showed photographs of this site pointing out the relationship between other uses in the area and this property. He also showed a photograph of one of the modern Cities Service stations after which this would be patterned, a two bay, brick with the pylon built into the building.

This area to be used for the filling station is a part of a 2.69 acre tract of undeveloped commercial zoning. The filling station property is bordered on two sides by business property. At this intersection there are three corners zoned for business, the fourth corner is resi-

NEW CASES - Ctd.

8- Ctd.

dential. Homes back up to the rear line of this 2.69 acre tract. They will pave the area between the unused portion of the right of way and the pump islands, Mr. Bell said they had talked with the Highway Department and find that they have no plans for carrying the widening of the highway from Alexandria on into Fairfax County.

The Chairman asked for opposition.

Colonel Chaney stated that his residence abutts this tract at the rear, but he was particularly concerned about the dedicated sidewalk on Scoville Street. They wish to be assured that it will not be removed.

Mr. Abramson stated that the sidewalk belongs with the dedicated right of way of the street and will not be disturbed. It will continue on to Seminary Road. The sidewalk is located just on the edge of the property line and there is sod between the sidewalk and the paved road. This will remain.

Mr. Harlow stated that when this property was rezoned there was a restriction laid down by the Board of Supervisors that the rear of the property would be screened with planting.

That planting was required to go across the rear of this entire tract, Mr. Mooreland advised Mr. Harlow. This property to be used for the filling station is not under that restriction.

Mr. Abramson stated, however, that the company would screen this filling station property at the rear in the same way as they are required to screen the rear of the full tract.

Mrs. Henderson stated that in her opinion this property should never have been rezoned for general business uses. It should have been deferred for the transitional zone to be set up in the Pomeroy Ordinance.

It was noted that the proposed building is to be located 59 feet from the Seminary Road right of way line and 93 feet from the centerline of Scoville Street.

Mr. Abramson told the Board that the property adjoining this tract has been sold to a ceramic shop, the owner of which will put up an attractive building.

Mr. Lamond moved to grant the permit for erection and operation of a filling station at the corner of Scoville Street and Seminary Road referring to a plat labeled "Cities Service Oil Company No. 23-30-16". This is granted because it conforms to Section 6-16 of the Ordinance. It is understood that the building will be of brick construction and the property will be screened across the rear with a 6 foot fence . The same fence restrictions placed on this property at the time of rezoning shall be applicable to this property. This is granted for a filling station only.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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NEW CASES - Otd.

9- 10- MELPAR, INC., to permit buildings 1 and 3 to be used for laboratories for scientific research and development, N.E. corner of Leesburg Pike, Route 7 and Hardin Street, Mason District. (General Business).
MELPAR, INC., to permit building 4 to be used for a laboratory for scientific research and development, N.E. corner of Columbia Pike, Route 244 and Moray Road, Mason District. (General Business).
Mr. Brandon Marsh represented the applicant.
The Board agreed to discuss the two cases together, since they involve the same use and practically the same conditions apply.
The following recommendation from the Planning Commission was read:

> "The Commission recommended to grant the applications as this is the same type of use granted to the applicant in other general business areas. It is for the purpose of research, which past experience indicates will have no adverse effect upon the area."

Mr. Marsh showed pictures of the buildings proposed to be used, stating that they have sufficient parking. The work to be performed will include research and light assembly, the same operations as are being carried on in the other buildings occupied by Melpar.
There were no objections from the area.
Mr. Lamond moved to grant both applications as the requested use is in conformance with the Melpar amendment and it does not appear that the use would adversely affect surrounding property.
Seconded, Mr. J. B. Smith.
Carried, unanimously.
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11- DeLASHMUTT ASSOCIATES, to permit carport to remain as erected 9.1 ft. of the side property line, Lot 51, Section 3, Marlbora Estates, Dranesville District. (Rural Residence Class 2).
Mr. Tom Chamberlin represented the applicant. Since the immediately adjoining property is owned by the developer Mr. Chamberlin said they had notified others nearby.
When they started this development they were building 11 foot carports, Mr. Chamberlin told the Board. Since that was not considered adequate they changed to a 12 foot carport and that extra foot was not taken into consideration in this setback. This was an oversight, Mr. Chamberlin continued, the man did not check the new set of plans for the size of the carport. On the basis of the 11 foot width there would have been no question of the setback.
Mr. Chamberlin called attention to the fact that it is only this one corner which is in violation as the lot line fans out toward the rear of the lot and within about 3 feet of the corner, there is no violation.

NEW CASES - Ctd.

11- Ctd Mrs. Henderson suggested moving the violating post in 10 inches. That would require that all three posts be moved in or it would throw the line of the house off, Mr. Chamberlin answered. He also noted that the house on the adjoining lot (Lot 52) would be about 18 or 20 feet away. They had thought of trying to re-subdivide the two lots to gain this extra foot but they found that Mr. H. L. Rust holds the trust on these construction loans and it would require about 40 signatures to accomplish the resubdivision. This would delay construction and the readjustments in re-financing would take a great deal of time; that did not appear to be practical.

There were no objections from the area.

Mr. Lamond moved that the application be granted as this appears to be a slight variance which does not affect the entire side of the carport, only one corner is in violation. This does not appear to adversely affect surrounding or neighboring property. It is noted also that this is an irregular shaped lot.

Seconded, Mrs. Carpenter.

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

Mrs. Henderson voted against it.

Motion carried.

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12 - ATLANTIC REFINING COMPANY, to permit erection and operation of a service station within 13 feet of the side property line and pump islands within 25 feet of the Street property line, south side of Old Dominion Drive, 270 feet east of Route 695, Dranesville District. (General Business).

Mr. Dan Hall represented the applicant.

Mrs. Henderson questioned how many filling stations the Board had granted in this area. Mr. Hall answered that there are no filling stations between McLean and Arlington County on this side of the road. In the rezoning of this land, Mr. Hall told the Board, the Board of Supervisors required that they purchase the land between this tract and the intersection and bring it down to grade. This is a rugged piece of property and considerable grading will have to be done to make it usable, and to give good visibility. They have bought that property. The plan they have for grading will make it possible for clear visibility from a car 3 ft. within the driveway to a distance of 600 ft.

Mr. Lamond stated that the Planning Commission had made a full study of this and suggested that Mr. Schumann report on their findings.

Mr. Schumann showed a drawing of the area. The Planning staff made a careful study on this, Mr. Schumann explained, in an attempt to minimize the site distance problem.

When this case came before the Board of Supervisors the first time for a rezoning (at which time it was turned down) the Board was apprehensive

12- Ctd. of the topographic condition on this property. The Staff recommended that some special treatment of the land between the property up for rezoning and the Kirby Road intersection should be made. When this came back to the Board of Supervisors for a re-hearing on the rezoning on the basis of the drawing shown by the Commission Staff the Board granted the rezoning. It was with the understanding that the grading plan would follow that suggested by the Staff, which indicated how the property could be handled to obtain good sight distance. This map has been revised Mr. Schumann went on, with the re-location of the entrances. If the Board approves this application, Mr. Schumann suggested that the Zoning Office be instructed that the applicant must submit grading plans which have been approved by the Department of Public works and the Planning Office that the plans submitted to these offices will show how drainage can be taken care of. Mr. Schumann stated that Mr. Hall has a plan on this but it is not in detail and does not show exactly what they will do. It could be, Mr. Schumann continued, that the drainage could be thrown off onto the adjoining land, but if this is graded in such a way as to bring about an adverse drainage condition, it could develop that this would reflect upon the Board of Zoning Appeals.

Mr. Hall said that in the beginning they had no intention of purchasing this adjoining land, but in line with the Board of Supervisors' thinking they had bought the land and they expect to grade it in a satisfactory manner.

Mr. Lamond asked why the applicant needed the side line variance.

Mr. Hall stated that that was requested as it gives the filling station a better layout to have the building set back as far as possible and to allow freedom of movement on the balance of the property. Also, Mr. Hall contended, it would have a better appearance and would not be detrimental to the adjoining property. They will put in a new type of building which his company has recently adopted with glass siding and attractive overhang.

Mr. Schumann showed where the natural drainage goes, into the ravine, and indicated that this would require a considerable amount of grading to make the property usable.

Mr. Hall said they would bring the building in to meet the setback requirements if the Board wished but they would rather not because of the topographic condition and they think it would cramp traffic within the development and make it more difficult to get in and out. This has been located by their engineers.

When this came before the Board of Supervisors for rezoning, Mr. Schumann told the Board, it was asked how the County could be assured of proper

12- Ctd. grading and provision for drainage. He had told the Board that the Board of Zoning Appeals could approve this on condition that the adjoining property will be graded according to specifications of the Department of Public Works.

There were no objections from the area.

Mr. Lamond moved that application be granted for the erection and operation of a filling station at this point and that Mr. Hall and the applicant be instructed that before a permit is issued they must furnish complete drainage and grading plans to the Department of Public Works and the Planning Staff in order that these two agencies can assure proper treatment of the land. The granting of the 13 foot variance on the sideline is due to the topographic condition. It is understood that this permit will not be issued before all requirements and plans are approved by the Department of Public Works and the Planning Staff. This is granted according to the plat dated May 27, 1958 prepared by Lawrence Jan Osternoudt.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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13 - RALPH BELFORD, to permit 22 inch wall to remain as erected in screen porch, Lot 6, Block 32, Section 9, North Springfield, (5210 Ferndale Street), Mason District. (Suburban Residence Class 2).

Mr. Sabagh represented the applicant. It was questioned why this case was brought before the Board. It would appear, several members suggested, that a 22 inch brick wall would not constitute an enclosed porch.

Mr. Mooreland said he felt that the 22 inch wall around the outer edge of a porch was an invitation to build the wall all the way up and create a room which would be in violation, or the addition of storm windows or jalousies would have the same effect. The open porch which Mr. Mooreland said in his opinion does not include a 22 inch wall is allowed in this location, but if this man has a 22 inch wall the next one coming in may have a 30 inch wall and so on. When does the porch become enclosed?

A 22 inch wall would not appear to create an enclosed porch, Mrs. Henderson suggested. It is no easier to continue the wall on up or to put in windows to create a room on this porch than it would be on a carport. There are many cases in the County, Mrs. Henderson continued, where the carport is bordered by a wall and screened to the top for summer use. This would appear to be the same thing.

Mr. Sabagh stated that he considered his case to come under Paragraph 9 page 88 of the Ordinance.

NEW CASES - Ctd.

13- Ctd. His client moved here in the spring of 1956 Mr. Sabagh told the Board, he had no notice of the County Code and was not aware that he might be in violation when he screened this porch. However, he did call the County zoning office and told them he intended to screen the porch. He was told that it was all right as long as the cost was under $200. Mr. Belford then built up the 22 inch wall and put on the screening. One year later Mr. Barry from the zoning office was in the neighborhood and left a message asking Mr. Belford to contact him. Mr. Belford did so and a short time later Mr. Barry came again to his house and said the screening of the porch was all right but that he would have to take out the 22 inch wall. Mr. Belford then talked with Mr. Mooreland who confirmed Mr. Barry's statements. Mr. Mooreland told Mr. Belford that if he left the 22 inch wall around the porch the time would come when he would want to put in storm windows or jalousies and create a room. Mr. Mooreland is trying to prevent a violation which may never occur, Mr. Sabagh insisted, his client has no intention of putting in windows or anything else which would enclose this porch. What some person may wish to do in the far distant future was not the question Mr. Sabagh continued, the question is what is an enclosed porch? There is nothing in the Code to say, Mr. Sabagh pointed out.

They have canvassed the neighborhood and find that there are many screened porches with a door leading to the driveway and have compared those porches with the one Mr. Belford has. Mr. Sabagh showed pictures of the Belford porch and another porch which is enclosed to the floor. He could see little difference.

Mr. Sabagh quoted definitions of an enclosure: "Surrounded, shut in, confined on all sides, etc...." This is not enclosed on all sides, it is not shut in, nor is it surrounded with any enclosing material, Mr. Sabagh pointed out.

Mr. Belford suggested to Mr. Mooreland that he be allowed to submit an affidavit to the effect that they will not touch this screened porch again or change the condition of the porch in any way. Mr. Mooreland agreed that the porch could be controlled now, but such affidavit would not take care of the actions of some future owner.

The Belfords contend that they were not on notice of the 1954 Code and that they are entitled to that notice.

Mr. Sabagh presented a petition to the Board stating that the 55 signers have no objection to this porch as it is and they feel that it enhances the appearance of the development. The adjoining property owners are the first signers of the petition, Mr. Sabagh noted.

Mr. Lamond moved to grant permission to Mr. Belford to allow the porch to remain as erected because it is the belief of the Board that it is within their jurisdiction to grant this as requested.

Seconded, Mrs. Carpenter.

NEW CASES - Ctd.

13- Ctd. For the motion: Messrs. Lamond, T. Barnes, Mrs. Carpenter and Mrs. Henderson.

Mr. J. B. Smith voted against it.

Motion carried.

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14- CLIFFORD LIMERICK, to permit erection and operation of a motel on 1.268 acres of land, (5 units), property on northerly side of #1 Highway, approximately 1200 feet southwesterly from intersection with Engleside Street, Lee District. (Rural Business)

Mrs. Limerick stated that she had forgotten to bring her proof of notification. The Board agreed to hear the case and allow Mrs. Limerick to bring the notices to the Zoning Office.

They plan to have only five cabins which will be located 253 feet from the front property line, and about 100 feet from the dwelling which is on the property, between the cabins and U. S. #1.

They are buying the buildings from another place and transferring them to this property, Mrs. Limerick told the Board. The driveway which will come in between their home and the side property line will be graveled. They will tie in with the County sewer. They have a well which probably will have to be dug deeper. City water is not available at this time.

The property on one side of them is vacant, Mrs. Limerick pointed out. A garage is operating on the other side, that property is zoned commercial. The old garage building shown on the plat will be removed, Mrs. Limerick stated. The land falls off toward the stream on the eastern side of their property, therefore the most logical place for the entrance road is just to the east of the house.

It was noted that the house is only 12 feet from the side line and the Board did not think that sufficient entrance road for a motel. Mrs. Limerick said they would be glad to remove the front porch of the house, that would give another five or six feet for the road width.

Mr. Lamond quoted from the Ordinance, page 107, paragraph 4 regarding safe ingress and egress and suggested that the entrance road which should be wider than the 12 feet and the egress and ingress should be shown on the plat.

Mr. Mooreland asked if these cabins were to be for transients or permanent people. Being so far back from the highway, Mr. Mooreland questioned if transients would be attracted.

There were no objections from the area.

Mrs. Limerick said they especially wanted the tourist trade. She thought that having the cabins back from the road it would be quiet and probably better than up closer to the road. They plan to call this "The Lamp Post" and have a string of lamp posts along the driveway and a sight out front in the shape of a lamp post.

NEW CASES - Ctd.

14- Ctd. How large a sign? Mrs. Henderson asked. Mrs. Limerick answered, "About 10 ft. by 8 ft."

099

Mr. Lamond said he would like to make a motion to grant this but thought the Board should first have a map showing ingress and egress with the width of the entrance road indicated. He thought if the porch on the house were removed the entrance road could probably be wide enough. Mr. Lamond therefore moved to defer the case until July 8th to give the applicant the opportunity of presenting a map showing the proposed entrance road, its location and width and for presentation of the notices of proof of notification.

Seconded, Mrs. Carpenter.

Since this is a private entrance road, Mr. Mooreland noted that it would not have to conform to State specifications but the Board can require what they believe will be an adequate width.

Mrs. Limerick said it probably would not be practical to locate the road on the westerly side of the house because of the topography but she thought they could get a 16 or 18 foot road along the property line in front of the house.

Motion carried.

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15- J. P. WILBERN, to permit erection of a dwelling within 45 feet of the Street property line, Lot 6, Section 2, Saigon, Dranesville District. (Rural Residence Class 2).

Mr. Wilbern showed a topographic map of his lot indicating a rolling contour. In planning their home on this property, Mr. Wilbern explained, they made every effort to save all the trees they could. If the house were placed where it would observe all setbacks the location of the septic field and tank would be in the way of several large trees. By shifting it 5 feet toward the front of the lot this could be avoided. The only part of the house which would be in violation is the 5 foot protrusion on one side of the front. The balance of the front line would meet requirements.

The people most affected by this encroachment and who have stated that they do not object to this are the adjacent owners on the north and east. There is no building on the lot to the west and the house across the street is for sale and the owner is not here.

This is an attractive area, Mr. Wilbern told the Board, the property owners are very conscious of the natural growth and contours of their land and all have made every effort to preserve the woods and to build in accordance with the contours. He has 30,000 sq. ft. in this lot.

Mrs. Carpenter told the Board that in her opinion this is one of the best subdivision developments in the County. The people have gone to great lengths to build and develop their land to take advantage of the beauty of the woods and the rolling ground. She could see no objection to this

NEW CASES - Ctd.

15- Ctd. request.

There were no objections from the area.

100

Mr. Lamond moved to grant the application as the problem here has been caused by a topographic condition, the land slopes from the front immediately down to the back of the property; therefore the Board could grant this under Section 6-12-g of the Ordinance and because it does not appear that it would adversely affect the neighboring lots or homes.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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CASES DEFERRED:

1- ANNANDALE PRE-SCHOOL ASSOCIATION, INC., to permit operation of a kindergarten and nursery school, N.W. corner of Gallows Road and Annandale Road, (Grange Hall), Falls Church District. (Suburban Residence Class 2)

This case was deferred for information on the future widening of the Falls Church - Annandale Road.

Mr. Schumann displayed a map indicating the line proposed to be taken by the Highway Department on the Falls Church-Annandale Road which would amount to 5 feet in front of the Grange building plus a widening out at the intersection with the Gallows Road.

Mrs. Plapinger again discussed the school saying they would fence in about 8000 sq. ft. for play area. They plan to have 68 children with four classes. Mrs. Plapinger emphasized the fact that they want this only for temporary use, perhaps 2 years. They hope to do something better by that time. They feel they must continue operations, this school has been in operation for 12 years and has proved successful but they want a permanent home and will work toward that end if they can keep going now. The area per child requirements of the Ordinance to control nursery schools once proposed by the County will be exceeded.

Mr. Lamond moved to grant the application to the applicant only for a period of two years (this is granted on a temporary basis). It is felt by the Board that the take from the Highway Department on the Falls Church-Annandale Road will not adversely affect the property. It is understood that none of the school operations shall take place between the building and the road and it is also understood that the property will be fenced in accordance with the plan submitted with the case.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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CASES DEFERRED - Ctd.

ALFRED R. HALES, JR., to permit dwelling to remain as erected 37.5 feet of Overly Drive, Lot 2, Block J, Fairfax Homes, (724 Overly Drive), Lee District. (Suburban Residence Class 2).

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Mr. David Carpenter represented the applicant. Mr. Carpenter said he had listened to the Board's comments on the other cases handled at this meeting and recognized the fact that this situation is different from those cases the Board has been discussing.

The house sits kitty-corner on the lot and therefore is not in line with any other houses in the subdivision. Also the lot is irregular, Mr. Carpenter pointed to the curve in the roadway which occurs opposite the corner of the house. When the house was staked out it was apparently located properly but when the road was put in the curve which was not observable at the time of the staking out showed the violation. However, it was not noticed until a recertification of the house location was made a few weeks ago. The house was built about 2 years ago. This does not affect the other setbacks in the subdivision, Mr. Carpenter pointed out because of the cross-lot location of the house and because of the curved street. Mr. Carpenter noted that all the other setbacks have been more than met. The lot is considerably larger than required in this zoning classification. Only one corner of the home is in violation.

The adjoining property owners have no objection to this violation and there are no objections from the area, Mr. Carpenter told the Board.

Mr. Lamond moved to grant the application as applied for due to the irregularity of the lot lines. This is a corner lot and the house has been placed kitty-corner so it will not be in line with other houses in the subdivision, and only one corner of the house is in violation. It is the opinion of the Board that the granting of this will not adversely affect the neighborhood.

Seconded, Mr. T. Barnes.

For the motion: Messrs. Lamond, T. Barnes, J. B. Smith, and Mrs. Henderson.

Mrs. Carpenter refrained from voting.

Motion carried.

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The Board discussed the value of asking applicants to present pictures with their cases, if pictures would serve to clarify or assist the Board in any way in making decisions. In many cases it would preclude the necessity of the Board viewing the property or it could present the situation in such a way as to vitally affect the decision. These pictures would be asked for in the Zoning Office.

Mr. Mooreland said that the first thing people will want to know is where

in the Ordinance is such a request required. It is difficult now to get certified plats, Mr. Mooreland continued. He thought another requirement which is not spelled out in the Ordinance would be the last straw. He thought it would be practically impossible to get the pictures.

This would not be a hard and fast requirement, Mrs. Henderson suggested, and pictures would not be necessary nor practical in all cases but she thought this not unreasonable as it could be of a considerable advantage to the applicant and it would, without question, help the Board.

It was agreed that the Zoning office would try getting the pictures by asking when the application was filed and if it is not too difficult it might later be incorporated in the letter of notification to the applicants.

Mr. Mooreland agreed that he would make every effort to get the pictures.

// June 24, 1958 – Page 102 –

The Board again discussed the granting of the porch with the 22 inch brick wall, Mr. Mooreland stating that in his opinion the Board has opened the door for many similar cases. First, someone will have the brick wall, then the screening, then storm windows or jalousies will appear and the enclosure will become a room.

Mrs. Henderson suggested that the Board establish a policy such as that no wall around a porch shall be higher than 24 inches. She thought a low wall around an open porch with screening very practical.

In cases where the applicant has a problem of some kind, that might be all right, Mr. Mooreland stated, but there are 25 houses in Rose Hill area whose owners have the same thing in mind and which have been discussed in his office. He has straightened these out, his only thought is to preclude the possibility of converting to a room which could so easily be done, and his office cannot police the enclosure of porches with walls.

Mrs. Henderson also questioned a 12 by 11 foot storage room at the back of a carport, which she stated, is not a storage area. It has all the earmarks of a room and is actually an extension of a part of the house. Mrs. Henderson said she realized that the small area for storing garden tools and small things has been allowed, but how come the storage area has grown so large?

It has just grown, Mr. Mooreland answered. First the area was about 4 by 10 feet, then 6 by 10 and now cars have become wider and garages larger and the storage sheds have become bigger. Mr. J.B. Smith thought even the small storage shed was an extension of the house. Mr. Mooreland thought the new Ordinance would take care of many problems along this line.

The meeting adjourned.

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

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The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 8, 1958 at 10 o'clock, a.m. in the Board Room of the Fairfax Courthouse with all members present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES:

1- BARNETT CHASKIN, to permit seven foot cedar screen fence to remain as erected six foot from right-of-way line of Potterton Drive. Lots 1057 and 1058 Section 11, Lake Barcroft. 500 Gay Lane. Mason District. (Suburban Class 3).

Mr. Chaskin stated to the Board that he had understood that his seven foot fence is in violation of the Ordinance because it is erected on the front property line of his property. He would point out, Mr. Chaskin said that Potterton Drive is not his front property line. He asked the Board to consider three things in this hearing: that there are peculiar and unusual circumstances surrounding this case; that the erection of the fence does not create a nuisance nor a hardship to any adjacent property owner; the removal of the fence would be a hardship for him. With regard to the first point, Mr. Chaskin stated, they feel that the location of the fence was dictated by the fact that their property is located in Lake Barcroft subdivision but their address is in Ravenwood. They use the facilities of Ravenwood, having ingress and egress through Gay Lane which enters into Ravenwood. This is an unusual situation, Mr. Chaskin continued but their home is situated so that Potterson Drive is their rear line and the home faces and is entered from Gay Lane. This fence was put up not to screen their home from other people, but rather to screen it from traffic on Potterton Drive, Mr. Chaskin pointed out that the adjoining property is ten feet above the top of his fence. [illegible]. If the fence is reduced to 5 feet it would not lessen the effect on adjoining properties, but it would eliminate the reason for their having the fence. They looked for this location for their home for over two years, Mr. Chaskin continued, and have a considerable sum in the place, approximately $90,000. To them it is a permanent home; a home which they use to the fullest. It is their way of life to do a great deal of business entertaining. They have many cocktail and garden parties, therefore they built the fence in order that the neighbors would not be disturbed.

They thought they had thoroughly investigated this fence, Mr. Chaskin explained. They talked with the contractor, discussing the type and location of the fence and showed their plans to the Architectural Committee of the Lake Barcroft Development who approved of it. If a permit were necessary, Mr. Chaskin continued, he thought his contractor had obtained it. He felt that nothing was left undone.

NEW CASES - Ctd.

1- Ctd. It would be a great hardship to him to reduce this fence, Mr. Chaskin told the Board. It might result in their having to sell the place, as without this screening, much of what they have tried to attain in their home would be lost.

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It was suggested that the fence might be moved back to the setback line which would allow the 7 feet. That would be a 40 foot setback, Mr. Chaskin answered which would leave then a long narrow back yard which would be practically unusable.

It was noted that according to the recorded plat, Potterton Drive would be the front street for this lot, but according to the house location and position on the lot Potterson Drive is the back line. This, the Board agreed, presented an unusual situation.

Mr. Chaskin stated that they received permission from the Lake Barcroft Company to face their house on Gay Lane. He has no entrance from Potterton Drive. It was also brought out that Gay Lane is a private drive, not dedicated to the State.

The Chairman asked for opposition.

No one was present to discuss the opposition but three letters were read asking the Board to reject this application:

"July 2, 1958

Board of Zoning Appeals
Fairfax County
Court House Building
Fairfax, Va.

Dear Sirs:

This is in regard to the hearing scheduled for Tuesday July 8th, concerning the application of Mr. Barnett Chaskin (Lots 1057 and 1058, Sec. 11, Lake Barcroft) for Variance From Strict Application of Zoning Regulation (6-12) (G), to retain the 7 ft. cedar screen fence which encloses his property along Potterton Drive.

As prospective neighbors (we expect to take possession of our new house which faces Mr. Chaskin's property on Potterton Drive some time this month), we would like to go on record as opposing the granting of this application. Your zoning regulations, it appears to us, are arrived at after much study and deliberation. The granting of this application would defeat the very reasons the regulations were passed, that is, to safeguard the land values of neighboring houses.

Aesthetically, the fence is overbearing and causes comment by all who see it. It is unfortunate that Mr. Chaskin may have to incur additional expense in order to comply with the law. On the other hand, since the Zoning Regulation apparently has been violated, and since the violation will definitely have an adverse effect on adjacent properties, we feel that this application should be denied.

/s/ Rhoda K. Hirsch
Sol S. Hirsch "

"July 5, 1958

Zoning Commission
County of Fairfax

Gentlemen:

I request strict adherence to Zoning Regulation (C-12) (g) in your review of the request of Barnett Chaskin, Lots 1057 and 1058, Lake Barcroft.

I am owner of property designated as Lot 1048, Lake Barcroft.

/s/ Harold J. Briggs"

"July 6, 1958

Board of Zoning Appeals
Fairfax County
Court House Building
Fairfax, Virginia

Dear Sirs:

We are writing this letter to you regarding Mr. Barnett Chaskin's application for Variance from Strict Application of Zoning Regulations (6-12) (G) to retain the seven foot fence he has already erected in front of lots 1057 and 1058, Section 11, Lake Barcroft.

We have been building in the Lake Barcroft area for the last three and one-half years and still own additional land immediately adjoining as well as directly opposite Mr. Chaskin's fence. A considerable part of the attractiveness of homes in Lake Barcroft to prospective purchasers has been its natural beauty which we have tried hard to maintain at considerable effort and expense, for example, care to retain trees.

Mr. Chaskin's high fence is an eyesore extending for a length of about 200 feet. Prospective purchasers invariably raise questions about it and have been told that it was erected illegally in direct violation of the law. Retroactive permission to construct such a solid seven foot high fence seems destructive of zoning principles designed to safeguard the appearance of and property values in a community. We strongly urge that this attempt to legalize an action destructive to the community be rejected.

/s/ Douglas Rosenbaum, President"
(Phoenix Construction Corporation)

Regarding aesthetics, Mr. Chaskin recalled that he had submitted the plan of the fence to the Lake Barcroft Board of Architects who judged the appearance and the location of the fence and they approved it.

The people directly across from him are on higher ground and they have a complete view of the fence; whether it is a 5 foot or a 7 foot fence would make no difference.

This fence was erected eight months ago, Mr. Chaskin continued, before these objectors bought their property. They saw the fence and apparently it did not deter them from buying.

Mr. Rosembaum stated that he had bought his property on which he is building and selling houses before Mr. Chaskin erected the fence. But, Mr. Rosembaum's firm had told him that the fence did not have an adverse effect on their property Mr. Chaskin told the Board, and they have continuously sold homes with the fence in full view.

NEW CASES - Ctd.

1-Ctd. Mr. Lamond moved to defer the case until July 22 to view the property. Seconded, Mr. T. Barnes.

Carried, unanimously.

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2- JACK COOPERSMITH, to permit erection and operation of a Service Station within 35 feet of street property line and pump islands within 25 feet of street property line. Lots 21 and 22, Section B, Alpine. S.E. Corner Columbia Pike and Evergreen Lane. Mason District. (Rural Business)

Mr. Marvin Weissberg represented the applicant. This is a completely commercial area, Mr. Weissberg told the Board. They have allowed 14,500 sq. ft. for the filling station which is a larger area than is usually considered necessary for a filling station. The house now on the property will be moved away. They need the 35 foot setback for the building in order to get proper circulation on the property.

Mrs. Henderson called attention to the second building, a Seven-Eleven store on the lot adjoining this tract.

This property was so expensive that it did not appear practical to have only the filling station, Mr. Weissberg answered, and the lot line divides these two lots at the point where the building is located on the plat.

Mr. Hall stated that the lot line of the original subdivision is located so that they cannot convey one parcel out of these two lots without a re-subdivision. The filling station building is located on the division line, therefore requiring the 35 foot setback from Evergreen Lane.

They wish to keep the two businesses on separate lots to eliminate the re-subdivision, which would also require a service road on Columbia Pike. They do not consider that necessary as there is no service road along Columbia Pike in this area. Since the other filling stations in the area do not have service roads, they feel it is necessary to be on the same competitive basis. Mr. Mooreland recalled that both the Michaels and Davian filling stations have a 34 foot setback on the pump islands.

Mr. Barnes suggested that the applicants were crowding too much on too small a piece of property.

Mr. Hall presented a second plat which showed a 20 foot easement between the filling station building and the Seven-Eleven store. This will be used as a common driveway for the two businesses, Mr. Hall explained.

Mr. Mooreland stated that this is not a recorded easement.

The Board discussed the easement; was it for entrance to the two back lots; was it a common driveway for the businesses, and why was it not shown on the plats presented with the case?

2- Ctd. This is the common driveway which will eliminate a second entrance to Columbia Pike Mr. Hall noted. They want the Seven-Eleven store on the property, it is a traffic generator and would be an asset to the filling station business. The property is sufficiently large to accommodate the two businesses. They do not need the distance between the buildings to get to the back lots, Mr. Hall stated.

Then, Mrs. Henderson stated, she could see no reason why the filling station building could not be moved over to meet the street setback and resubdivide the property.

While this is an application for the filling station only, Mrs. Henderson noted that the plat shows the Seven-Eleven store but with no division to show the amount of property allotted to each business, therefore the plats are inaccurate. Mr. Barnes suggested redesigning the building location and eliminating the Seven-Eleven store.

Since the easement between the buildings is not on the recorded plat of the subdivision, it would appear that the lots could be re-subdivided giving proper setback. The Board agreed that they could not amend the Ordinance by granting this as requested, therefore Mr. J. B. Smith moved to deny the application, as it is not within the jurisdiction of the Board to grant the 35 foot setback for the building.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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3- SPRINGFIELD ESTATES CO., to permit erection of a sign with larger area than allowed by the Ordinance. (Total Area 248 Sq. ft.) Lot 5, Block 17, Springfield Estates, 1000 feet north of Route 644 and 100 feet East of Route 350. Lee District. (Suburban Class 1)

Mr. Dan Russell and Mr. Hans Hess represented the applicant. The sign is existing; it was granted in 1955 for one year. The applicants wish to renew the permit for another year.

Mrs. Henderson asked why the delay in requesting this extension. They have 250 or 300 more homes to complete, Mr. Russell answered, the project has taken longer than they expected. This is the same sign as that granted in 1955. Cutting the sign down would defeat the purpose of the sign, Mr. Russell insisted. As it is, the sign can be seen from the Shirley Highway; if it were cut, it would serve only the local area which would be of no particular value to them.

Mr. Mooreland recalled that the Ordinance now allows only 20 sq. ft. of sign area for real estate signs.

This is purely a directional sign; Mr. Lamond pointed out, that is all the applicant needs and that is all he is entitled to. The area is far beyond what the Board could grant. Most of the wording could be taken

NEW CASES - Ctd.

3- Ctd. off the sign and still it could retain its usefulness.

Mrs. Henderson read the sign amendment which allows 20 sq. ft. for this type of sign. There were no objections from the area.

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They wish to retain their estate insignia, Mr. Russell explained. It has been used in their advertising for a number of years. They also need to have the price and size of the homes shown on the plot. They have a large frontage on which a smaller sign would be lost.

Mr. Lamond moved to deny the application because the area requested is far beyond the limits of the 20 sq. ft. sign area allowed by the Zoning Ordinance. It is the opinion of the Board that a simple directional sign indicating the location of the property is sufficient.

Seconded, T. Barnes.

Carried, unanimously.

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4- ALEXANDRIA WATER COMPANY, to permit erection and operation of 1.5 M Gal. Water Tower, Proposed Lot 600, B.H. Warner of Oakland Tract, 533' South of Columbia Pike on west side 12' Outlet Road. (Oak Street). Mason District. (Suburban Class 2)

Mr. William Koontz represented the applicant. Mr. P. H. Dowdell, manager of the Company was also present.

Mr. Lamond questioned whether or not the Board should have a recommendation from the Planning Commission in view of the recent emergency amendment passed making that requirement. Mr. Mooreland said that was not required since this case was filed before that amendment became effective.

Mr. Koontz thought the Board was in a position to act, as technically the report from the Commission is not required, but suggested that that was a matter for the Board to decide. It was agreed to go ahead with the case without the Commission's recommendation.

This structure would be 100 feet high, Mr. Koontz told the Board; the tank itself is 46 feet high with a capacity of 1.5 million gallons. The location of the tank at this point is one of the steps toward serving the rapidly growing area around Bailey's Crossroads. There is no storage of water in this area available now for peak demand, Mr. Koontz continued and the Company has found it necessary to have this for reserve. The Company have constructed a large pumping station at Occoquan and a booster station at Springfield. Now they have a new 16" main along Columbia Pike which is adequate to supply water to this area. This tank would be in the center of the area they propose to serve.

The height and size of this tank was discussed.

Mr. Koontz described the neighborhood, pointing to the VEPCO power station about two lots away, lots 604, 605 and 606 are vacant. The pattern for the area has been set by the VEPCO station, Mr. Koontz said. The tank would be located 500 feet off of Columbia Pike.

NEW CASES - Ctd.

4- Ctd.

The Chairman asked for opposition.

Mr. Robert Alexander appeared before the Board representing Springdale Citizens Association. The people in this area would be adversely affected, Mr. Alexander told the Board, by this unsightly tower. They feel that with this encroachment in their residential area it would be difficult to preserve the integrity of their property. Mr. Alexander thought the people in Courtland Park had not been properly notified of this hearing as no one was present in opposition. He suggested that the case be deferred for three or four weeks in order that the Planning Commission may recommend on this and for the people in Courtland Park to be notified and also suggested that the applicants look for another location which would not depreciate the property. Mr. Alexander stated that he did not believe this tower was needed in this area at this time. He questioned the safety of a 100 foot structure and pointed out the possibility and danger of it falling. The average structure in this area is not more than 25 feet. This 100 foot tower looming above the other buildings would be unsightly and would not fit into the scheme of residential development in the area.

If this case were deferred, Mr. Alexander continued, the Company could look around for a location which would not encroach on residential development and where the tank could be properly anchored.

Rev. Milton Sheppard from the Baptist Church agreed with the statements made by Mr. Alexander, stating that it would be more practical for the applicant to obtain land which would be closer to their main line. He mentioned commercial property in the Oliver Subdivision particularly. He, too, thought people did not have sufficient notice of this as the posting was off the Pike and very few saw it.

Rev. Sheppard stated that the outlet road to this lot has never been dedicated, it is only a 12 foot private outlet road. It is a very poor road, muddy and full of holes. There is no plan to widen this road and the coming and going of trucks would make it practically impassable for people living on it. It would also be dangerous for the children playing along the road during construction of the tower. There are lots within 50 feet of this proposed tower and the people who own those lots hope to build as soon as they can get the money. The erection of this would preclude the possibility of getting loan money for homes on this road.

Mrs. Bertha Thomas who lives at 6049 Maple Street stated that she owns the lot adjoining this property. She objected to the tower.

Mr. Sol Marshall, living at 3950 Oak Street objected to the use of the 12 foot road by the applicant. The road is so bad now that the mailman cannot deliver mail to them. He thought the applicant should have another entrance which would not disturb the only entrance available to the houses on Oak Street. He suggested coming in through the Norris property.

NEW CASES - Ctd.

4- Ctd. Mr. Alexander presented a petition with twenty-five names objecting to this use. This is the same old story regarding the location of these tanks, Mr. Koontz observed; everyone wants it near someone else. However, he pointed to many other tanks in the County which are near residential property and they have not been objectionable. This site was chosen after a great deal of study and it appears to be especially well suited to serve the area.

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Mr. Dowdell, manager of the Alexandria Water Company described the need in this area for a storage tank. They have had an emergency connection between the Alexandria Water Company and the Arlington Water Company system. Last summer when they were in need of water they used the Arlington Company connection until they became overloaded. They they were forced to curtail the water supply. This year Arlington Company cannot serve them with this emergency connection during the peak demand. This storage tank would take care of that need. They will re-fill during the night and a sufficient amount of water will be available during the daytime peak. They plan to put the water line down Oak Street.

Mr. Barnes asked Mr. Dowdell if they had had trouble with any of their tanks falling. Mr. Dowdell answered that they have not; the tanks are erected very well and he has never seen one fall or collapse. If they were poorly constructed of wood, that could happen, but this would be of steel construction and the design has been worked out with a great margin of safety.

Mrs. Henderson suggested that the Company make an attempt to locate commercial property in the area of Bailey's Crossroads. Mr. Koontz answered that they knew of no property available in that area.

Asked if this installation would generate traffic, Mr. Dowdell answered that it would be visited weekly. They would have a telemeter device in the tank which will indicate the water level and the altitude valve opens and closes automatically. This indicates the in-flow and out-flow. They would check this twice a year. Once the tank is installed, he continued, there would be practically no traffic to and from the property.

Mr. Barnes asked about fencing and landscaping the property. They would fence the property if the Board thinks it is necessary and will landscape the yard. Also they will have a protective gate over the ladder which will cut off at 8 or 10 feet from the ground. This would be a metal gate installed over the ladder so no one could crawl up on the ladder.

Mrs. Henderson was concerned over the residences across Columbia Pike. Since the posting sign was placed on the property, which does not front on Columbia Pike, it is likely that a number of people living in that area do not know of this hearing and when they realize that a 100 foot tank is going up in their neighborhood, they will likely bring the complaint to the Board even though requirements have been met. Mrs. Henderson suggested that the Board have a recommendation from the Planning Commission

4- Ctd. before making a decision.

Mr. Lamond moved that the Planning Commission be asked to review this case and give the Board the benefit of their opinion on this case which should be deferred to July 22. Mr. Lamond also stated that the hearing on July 22 would be for decision of the Board only, that no new evidence would be taken.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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5- FAIRFAX COUNTY WATER AND SEWER CORPORATION, to permit erection and operation of a sewer pumping station. North side Route #644-200 feet East of Accotink Creek. Mason District. (Rural Residence Class 1)

Mr. Andrew Clarke represented the applicant.

Mr. Clarke explained the case as follows: This is a request for a pumping station designed to serve 1600 acres west of Accotink Creek and including Springvale Subdivision. This plant has been enlarged from the original plan to serve the entire area. Mr. Clarke read a resolution passed by the Board of Supervisors reaffirming their position on the connection of a sewerage pumping station by Mr. Edward Carr. The resolution reads as follows: "Should Mr. Carr desire to install this pumping station, together with the necessary force main and a gravity discharge to the Backlick trunk sewer and a trunk sewer along Accotink Creek through his property, as in similar instances, that the County extend to him the right to be reimbursed a proportionate part of the cost of such facilities, from other property owners who might utilize the same."

The following letter from the Division of Sanitation addressed to Massey Engineers was read:

"June 19, 1958

Massey Engineers
Ford Building
Fairfax, Virginia

RE: Pumping Station
WEST SPRINGFIELD

Gentlemen:

In response to our telephone conversation, the following recap of events should provide the necessary information needed to apply for a Use Permit for the construction of the proposed pumping station at Accotink Creek and Old Keene Mill Road.

1. March 9, 1955 - The Board of County Supervisors authorized Mr. Carr to construct a sewage pumping station, force main and trunk sewer at the South boundary of his 1600 acre tract to serve the drainage area and discharge into the Backlick Trunk. The installation to be at the sole cost of the developer and become the property of Fairfax County upon completion.

NEW CASES - Ctd.

5- Ctd

2. August 1, 1957 - The Board of County Supervisors agreed that the County would be willing to enter into an agreement to undertake the collection from other property owners their proportionate part of the cost of the installations authorized by the March 9, 1955 action.

3. January 17, 1958 - Mr. Carr as President of Fairfax Water and Sewer Corporation signed an "Application for Sewerage Service" for the installation of the trunk sewer portion of the installation authorized March 9, 1955. This sewer is presently under construction.

4. The numerous details and decisions necessary for the preparation of construction drawings for a Pumping Station have been coordinated between members of your firm and this office, thereby making the final approval of the plans and specifications, when completed, a relatively routine matter.

If this office can be of any further assistance, do not hesitate to call.

/s/ Jack Liedl"
(Division of Sanitation)

Mr. Clarke located the pumping station site pointing out that the nearest building, a dog kennel) is across Route 644 to the south. The next nearest dwelling is 480 feet away. The property of Mr. Preston lies 750 feet to the west of the site. To the east is a vacant house which Mr. Clarke explained will be left for recreational purposes. The land between this project and the Preston property is heavily wooded and the station would not be visible to Mr. Preston.

There will be no effluent from this plant flowing into the Accotink Creek, Mr. Clarke assured the Board. It will be force mained on to the Backlick sewer, the same as was done with the Mace property. This plant is ready to go, Mr. Clarke observed, design is completed and all approvals have been obtained.

The following recommendation from the Planning Commission was read:

"July 8, 1958

RECOMMENDATION

TO: Board of Zoning Appeals

FROM: Planning Commission

SUBJECT: Fairfax County Water & Sewer Corporation, to permit erection and operation of a sewage pumping station.

LOCATION: North side of Route #644, 200 feet east of Accotink Creek - Mason District.

The Commission considered this application at last night's meeting.

The Commission is of the opinion that this proposal will not be in conflict with the provisions of Section 6-12 (f) 2 (a) (b) (c) of the County Code and it is recommended that this application be approved.

The provisions of this Section are found on page 36 of the recent codification of the County Zoning Ordinance.

/s/ H. F. Schumann, Jr."

NEW CASES - Ctd.

5- Ctd. Mr. Preston appeared in opposition stating that he lives on the west side of the Accotink Creek and Keene Mill Road. He advised the Board that the first notice he had received of this meeting was last night. He also had a letter of notification for Mr. Gorman, his brother-in-law, which he was not able to deliver as Mr. Gorman is away. Mr. Preston told the Board that he has no objection to Mr. Carr's pumping station located on his own land; that is all right, but he does object to the sewer lines crossing his property.

Mr. Byron Massey (Engineer for Mr. Carr) was present. He traced the course of the proposed sewer line which would go into Mr. Preston's property but expressed the idea that they may be able to follow the creek if it appears necessary. Mr. Preston was agreeable to carrying the line along the creek.

As a matter of fact, Mr. Lamond stated, the presence of the sewer line on Mr. Preston's property would be a great asset to him. He owns approximately 40 acres which could very well be sewered if and when Mr. Preston wished to develop.

A sewage pumping station sounds bad, Mr. Preston stated; people in Springfield have complained about the pumping station in their area, claiming that it is a nuisance. This would be only 750 feet from him and although he does not like the sound of a pumping station near his property he realized that he is powerless to stop it.

Mr. Massey explained that the station will be enclosed; the sewage will be pumped out immediately. They will not retain the sewage more than five minutes. There will be no odor. This would be merely a means of conveying sewage from one point to another.

Mrs. Henderson pointed out that the Tripps Run line goes through their back yard and it had caused them no trouble.

Mr. Massey again agreed to make every effort to keep their lines off of the Preston property. Mr. Preston said Mr. Gorman also would be opposed to the line running over his property.

Since this will eventually be owned by the County, Mr. Clarke suggested that they would naturally follow any suggestion of the County as to location of the lines, however, he saw no reason why they could not by-pass the Preston and the Gorman property.

Mr. Preston asked if Mr. Carr as a private developer could condemn his land for private use.

Mr. Clarke answered that he could not condemn for private use, but the conveyance would have to be made to the County, and since this will ultimately be County owned the location of the lines should be worked out in conjunction with the County.

Mr. Preston said he would like to have more advice on this.

NEW CASES - Ctd.

5- Ctd. After further discussion, Mr. Lamond moved that the applicant be granted a permit to erect and operate a sewage pumping station with the provision that the applicant stay off of Mr. Preston's and Mr. Gorman's property insofar as possible. This is granted as submitted on the plat dated August 1956 prepared by Massey Engineers, Scheme #1.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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6- J. M. BUTLER, to permit open porch to remain as erected within 5 feet of side property line. Lot 61, Section 3, Fairchester. 306 Fairchester Drive. Providence District. (Suburban Class 2).

This case was withdrawn.

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7- GILMAN G. UDELL, to permit carport to remain enclosed within 10 feet of side property line. Lot 253, Section 8, Sleepy Hollow Manor. 413 Valley Lane. Mason District (Suburban Class 2)

The applicant was not present. Mr. Mooreland read the following memorandum from Mr. Schumann addressed to Mr. Mooreland:

> "Please inform the Board before this case is presented by the applicant, that Supervisor Leigh has presented to the Board of County Supervisors a proposed amendment to the Zoning Ordinance which, if adopted, would permit carports and open porches which have been built to date, to be enclosed under certain conditions.
>
> It is expected that the Board of Supervisors will hold a public hearing on Mr. Leigh's proposed Amendment sometime during the month of September. Inasmuch as this Amendment would likely have bearing on this and any other similar case, it is suggested that the Board of Zoning Appeals not act on this matter at this time, but that action be deferred until some time after the expected public hearing."

Mr. Bauknight, the attorney in this case, asked that the case be deferred in accordance with the above letter.

Mr. Lamond moved that the case be deferred indefinitely pending adoption of the carport amendment proposed to the Board of Supervisors by Mr. Claiborne Leigh.

Seconded, Mrs. Carpenter.

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

Mrs. Henderson voted against the motion.

Motion carried.

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8- JACOB HOMES, to permit replacement of existing two pump islands with three new pump islands within 31 feet of the street property line. Block one, Parcel 2, Barley Farms. S.E. Corner Forest Drive and Highway #1. Mt. Vernon District, (Rural Business)

The pumps are now located 35 feet from the right of way line of U.S. #1 and it has been found that this does not give sufficient room between the pump islands and the building for easy circulation. Mr. Homes

NEW CASES - Ctd.

8- Ctd. requested that he be allowed to move his pump islands to within 31 feet of the right of way. He was granted the 35 foot setback in 1954. It was noted that Mr. Homes would now have six pumps instead of the original four.

There were no objections from the area.

Mr. Lamond moved to grant the application because it conforms to the requirements of the Zoning Ordinance and it does not appear that this would adversely affect the adjoining property, as this is on a long unobstructed straight of way. This is granted in accordance with the plat presented with the case prepared by Ed Holland, dated February 24, 1954.

Seconded, Mr. Barnes.

Carried, unanimously.

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9- GIANT FOOD SHOPPING CENTER, INC., to permit erection of a sign with larger area than allowed by the Ordinance. (Total Area 644 1/2 sq. ft.) Between Route #236 and Columbia Pike 1/4 mile east of intersection at Annandale. Mason District (General Business)

Mr. Stanford Abel represented the applicant. Mr. T. J. Tinsley of the Regal Sign Company was also present.

This store will be the largest super food market in the United States, Mr. Abel told the Board. It is 300 feet long. They have asked for this large cut-out sign as a smaller sign would be lost on the very long building. The sign would be located 236 feet back of the property line.

This is an unusual innovation in merchandising, Mr. Abel continued, the store will have 45,000 sq. ft. of floor space; this is not just a food store, they will sell everything. It is actually a department store with the addition of a complete line of groceries and foods. Giant has put in several stores of this kind; one in Newport News, Baltimore and Silver Spring. The sign is a stand-up cut-out. The sign company would not figure the lettering by measuring the area between letters but rather by blocked letters, therefore the actual sign area is not as large as the application would indicate.

Mr. Mooreland stated that this is in excess of the sign area allowed in the Pomeroy Ordinance at the present time, but it is not yet known what may ultimately be in the Ordinance. It may well be, Mr. Mooreland continued, that some special provision may be made for these unusually large buildings.

It was noted that this 300 foot length could be broken up into ten stores, each of which would be allowed 120 sq. ft. of sign area. Mr. Mooreland also called attention to the fact that this sign is visible from one direction only, from the Annandale triangle.

NEW CASES - Ctd.

9- Ctd. Mr. Lamond suggested approving the one large sign, "Super Giant" leaving the balance of the sign for a later date when the new Ordinance may take care of that additional area.

Mr. Abel objected to this, saying that the structural supports for the sign would be built into the building. It would be difficult to add these words at a later date.

Mrs. Henderson thought the "New dimension in Retailing" not necessary, as people will see that many things other than food are available. The Super Giant sign would actually cover all that is necessary.

There were no objections from the area.

Mr. Lamond moved that the Board approve approximately 235 sq. ft. of sign area which will include the words "Super Giant" in lieu of the 644 sq. ft. requested in the application. This would be figured by squaring off the individual letters. This is granted as presented on the drawing except that the balance of the sign "A New Dimension in Retailing" shall be eliminated from this granting.

Seconded, Mrs. Carpenter

Carried, unanimously.

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10- ATLANTIC REFINING COMPANY, to permit erection and operation of a service station with pump islands within 25 feet of the street property line. North side Edsall Road at east side of Junction Edsall Road and Old Edsall Road. Mason District. (General Business)

Mr. Dan Hall represented the applicant.

This small area was recently rezoned to General Business for the purpose of erecting a filling station, Mr. Hall told the Board. It contains 44,506 sq. ft. and is bounded on three sides by roads. The newly proposed 50 foot road on the east will lead to the Atlantic Research Company. They plan to sell the point of the triangle, a 19,000 sq. ft. area.

This section is purely commercial in character, Mr. Hall pointed out, the Atlantic Research (from whom they expect a considerable amount of business) lies to the north; Virginia Concrete Company is across from this property; industrial zoning is to the rear. Mr. Hall showed a picture of the type station they intend to build. They will have sewer if Atlantic Research lays a line to their property. This filling station will occupy about 18,000 sq. ft.

There were no objections from the area, however, Mr. Vernon Lynch asked how close this building would come to Old Edsall Road. He was interested in protecting that road. Mr. Hall said they would meet the required set-back. Mr. Lamond moved to grant the application as it does not appear that this would adversely affect neighboring property or that it would be detrimental to the area. This granting includes the 25 foot setback requested for the pump island. This is granted for a filling station only.

Seconded, Mr. T. Barnes. Carried, unanimously.

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NEW CASES - Ctd.

11- WEISSBERG BROTHERS REALTY, to permit erection of a Store Building within one foot of the street property line. North side Edsall Road at east side of Junction Edsall Road and Old Edsall Road. Mason District. (General Business).

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Mr. Weissberg represented the applicant. This is the point of the triangular piece of property discussed in the previous case, Mr. Weissberg explained. They plan to have a Seven-Eleven store. They have asked for the one foot setback from Old Edsall Road in order to cause less turbulance for traffic coming in from the Shirley Highway. The deep setback from Edsall Road would allow freedom of circulation on the property. This is an area of approximately 19,000 sq. ft.

Mrs. Henderson noticed that this size building could not be put on this property and meet the setbacks.

Mr. Lamond stated that the Board was not inclined to stretch their jurisdiction to the extent of allowing this. He moved to deny the application.

Mr. Vernon Lynch told the Board that he has no objection to a business going here but it should be required to set back from Old Edsall Road. Mr. Lynch recalled the fact that he had traded land with Mr. Smith in order to have this road dedicated at the rear of this triangle. It is only a thirty foot road now and ten feet should be dedicated from each side to bring it up to State requirements. Mr. Lynch said he was willing to give 10 feet of his side and he thought no business should be allowed to encroach on the opposite side in such a manner that the future ten feet needed by the Highway Department would be difficult for the State to acquire.

Mr. Weissberg said he would not object to moving the building over if this were a 50 foot road, but, he contended, this is a little used road that goes nowhere and in his opinion it was more important to stay back off Edsall Road in order to protect traffic coming in from the Shirley Highway. He suggested that they might put up a triangular shaped building or he asked if the Board would consider favorably the idea of moving the building over about 20 feet which could give approximately a 25 foot setback on Old Edsall Road.

The building is just too big for the land, Mrs. Henderson insisted. There is too much land in the County zoned for business which is not used and under any circumstances, the Board has no authority to crowd this land with an oversized building.

Mr. Weissberg questioned where this road would ever go and what would be the use of making it 50 feet wide. It was pointed out that a considerable amount of developable land lies to the north of Old Edsall Road. Mr. Weissberg complained that he was being penalized and would suffer an inequity if he cannot put a 24 foot building on 19,000 sq. ft. of ground. He has sufficient parking space and can more than meet the front setback.

NEW CASES - Ctd.

11- Ctd. He questioned the reasonableness of holding to an arbitrary setback line on Old Edsall Road.

Mr. Lamond proposed exchanging the location of the Seven-Eleven store and the filling station. Both Mr. Weissberg and Mr. Hall objected to that. Mr. Lamond moved to defer the case until July 22 pending a restudy of this by Mr. Weissberg and Mr. Hall with a view toward arriving at a solution which would keep all buildings within the required setback. Seconded, Mrs. Carpenter.

Carried, unanimously.

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12- NORTH WASHINGTON PROPERTIES, INC., to permit erection and operation of a motel (52 units). North side Arlington Boulevard and 600 feet east of Route 649. Falls Church District. (General Business)

Mr. Wise Kelly represented the applicant.

This is approximately a two acre tract Mr. Kelly told the Board, immediately adjoining the Kinney Shoe Store on Arlington Boulevard. The owners have checked with the Highway Department for entrances and have their approval; the Sanitary Engineer has stated that sewerage is available, and this is zoned for commercial use. This project will most certainly enhance the value of this property and improve the entire area, Mr. Kelly stated and it is not out of keeping with the area since land immediately to the north has recently been approved by the Board of Supervisors for apartment use.

This will be a 52 unit project costing approximately $200,000 and they will have parking for 54 cars; the grounds will be appropriately landscaped.

Mrs. Henderson asked what about the little triangle in the middle of the front which appears to be excluded in the land area.

That small tract was originally part of the tract across the road, Mr. Kelly explained. When Arlington Boulevard was surveyed this little triangle was left out. It is not zoned for business uses. They have tried to buy it but it is owned by two people who are feuding and they won't come to an agreement to sell. However, Mr. Kelly said he thought it could be bought in time.

The center part of the building will be two story, the balance of the building one story. It will be of brick construction. They plan to make it attractive to tourists, comparable to other motels in the area.

There were no objectors present.

Mrs. Carpenter moved to grant the application for the proposed motel, according to the plat presented with the case, prepared by Patton and Kelly, dated June 24, 1958. It is understood that this will conform to Section 6-16 of the Ordinance.

Seconded, Mr. Lamond. Carried, unanimously.

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NEW CASES - Ctd.

13- JOHN R. STRANG, to permit erection and operation of a Service Station. northwest corner Springfield Road and Route 236. Mason District. (General Business)

Mr. Wills said he had been out of town and the notices have not been sent to adjoining property owners. He therefore asked for a deferral.

Mr. Lamond moved to defer the case until July 22 to give the applicant the opportunity of sending notices to adjoining property owners.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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14- ALLEN W. ABBOTT, to permit erection of a tool house within 7 feet of the side property line. Lot 7, Poplar Heights. 1011 Allan Avenue, Providence District. (Suburban Class 1)

The former owner of this property had obtained a permit to add a carport and tool shed on this side of the house in 1949. He never used the permit. The concrete driveway is in now and the slab which Mr. Abbott explained, he uses for a patio. He plans to build the tool shed now and next year to make the patio into a porch. This would require a variance on the tool shed. Mr. Abbott said he had started on the tool shed thinking the original permit was still valid. It would be difficult to chip out the concrete which would form the floor for the tool shed. It is a continuation of the driveway running all the way back to the patio most of which is on the rear of the house. This would be a very small enclosure at the side line side of the patio.

Mr. Abbott said he had sent the notices of this hearing to adjoining property owners and had discussed this variance with them. No one objected. If this is granted it would give access to the tool shed immediately from the patio which would not require going out of doors. It would be convenient to the yard in the use of his tools.

This is a fairly good sized room, Mr. Lamond noted, it could very easily be enclosed for living quarters.

That would not be possible, Mr. Abbott answered, as the foundation of the room is not adequate for a permanent room. The additional load of walls would not pass building inspection and furthermore he has no intention of using this for living quarters. The continuation of the concrete driveway and the 2 1/2 foot wall around the slab would be used in the foundation. That would not be sufficient to support a 10'by 10' room. He would plan to brick this up for about 2 1/2 feet with wood siding on the balance of the walls. The roof would be pitched to blend with the house roof. Mr. Abbott called attention to the fact that many other carports in this subdivision are almost on the property line.

NEW CASES - Ctd.

14- Ctd. Mr. Mooreland stated that this is an old subdivision with varying setbacks. Mr. Lamond moved to deny the case because there is another location on the property that could be used. The approval on this, mentioned by the applicant, was given in 1949 and has ceased to exist, it being over the six months period before construction is to start; therefore the approval has no bearing on this case.

Seconded, Mr. J. B. Smith.

Carried, unanimously.

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15- HUNTER ASSOCIATES LABORATORY, INC., to permit operation of an Optical Laboratory and Design of scientific apparatus in an existing building. 1300 feet east of Route 695; 788 feet south of Chesterbrook Road and 380 feet north of Old Dominion Drive. Dranesville District. (Suburban Class 3)

The Planning Commission had recommended to defer this case for six months pending adoption of the Pomeroy Zoning Ordinance.

Mr. Lamond moved to defer the case for six months.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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DEFERRED CASES:

1- RICHARD G. ROBINSON, to permit carport closer to Street line and also overhang greater than allowed by the Ordinance, Lot 95, Section 2, Lincolnia Heights, (7115 Hillcrest Road), Mason District. (Suburban Class 2)

Mrs. Robinson appeared before the Board. The case was deferred to view the property.

Mr. T. Barnes stated that he had looked at this, he thought, from every angle, and had considered the hardship involved and the amount of improvements put in by the applicant. It is very attractive, he continued, and does not appear to have a detrimental effect on other property. The house is low and this wide overhang would give added shade and protection from the heat. It would give the applicants a comfortable place for outside summer living. There is room in this area to have both a carport and an outside sitting room. The neighbors do not appear to object and it would enhance the value of the house as well as give the applicants great comfort in hot weather. There are no houses close by. Mr. Barnes thought the variance was not out of line. Mr. Barnes complimented Mrs. Robinson on their home, the planting and flowers.

It was noted that this is a 1 foot six inch variance from the street, and insofar as can be learned, there is no plan to widen the street. This is not a heavily traveled road.

DEFERRED CASES - Ctd.

1- Ctd. Mrs. Henderson asked if this was a carport or a porch. Mrs. Robinson answered that it is a carport which is 18 feet long from the house. There is room for the car and the deep freeze which is set along the wall of the house.

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Mrs. Carpenter asked if Crestwood Drive is a through street. Mrs. Robinson answered that it runs through to Parklawn only.

Mr. Barnes moved to grant the application because it does not appear that this variance will adversely affect the health or welfare of people living in the neighborhood and it is his belief, Mr. Barnes continued, that this can be granted without substantial detriment to the neighborhood.

There was no second to the motion.

Mrs. Carpenter said she objected to the overhang but could see no reason not to grant the carport. Therefore, Mrs. Carpenter moved to grant the variance on the carport but that the applicant be required to eliminate the two feet of the overhang which is in violation. The applicant will be given 60 days in which to make this overhang conform to the Ordinance.

Seconded, Mr. Lamond.

This would be most difficult, Mrs. Robinson explained, as they would have to rip out the whole thing. There are steel hangers with 18 foot beams resting on them which run all the way across the front. They would probably have to take the entire roof off in order to make this change.

Mrs. Robinson said she realized that this was built without a permit but in Ohio, where they have lived, they do not require a permit for a carport and she thought the same regulations would apply here.

For the motion: Mrs. Carpenter, Mrs. Henderson, Mr. Lamond and Mr. Smith. Mr. Barnes refrained from voting.

Motion carried.

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2- MRS. MABEL LEMON, to permit operation of a nursing home, Lot 1, Section 2, Woodburn Heights, Falls Church District. (Suburban Residence Class 3)

Mrs. Lemon was not present, the Board having told her it was not necessary. Mrs. Corbitt, owner of the property was present.

At the previous hearing, Mrs. Lemon had stated that it was her understanding that Spicewood Drive is a private road as it is not taken into the State system and it is privately maintained. However, Mr. Mooreland stated that Spicewood Drive is on the recorded plat of this subdivision indicating that it is not a private road. The road runs from Woodburn Road into a cul-de-sac.

Mrs. Corbitt told the Board that the carport was enclosed by a former owner and was apparently in violation when they bought the place.

DEFERRED CASES - Ctd.

2-Ctd. It was noted that the old permit does not show the road circling around the house. Therefore it was probably not realized that this corner of the carport addition was in violation.

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Mr. Mooreland said that this was approved in 1953; he did not know the circumstances of the approval, but since it was passed by the Zoning Office and the addition is completed, there is nothing to do now but accept this as a non-conforming setback.

Mr. Lamond moved to grant the application and that the Board pass over the question of this violating setback because it was granted in 1953 and should be accepted as a non-conforming location.

Seconded, Mr. J. B. Smith.

Carried, unanimously.

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3- JOHN K. WILKINSON, to permit operation of a tea room, on north side of Lee Highway, approximately 1000 feet west of Mary Street Falls Church District. (Suburban Residence Class 2)

Mr. Jack Wood represented the applicant.

This is an application for the renewal of an application granted in 1953 to Mrs. Jones who started a restaurant in this building. This is known as the old Shockey place, Mr. Wood pointed out. It includes 2 1/4 acres which was purchased by Mr. Wilkinson who wishes to continue this on a tea-room basis.

Mr. Wood displayed pictures of both the exterior and interior of the building showing the rooms where the tea room would be conducted and the kitchen.

This is an ideal location for a business of this kind, Mr. Wood pointed out. The nearest home is about 600 feet away. It is joined on one side by a golf driving range. There are businesses on Mary Street to the east and the property across the street is heavily wooded. This has been operating since 1956 and people in the area are not objecting to the continuation of the use. They do not think it has been detrimental to them. This will be operated as a quiet family restaurant, meals served only twice a day (lunch and dinner). They will take most of their customers by reservation. They have a beer license.

Mrs. Henderson asked Mr. Wood his interpretation of a tea room. That has been up before the Courts, Mr. Wood answered, he could not say. This will not be a large commercial project; it is an old house with wide porches which lends itself very well to a restricted family or neighborhood use. It will not attract a wide range of business. It would be more of a country tea-room type of restaurant catering to local trade.

Mr. Wood recalled that the Circuit Court did not upset the last case which this Board granted as a tea room on the Johnson property. Apparently that project met the requirements of a tea room. He thought this would even more meet those requirements.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Wilkinson will change the sign which is on the property now, Mr. Wood continued.

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This business has received a good reaction from the neighborhood, Mr. Wood observed. They feel it has been an asset to the area. They think their clientele will come from Vienna, Falls Church and surrounding areas. It will be called "Oak Hill Inn".

The operation of the restaurant will be changed somewhat, Mr. Wilkinson told the Board. They will have a la carte service. Everything will be made to order with nothing standing except a few things which will be ready for immediate service. They have had many reservations for special meals mostly family groups or small parties. They have ample parking space. There were no objections from the area.

Mr. Lamond moved to grant the application as it conforms to Section 6-4-a-1-j as amended. This is granted for a period of three years to the applicant only.

Seconded, Mr. T. Barnes.

Mrs. Henderson asked how this permit was transferred from one owner to another as this was granted originally to the applicant only.

Mr. Mooreland said it slipped by in his office. Whoever issued the permit did not check the original granting and the permit was transferred to the new owner. In fact, it was sold twice and transferred each time.

The motion carried unanimously.

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4- CLIFFORD LIMERICK, to permit erection and operation of a motel on 1.268 acres of land (5 units) property on northerly side of No. 1 Highway, approximately 1200 feet southwesterly from intersection with Engleside Street, Lee District. (Rural Business)

Mrs. Limerick appeared before the Board with her new plats and proof of notification to adjoining property owners.

The new plats made provision for a 16 foot outlet road from the cabins.

Mr. Lamond moved to grant the application of Clifford Limerick in accordance with the revised plat prepared by D. H. Pearson, C.S., dated June 1958 because this conforms to Section 6-16 of the Ordinance.

Seconded, Mr. J. B. Smith.

Carried, unanimously.

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Mr. Lyons, Mr. Stanford, and Mr. Salcetti had asked to appear on the agenda in behalf of Mr. Alexander whose request to enclose a carport had been refused by the Board two meetings previous to this. These gentlemen asked reconsideration of the case with a view toward granting Mr. Alexander's request.

Mr. Lyons acted as spokesman. He told the Board that the Citizens Association had met and had voted that the Association do what it could to retain Mr. Alexander's carport as it is. A committee of three was appointed (the three present)to appear before this Board to present the request.

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Mr. Lyons reviewed the case, stating that after Mr. Alexander had obtained the permit to build the carport he found that the septic tank was in the way of the planned construction so he moved it six feet to the front. Now Mr. Alexander is completely confused as to what law he has broken. His action was not a willful violation of the code and the construction does not adversely affect the community. This is a short dead end street and only one other house faces on it; it is very little traveled. The Association is at a loss to know what would be gained by taking this down, Mr. Lyons continued; it would only result in a loss to Mr. Alexander. This was erected three years ago and no one has ever considered it detrimental. The Association is in complete agreement in this desire to help Mr. Alexander. They all like him; he has contributed richly to their community and the people do not like to see him penalized for an unintentional violation.

Mrs. Henderson explained that Mr. Alexander does not have to tear down the carport as the carport itself is not in violation, it is necessary only to remove the glass on the carport which converts this into a room and makes it an integral part of the house. While the carport can encroach within the front yard by ten feet, the enclosed carport which has become a room, cannot. It is only the glass in the portion of the carport which exceeds the front setback which needs to be removed. Mrs. Henderson also called attention to the fact that the location of the septic tank had never been mentioned in Mr. Alexander's two previous hearings. Mr. Mooreland reviewed the case for the committee recalling that Mr. Alexander had applied for a permit to locate the carport to the front of his 50 foot setback line. That permit was refused as it was not allowed by the Ordinance. Later the Ordinance was amended to allow a 10 foot encroachment into the front yard for a carport. Mr. Alexander got the permit for the carport and later enclosed it without a permit. This act (the enclosure) brought the house 10 feet closer to the property line which is in violation.

Mr. Mooreland recalled also that Mr. Alexander did not agree with the setback shown on his certified plat. He claimed that the plat is wrong and that the carport does not protrude beyond the house or at least very little, if any. He estimated that the carport is probably 49 feet from the right of way. Certified plats are accepted by this office, Mr. Mooreland told the Committee as being correct. His inspector also agreed that the setback is in violation and that the certified plat is correct.

Mr. Salcetti said he understood perfectly that Mr. Alexander had violated the setback, he did that in ignorance of the law, but he could ~~could~~ not see what could possibly be gained by making him comply with the law now. No one objects to this; it is not detrimental to the area, his nearest neighbors say that, so why make him remove this glass?

The Board of Appeals is constantly faced with problems like this, Mrs. Henderson told Mr. Salcetti, and they must have a reason to grant these variances. The only reason set up in the Zoning Ordinance is some kind of hardship--topography or some unusual situation which would be ~~erected~~ created by following the Ordinance. There is no evidence here of anything which the Board could point to as a condition caused by the terms of the Ordinance. Most of the people coming before this Board for variance are not willful violators, Mrs. Henderson explained and more often than not the violation has been caused not by the Ordinance, but by a mistaken idea of the Ordinance. These regulations have been adopted for the protection of the County as a whole and if the Board granted all of these requested variances there would be no regulations at all and the County would become a hodge+podge of irregular unattractive development.

Mr. Stanford called attention to other houses in their area which are located 25 feet from the street line. Mr. Mooreland answered that these are older houses in an old subdivision, many of which had only a 15 or 25 foot setback.

Discussion continued regarding the added expense to Mr. Alexander, the reason for this violation, location of the septic, and the difficulty the Board would be in if it were to grant this and refuse other similar requests.

Mrs. Henderson expressed the sympathy of the Board for Mr. Alexander stating that the Board regretted not being able to change the former action. Also Mrs. Henderson told the committee that the fact of their appearance here in behalf of a neighbor was most unusual and commendable, stating that it was refreshing to the Board to see a community "go to bat" for a neighbor rather than come to the Board loaded with opposing ammunition.

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Mr. Mooreland recalled to the Board their having granted to Mr. George Powell on December 10, 1957 the right to divide a parcel of land. The six months have elapsed and the land is not yet divided although Mr. Powell has the land under contract to sell. The purchaser is having trouble in getting the loan, but they expect to settle within a few days. Under interpretation of the Ordinance, page 91, Mr. Mooreland asked, does the six months clause apply? The Board agreed that a granted division of land is permanent and is not restricted to

completion in 6 months.

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The minutes were approved through March 25, 1958.

In order to catch up on minutes, the Board suggested that copies not be sent to the Board members for the present.

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The meeting adjourned.

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

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The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 22, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with the following members present: Mrs. L.J. Henderson, Jr., Mr. A. Slater Lamond, and Mr. T. Barnes, Mrs. Henderson, Chairman, presiding.

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NEW CASES:

1- CHARLES F. CAMP, to permit a studio to be converted to a second dwelling on 6.045 acres, east side of Wakefield Chapel Road, north side of Turkey Run. Falls Church District. (Suburban Residence Class 3)

Mr. Camp explained his plat which showed in detail the location of all buildings on the property, together with detailed plans of the proposed addition. He also displayed an aerial photograph of the area, indicating the wooded land and the distance of other homes from the property. The building to be converted is a one room structure which has been used as a recreation room for his family. He will add a wing which will include a kitchen, bedroom and bath. This will be used exclusively for his family, particularly for his father-in-law.

The five people notified of this hearing signed the following statement: "This is to advise the Board of Zoning Appeals that Mr. Camp has informed me that his application.....is subject to a public hearing...Mr. Camp has described his plans for an addition to a building (studio) centrally located on his land and I do not object to such construction.....is for use as a private guest home and for recreational activity for his family and friends."

Two of the people signing this statement are adjoining property owners.

This is heard under Section 6-12-6-a-b of the Ordinance, Mr. Mooreland told the Board. The old Board held that a second dwelling should be subject to the same restrictions as a duplex.

Mr. Lamond moved to grant the application for a permit which would allow the applicant to convert the studio on his property into a second dwelling as this conforms to Section 6-12-6-a-h of the Ordinance and it does not appear that this would adversely affect the neighborhood. Seconded, Mr. T. Barnes.

Carried, unanimously.

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2- HOWARD P. HORTON, to permit erection and operation of a service station within 30 feet of the Street property line and pump islands within 25 feet of the street property line, N.W. corner South Street and Highway No. 1, Mount Vernon District. (General Business)

Mr. Gibson said Mr. Horton had called him from out of town asking him to handle this case only last Thursday, and while he handled the re-zoning on this property, he was not too familiar with this request.

July 22, 1958

NEW CASES - Ctd.

2-Ctd. However, the Board of Supervisors were advised at the time of the rezoning that the applicant planned to put a filling station on this property. The Fairhaven Citizens Association had supported this application for rezoning when it was before the Board of Supervisors. The President of the Association told the Board that if the filling station is granted they would at least know definitely what was going on the property and they considered that use better than an annual crop of weeds.

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The reason for the requested variance is the peculiar shape of the lot which, Mr. Gibson pointed out, is practically triangular. The building area with the two 35 ft. setbacks is very small, but if they could have a 30 ft. setback from South Street and the 45 ft. setback from U. S. #1 it would work very well.

Mr. Lamond suggested locating the building 35 feet from South Street and 40 feet from U.S. #1.

Mr. Gibson noted that there is a little street just back of this lot which is dedicated but does not show on the plat submitted with the case, called South Court and which will probably be vacated. They want to stay five feet from that street. South Court runs for only about half the distance between South Street and U.S. #1 and Mr. Gibson said he did not think the County would ever allow it to be cut through as it would make two entrances within 150 feet of each other into U.S. #1. However, the street is there now and it is necessary to stay away from it.

Mr. Art Post pointed out that while there are about 28,042 sq. ft. in this parcel, if the setbacks are observed, only about 10% of the property becomes usable.

There is a house on the lot adjoining this tract which is in residential zoning. This is the only piece of residential property in the immediate area. A motel is located on the opposite side of the lot. The dwelling lot will no doubt be zoned for business uses also.

They have tried to do the best they could with the lot, Mr. Post told the Board, but he felt that the shrinkage in usable property caused by observing the setbacks would cripple the use of the parcel. South Street is very little traveled and if they have the 30 foot setback on that street and observe the required 35 foot setback on U.S. #1 it would give them a workable piece of property.

Again, Mr. Lamond suggested meeting the 35 and 40 foot setback. The Board could not grant the 5 foot setback from South Court, Mr. Lamond continued, however, if that street is vacated and another entrance could be provided for the adjoining lot, there would be no problem.

Mr. Post said they plan to ask for commercial zoning on that lot and vacate the street.

NEW CASES - Ctd.

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2-Ctd. Mr. Andrew Clarke made the statement that South Court should never be opened all the way to U.S. #1 and he felt sure the County would oppose any suggestion that it be opened because it would create two entrances to U.S. #1 within less than 200 feet.

Mrs. Henderson suggested that the vacation be done at once.

That is a terrific job, to vacate a street, Mr. Gibson pointed out and it takes a considerable while. While it is actually a recorded street, it gives entrance to only two houses. Mr. Gibson said he was sure the County would not allow a plat to go on record like this at this time. They probably opposed it when the plat was recorded.

Mr. Gibson called attention to the little jog in the property abutting the dead end of South Court which is 57 by 50 feet and is completely unusable.

Mr. Lamond moved to defer the case pending submission of accurate plats setting forth the distances discussed by the Board.

Mr. Post asked what the Board would like to see on the plat with regard to setbacks.

Thirty-five feet from South Street and the required setback from U.S. #1 Mr. Lamond suggested, and 15 feet from the back line.

Mr. Horton must settle on his contract within another week, Mr. Gibson noted.

It was agreed to hear the case again on August 12. Therefore the case was deferred for accurate plats and a revision of setbacks which would be in accordance with the suggestions of the Board. Seconded, Mr. Barnes. Carried unanimously.

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3- EUGENE G. BARLOW, to permit operation of a beauty shop in a private dwelling, Lot 13, Block 27, Section 13, North Springfield, Mason District. (Suburban Residence Class 2)

The following letter from Mr. H. F. Schumann, Director of Planning, was read:

"July 22, 1958

TO: Board of Zoning Appeals
FROM: Director of Planning
SUBJECT: Application of Eugene G. Barlow, to permit operation of a beauty shop in a private dwelling, Lot 13, Block 27, Section 13, North Springfield, Mason District. (Suburban Residence Class II)

The proposed new Zoning Ordinance recommended by Hugh Pomeroy defines a "home occupation" as "any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there is no display visible from outside the building other than an identification sign conforming with the provisions of Section 656, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof."

NEW CASES - Ctd.

3 -Ctd. The Planning Commission has reviewed this definition and will recommend to the Board of Supervisors that a "beauty parlor" conducted in the home under conditions recited in the definition above be considered as a "home occupation" and that such uses be permitted in Residential Districts as a matter of right.

It is suggested that the Board of Zoning Appeals defer action on this application until January 1, 1959, by which time it is expected that full consideration will have been given the recommended Ordinance (including recommendations of the Planning Commission) and that an amended Ordinance will have been adopted.

Very truly yours,

FAIRFAX COUNTY PLANNING OFFICE

/s/ H. F. Schumann, Jr. "

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Mr. Van Meter represented the applicant.

Mr. Andrew Clarke who was present in opposition to this case stated that he was opposed to both the amendment and the granting of this permit.

Mr. Lamond recalled that the Board had been advised by the Commonwealth Attorney that they had no jurisdiction to grant beauty shops in a private home. He did not think the new Ordinance would classify a beauty parlor as a home occupation. Mr. Mooreland stated that the ordinance did not now classify it as a home occupation but it was his understanding that the Planning Commission would recommend that it be so classified.

But we are making decisions under the present Ordinance, Mrs. Henderson observed, and she could see no reason not to stick to the Ordinance until the County has adopted a new one.

By deferring the case as suggested by Mr. Schumann the applicant might be encouraged to think the Board would grant this, Mr. Lamond stated, when it could very well be turned down.

The beauty parlor is in operation, Mr. Van Meter told the Board. The applicant has been operating for one year. He has only one chair and it is a small part time operation. Mr. Barlow is the operator. He has a full time job in Washington, D.C. and this is carried on only evenings and late afternoon.

Mrs. Henderson recalled that last year the Board had refused Mrs. Pickerell for the same kind of operation.

Mr. Mooreland again pointed out that the new Pomeroy Ordinance specifically excludes this use as a home occupation, but that Mr. Schumann will recommend that it be included.

It was agreed to hear the case in spite of Mr. Schumann's recommendation.

Mr. Van Meter presented a petition favoring this use signed by 85 or 90 people, all of whom live within a short distance of the Barlow home. The North Springfield Citizens Association Executive Committee met last evening, Mr. Van Meter told the Board and went on record as unanimously approving the application. The Association represents 248 families.

This is not a beauty shop, as such, Mr. Van Meter continued, Mr. Barlow

3- Ctd. takes only one person at a time and these people come by appointment only. His clients are women from the neighborhood. Since Mr. Barlow is employed full time this is strictly a part-time operation to serve the neighborhood. It is carried on in the basement and recreation room. They have no signs and would be willing to accept any restrictions the Board would choose to place upon the operations. Since they take only one customer at a time, there is no parking problem. The one car can park in front of the Barlow home. There have been no objections to the parking.

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In view of the type of operation and in view of the fact that the people in the neighborhood wish to have it continue, Mr. Van Meter urged the Board to grant the permit. It is not a full blown business; it could never become anything on a large scale. It will always be a side line and a very limited use.

Eight people were present at the executive committee meeting when the resolution was passed favoring this, Mr. Van Meter told the Board.

Mr. Tolbert who has a beauty shop in the Springfield Shopping Center and who lives in North Springfield, objected to the granting of this permit. Mr. Tolbert said he bought here because there are restrictions on the property which he thought would preclude establishment of businesses in the home. If this sort of thing is allowed, he continued, it would be depreciating to the neighborhood. Others would want to go into business and the whole character of the area would be changed. It is not likely that only one person would be in the shop at one time, Mr. Tolbert told the Board, as beauty operators usually have one person under the dryer while they are working on another. If it is permissible for this person to go into a business of this kind, he would like to do the same thing, Mr. Tolbert suggested. It would save him a considerable amount of rent and overhead, which he now has in the Springfield shopping center.

Mr. Andrew Clarke was present in opposition....(The first time in five years, Mr. Clarke recalled, that he has opposed anything relating to zoning....)

Mr. Edward Carr is now on vacation but Mr. Clarke said Mr. Carr had called him stating that his office had many calls on this case and asked him to appear in opposition.

As the Board is aware, Mr. Clarke continued, North Springfield is one of the fine residential areas in the County and Mr. Carr has made every effort to keep it a purely residential restricted development. The recreation room in these homes is large and very well could have three or four chairs. These businesses have a way of growing. Mr. Carr feels

NEW CASES - Ctd.

3- Ctd. that granting a permit of this kind in the heart of North Springfield would be detrimental to the area. Mr. Carr believes that the encroachment of business in this subdivision would undo much of the attempt he has made at establishing one of the best subdivisions in the County. This could be a wedge, encouraging others to ask the same thing and if the Board grants this, it would be difficult to refuse another. A commercial area is established at Springfield, another at Annandale, both of which are accessible to people in this area. This is a real business, Mr. Clarke contended, people come in for a service for which they pay a fee. Mr. Clarke asked the Board to deny this case in the interest of protecting North Springfield.

The remarks made opposing this request might well be applied to a full fledged business, Mr. Van Meter pointed out; this is a small service designed for the benefit of people in the immediate area. It is a burden for women in the area to get out to have their hair fixed; most of them have small children and are not free to go any distance. The business district of Springfield is about 3 miles away, Annandale is farther. Mr. Barlow does not have more than one person in his shop at a time. He completes one job before taking another. He does not have people waiting, therefore there is no parking problem. Mr. Van Meter called attention to the office of Dr. Amos which is about 3 blocks away. He operates in his home and there have been no objections. (Mr. Van Meter also called attention to the fact that North Springfield has been built by Crestwood, and not Mr. Carr.)

No one can look forward to what the future might bring, Mr. Van Meter went on, but this could be restricted to such a degree that it cannot expand. The petitions show that people living within three blocks of this home want this shop to continue. That in itself is a little unusual, Mr. Van Meter suggested.

The Commonwealth Attorney said just last year, Mrs. Henderson recalled that the Board had no jurisdiction to permit a beauty shop in a home.

It is true, Mr. Van Meter stated that there is nothing in the Ordinance which gives the Board the specific right to grant this, but by the same token, there is nothing in the Ordinance to preclude it.

The Commonwealth Attorney's interpretation of a "home occupation" has been the basis for the Board's refusal to grant this use, Mrs. Henderson stated.

Mr. Tolbert informed the Board that the Springfield businessman have clubbed together and put up a $5,000 fund to hire a bus to go through the area and pick up shoppers bringing them to the shopping center. If this is successful the bus company will take this over and put on a regular route for day time shoppers.

It was again recalled that Mr. Schumann has stated that the Planning

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NEW CASES - Ctd.

3- Ctd. Commission will recommend that this use be considered a "home occupation" and that it be allowed under restricted conditions. But the Ordinance will not be adopted until after January 1, Mrs. Henderson noted, and whether this will be allowed under the new Ordinance is not yet certain. She questioned the reasonableness of waiting for the new Ordinance.
Mr. Lamond moved to deny the requested permit because it does not conform to the zoning in this area and the Board has refused other applications of a similar nature. Seconded, Mr. T. Barnes.
Carried, unanimously.
Mrs. Henderson said she objected to creeping business in residential areas. However, if this is allowed in the new ordinance, Mrs. Henderson suggested that Mr. Barlow come back to the Board.
Mr. Lamond added to the motion that operation of this beauty shop should cease within 30 days from this date.

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4- JACK STONE CO., INC., to permit erection of six signs with an area larger than allowed by the Ordinance, (Total area 243 1/2 sq. ft.) S.W. corner of Seminary Road and Scoville Street, Mason District. (General Business)
Mr. Hulse represented the applicant. Mr. Hulse asked that this case be continued until August 12 as through some misunderstanding, notices were not sent to adjoining property owners.
Mr. Mooreland said opposition to this had made the same request for a deferral.
Mr. Lamond moved to defer the case until August 12. Seconded, Mr. T. Barnes. Carried, unanimously.

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5- HOWARD JOHNSON'S, INC., of Washington, to permit erection of an addition to an existing restaurant within 10 feet of the street property line Part Lots 21, 22, 23 all of Lot 6 and part of vacated Orchard Street Rust and Smithers Subdivision, Providence District. (Rural Business)
Mr. David Hayter represented the applicant. Mr. Schumann told the Board that he had not seen this application until today and he thought this should be discussed with the Highway Department before taking any action. He suggested that the Board defer the case in order that they may avail themselves of whatever statements the Highway Department may wish to make.
Mr. Hayter said he had gone into this with the Highway Department. He had discussed it with Mr. Simpson who stated that as long as the 5 ft. overhang does not touch the right of way of the Highway they would have no objection. Mr. Simpson said he would send a letter confirming this telephone conversation but the letter had not been received in the morning mail. But that is their position, Mr. Hayter

NEW CASES - Ctd.

5- Ctd. continued, with regard to the roof overhang. The building is approximately 75 feet back from the edge of the pavement and it would be quite impossible for the highway department to grade this down as there is a steep hill between the pavement and the building location which would be impractical to level.

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Mr. Hayter called attention to the fact that Orchard Street at the rear of Howard Johnson's has been vacated. This property is owned by Dr. Pfeiffer (all of Lot 6) including all of Orchard Street and is leased to Howard Johnson's.

This addition will square off the building and give considerable more room for dining. Only one corner of the building would come within 10 feet of the right of way line with the overhang about 5 or 6 feet from the right of way.

Both Mr. Lamond and Mrs. Henderson objected to this encroachment so close to the highway right of way. However, Mr. Hayter again called attention to the fact that the Highway Department would never use their full right of way because of the topographic condition and they have no objection to this setback.

The Ordinance has a setback requirement for homes and businesses, Mrs. Henderson stated, which the Board makes every effort to maintain. If it is required on a small home, why should it not be required on a business? This is a 40 foot variance, she continued. It is in effect an amendment to the Ordinance.

But that is not a realistic property line, Mr. Hayter pointed out. A large portion of the acquired right of way could never be used.

Mr. Lamond moved to defer the case in order that Mr. Schumann may give the Board a report and also to give Mr. Hayter the opportunity of taking this back to Howard Johnson's and to discuss this with Mr. Schumann, in an attempt to work out a better plan for the addition. Deferred to August 12.

Mr. Schumann suggested that the Board view the property as there may be a considerable problem here.

Motion seconded, Mr. T. Barnes.

Carried, unanimously.

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6- JOSEPH A. SACKETT, to permit converted garage to remain with 10 feet of the side property line, lot 9A, Dunn Loring Gardens. (312 LaFetra Avenue), Providence District. (Rural Residence Class 2)

Mr. Wallace Schubert represented the applicant. Mr. Schubert read from the notification he had sent to adjoining and nearby property owners stating that Mr. Sackett's reasons for asking this variance are as follows:

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6-Ctd.

1. The appearance of the neighborhood will be improved.
2. The planned use of the converted garage as a playroom for Mr. Sackett's children will serve to improve the present good neighborly relations by affording a place for their children to play during inclement weather.
3. Homes in the area are so spaced that the strict application of the zoning provisions in this instance will serve no good purpose.
4. The granting of this application will not serve as a precedent for others in this neighborhood to seek a like variance as none contemplate any remodeling or construction as to require application for a variance of this type.

Mr. Schubert said the applicant was not aware of the restrictions in the zoning Ordinance. He contacted a builder and started to enclose the garage when he was stopped by an inspector from the zoning office. He noted that the house is set on the lot so it has a 30 foot setback on both sides. These are all fairly large lots. The houses are set in the middle of the lots and with the addition of this garage on the side, the area still is not crowded.

There were no objections from the area.

It is possible that they could buy a small strip of land from the adjoining lot which would make the setback conform at the building setback line, Mr. Schubert told the Board; it would not reduce the area of that lot below requirements, but since there is no change in the building, the garage was built according to County regulations and the only change has been the addition of a bay window and the removal of the garage doors. It does not cut off air or light and the distance between the buildings remains the same.

This is a wide lot, Mrs. Henderson observed, and the area is rural; it should be kept so rather than to bring houses so close to the side lines. If this is granted it would encourage others to ask the same thing and the character of the neighborhood could be completely changed. MR. SCHUBERT SAID,

Whether the variance is granted or not, the garage will still be used for the recreation room for Mr. Sackett's four children and children in the neighborhood. For all practical purposes, the granting of this would make no change except in the outside appearance.

Mr. Barnes said he felt that this is really all right but the Board cannot grant such a variance without a reason which would comply with the Ordinance.

This is an exceptional situation, Mr. Schubert advised the Board; Mr. Sackett had put this in the hands of the builder and thought whatever

NEW CASES - Ctd.

6-Ctd.

permits necessary were obtained. While there is no topographic condition the lot is not irregularly shaped but, this would work a hardship with the applicant as it would be expensive to tear out the window. Mr. Schubert thought the Board was not putting itself in a vulnerable position to grant this under the circumstances. It would also be a hardship on the children not to have a play area in winter. This will be a great convenience for children in the neighborhood. Mr. Schubert said he could not see where this slight change in appearance of the garage could make such a great difference.

Had Mr. Sackett applied for a building permit, Mr. Lamond stated, he would have been told that it was against regulations to enclose this garage, but now that it is done, it puts the Board in a difficult position to be asked to condone the mistake.

Mrs. Henderson noted that the cost element could not be considered as a hardship.

Mr. Schubert suggested that this could be granted under paragraph 6-12-g of the Ordinance. "Where, by reason of other.....extraordinary and exceptional situation or condition the strict application of any regulation....would result in undue hardship upon the owner, the Board shall have power.....to grant...."

Probably no one in this area will want a similar variance, Mr. Schubert continued, as very few people have garages or carports. The houses are all set well apart. This garage would be 40 feet from any structure. Since this does not violate the intent of the Ordinance, Mr. Schubert suggested that the Ordinance is broad enough to cover granting of the application. The word "other", Mr.Schubert noted, could be interpreted to cover this. That is the leeway for the Board, the opportunity to use its own judgment and ample reason for the Board to grant this. If you adhere strictly to the letter of the law, he continued, inequities will too often occur. The Courts make a serious effort to view the law from the practical standpoint. They cannot completely follow the strict application of the law at all times, for if they do hardships would too often result. The courts must be elastic and adjustable to the situation at hand. The same applies to the Board of Zoning Appeals. Referring to paragraph 6-12-g of the Ordinance Mr. Lamond moved the approval of a permit for the applicant, taking into consideration the second part of the sentence from paragraph 6-12-g of the Ordinance...."Where, by reason of condition, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner....etc." It does not appear that this would impair the purpose of the Zoning Ordinance or that it would be detrimental to the neighborhood. The fact that we have a structure coming within 10 feet to the side line has been approved and there is to be

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6- Ctd. no change as far as encroachment is concerned. No light nor space is being cut off and no further encroachment will be made into the front yard area.

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Seconded, Mr. T. Barnes.

Mrs. Henderson voted no as this situation is not peculiar to this one case, it could occur many other places in the County.

Motion carried.

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DEFERRED CASES:

1 - BARNETT CHASKIN, to permit seven foot cedar screen fence to remain as erected six feet from right-of-way line of Potterton Drive, Lots 1057 and 1058, Section 11, Lake Barcroft, (500 Gay Lane), Mason District. (Suburban Residence Class 3)

Mr. Lamond said he had seen the property as well as other members of the Board and they felt that the fence does not create a hazard on Potterton Drive. The fence has been up for over six months and it does not appear to have been detrimental to property in the neighborhood and the fence blends in well with the surrounding trees, therefore Mr. Lamond moved that the fence be allowed to remain. Mr. Chaskin has agreed to plant the fence along the outside with shrubs that will improve the looks of the fence. Seconded, T. Barnes.

For the motion: Messrs. Lamond and T. Barnes.

Mrs. Henderson refrained from voting. Motion carried.

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2- ALEXANDRIA WATER COMPANY, to permit erection and operation of 1.5 Million gallon water tower, Proposed Lot 600, B. H. Warner of Oakland Tract, 533 ft. south of Columbia Pike on west side 12' Outlet Road, (Oak Street) Mason District. (Suburban Residence Class 2)

Mr. William Koontz asked to defer this dase indefinitely as they wish to look for another site in a commercial area.

The following recommendation was read from the Planning Commission:

"July 22, 1958

TO: Board of Zoning Appeals

FROM: Planning Commission

SUBJECT: Application of Alexandria Water Company to permit erection and operation of 1½ million gallon water tower.

The Planning Commission considers this proposal as one which may have an adverse effect on land in the area classified for residential use. It is therefore recommended that the application to construct the facility in the location proposed be denied.

The Commission suggests that the applicant seek another location on higher ground further east nearer Bailey's Crossroads in the area already zoned for business or in the area under consideration by the Commission for inclusion in its proposed Plan for Industrial Development.

Very truly yours,
/s/ H. F. Schumann, Jr.
Director of Planning"

DEFERRED CASES - Ctd.

2- Ctd. Mr. T. Barnes moved to defer the case indefinitely.
Seconded, Mr. Lamond.
Carried, unanimously.

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3 - WEISSBERG BROS. REALTY, to permit erection of a store building within one foot of the street property line, north side Edsall Road at east side of junction Edsall Road and Old Edsall Road, Mason District. (General Business)

Mr. Weissberg came before the Board with new plats indicating that they would locate the filling station building 25 feet from the Old Edsall Road.

Mr. Weissberg recalled that the Board had suggested at the last meeting that the filling station and the Seven Eleven Store change places on this property. Atlantic Refining Company does not wish to be on the point of the triangle. They want a frontage on the new road from Edsall Road to Old Edsall Road, therefore they have moved the Seven-Eleven store forward allowing the 25 foot setback from Old Edsall Road which would give a 60 foot setback from New Edsall Road. It was noted on the plat that a Seven-Eleven store building would widen the setback on Old Edsall Road by cutting the corner of the building.

Mr. Weissberg showed pictures of Old Edsall Road pointing out that it is a narrow unimproved road with no buildings facing on it. If they bring their building closer to Edsall Road it would not give sufficient parking in the front. If they observed the 35 foot setback cars would have to back out into Edsall Road and there would be very little circulation on the property and not enough room to turn around. People do not like to park in the rear, Mr. Weissberg contended.

People would not back into the street to turn around, Mr. Mooreland noted; the Highway Department would see to that. The business should have definite entrances and exits which people would have to observe.

Mr. Mooreland suggested that a better arrangement would be a 50 foot setback from the New Edsall Road and 35 feet from Old Edsall Road.

Old Edsall Road will be widened and developed some day, Mr. Mooreland continued. Mr. Lynch has a considerable amount of property adjoining Old Edsall Road and when the road is widened, which will be necessary when this property is developed, ten feet would have to come from this property.

Mr. Lamond moved to grant the application with the understanding the building will be setback at least 50 feet from the New Edsall Road and 35 feet from Old Edsall Road. This would make it possible for the applicant to dedicate 10 feet to the widening of Old Edsall Road when it becomes necessary.

This is granted because of the irregular shape of the lot and this can be granted under Section 6-12-g of the Ordinance. Seconded, Mr. T. Barnes.

For the motion: Mr. Lamond and Mr. Barnes.

3- Ctd. Mrs. Henderson voted no because it is possible to locate the building on the property without variances.

Motion carried.

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4 - JOHN R. STRANG, to permit erection and operation of a service station, N.W. corner Springfield Road, Route 617 and Route 236, Mason District, (General Business.)

Mr. Wills represented the applicant. Mr. Wills located the property stating that this tract backs up to the used car lot. He also pointed out that the alley leading off Evergreen Lane has been vacated. He will meet all setbacks. This is an application for a permit, only. There were no objections from the area. Mr. Lamond moved to grant the permit under Section 6-16 of the Ordinance. Seconded, Mr. T. Barnes. Carried, unanimously.

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5- JACK COOPERSMITH, to permit erection and operation of a service station within 35 feet of street property line and pump islands 25 feet of street property line, Lots 21 and 22, Section B, Alpine Subdivision.

Mr. Mooreland read a letter from Mr. Coopersmith quoted in part as follows:

".....The situation on the above named property is such that I am asking you to reconsider a use permit application on the July 22 agenda. If you will recall at the last meeting of the Board of Zoning Appeals I was asking for a variance, which the Board denied. You will note in the revised layout that we are not asking for any variance. I am the contract owner of the property and settlement is due by August 4, 1958. Consequently, it will be impossible for a resubmittal after the July 22 meeting. A large deposit has been forwarded to the seller and the entire contract is in jeopardy. If it would be at all possible, I would appreciate a hearing with the Board of Zoning Appeals on July 22,

Very truly yours,
/s/ Jack Coopersmith"

Mr. Hall recalled that at the last meeting it was said that pump islands on other filling stations in the area are back 34 feet. He pointed out that this would be back 35 feet.

Mr. Lamond moved to reconsider the application. Seconded, Mr. T. Barnes. Carried, unanimously.

Mr. Lamond moved that the permit be granted as the pump islands are in line with the other filling stations in the area and it can be granted under section 6-12-g of the Ordinance. The pump islands may be located

DEFERRED CASES - Ctd.

5-Ctd. 35 feet from the street property and there will be no variance on the building setback. This is granted in accordance with the revised plats presented with the case, plats prepared by Osterhoudt, L. J. dated 7-28-58 showing proposed building location on Lots 21 and 22. Section B of Alpine Subdivision. Seconded, Mr. T. Barnes.

Carried, unanimously.

Mrs. Henderson said she voted yes on the application because although this will appear to be a large variance, on the pump island, it is in line with the other filling stations in the area which are on General Business zoning.

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Mr. Mooreland read the following letter from Mr. Stephen G. Creeden regarding the Annandale Pre-School granted by the Board of Zoning Appeals on June 24, 1958:

"July 11, 1958

Fairfax County Board of Zoning Appeals
Fairfax County Court House
Fairfax, Virginia

Re: Use Permit for Day Nursery at Grange Hall in Annandale, Va.

Gentlemen:

Will you kindly place the matter concerning the granting of a use permit for the operation of a day nursery school at the "Grange Hall", located at the intersection of the Annandale-Falls Church Road and Gallows Road near the town of Annandale, Virginia, on your agenda for July 22nd, 1958, for rehearing.

This request is made on behalf of Mr. Curtis H. Trammell of 2228 Annandale-Falls Church Road, Annandale, Virginia. Mr. Trammell was present at the original hearing held on June 10, 1958 and has subsequently procured a petition signed by twenty-one of the residents, living within approximately a one city block radius of the Grange Hall, in opposition to the granting of this permit. Mr. Trammell was unable to obtain this information prior to the June 10 hearing due to lack of adequate notice of the proposed hearing. He subsequently obtained the said signatures and intended to present them before the Board when this matter was heard on July 24, 1958.

Thanking you for your cooperation in this matter.

Yours very truly,

/s/ Stephen G. Creeden "

Mrs. Henderson asked the Board to determine if the above letter contained evidence which could not reasonably have been presented at the original hearings.

Mr. Trammell said he was in the process of obtaining this petition which he considered new evidence, but was not able to complete the petition because many families had no notice of the hearing. All of the signers of the petition are in the immediate area of the school and would therefore be affected, Mr. Trammell continued. He recalled that the school is within 25 feet of his property. The petition contains 21 signatures of people objecting because of the noise, the property does not afford adequate parking and not enough play area.

DEFERRED CASES - Ctd.

5 ~~- Ctd.~~

But this petition could have been presented at either one of the former hearings, Mrs. Henderson observed. It would not appear to be "new evidence". Mr. Trammell had eight days before the first hearing to get names on his petition. The applicant met the requirements of notifying five property owners in the immediate area and the notice was advertised and posted according to law, Mrs. Henderson continued.

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Mr. Creeden told the Board that Mr. Trammel had been mistaken in the date to which this case was deferred; he thought it was July 24th instead of June 24. He thought he had plenty of time to get the signers. It was brought out, however, that the deferral date had been specifically set for June 24 and there was no other opposition at either meeting except Mr. Trammell. It could hardly be considered the fault of the Board that Mr. Trammell misunderstood the deferred hearing date and that the petition was not completed and presented earlier.

Mr. Trammell said he did not take the petition around before the first hearing because he did not think the school would be granted. He insisted that the Board should give some consideration to him, since his property is within 25 feet of this school.

Mr. Lamond suggested that any nuisance which might be created here is subject to control by the police; however, it was also noted that the permit was granted for only two years.

Mrs. Henderson called attention to the fact that the sending of notices to adjoining property owners is not a requirement of the Ordinance but is a policy set up by the Board and it is not requested that notices be sent to more than five people, two of whom are adjoining property owners.

After further discussion Mr. Lamond stated that there appears to be no new evidence presented which would warrant reopening the case therefore he moved that the application for rehearing be declined.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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The Board discussed deferring cases pending the adoption of the Pomeroy Ordinance should cases continue to be deferred or should the Board act under the present Ordinance. No action was taken.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, August 12, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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1- JAMES G. HYLAND, to permit existing addition to dwelling to remain within 20 feet of the rear property line, Lot 22A, First Addition to Homecrest, (427 Graham Road), Falls Church District. (Suburban Residence Class 1)

This is a small room addition to their three bedroom home, Mr. Hyland told the Board, to be used as a catch-all service room, particularly for a drying room, deep freeze and for a certain amount of storage. The sun terrace is just back of the room.

Mr. Hyland called attention to the shape of his lot as shown on his plat, indicating that there is practically no back yard. The rear line cuts diagonally across the yard making it practically impossible for even a small addition to conform to setbacks.

Mr. Hyland said he had started the construction before getting the building. He had thought the builder picked up the necessary permits when he was in this area. He found when he got the permit that the setback was in violation. He therefore stopped work on the building. The main structure is up - under roof.

Mr. Hyland showed pictures of his addition pointing out the relationship between the rear property line and the building.

Mr. Mooreland noted that this house was built under the old Urban zoning; the carport which is ten feet from the rear line, was built at the same time as the house. This violation was not reported. This happened before Mr. Hyland bought the property.

Mrs. Henderson asked why the carport was allowed to remain without a variance, 10 feet from the rear line. Mr. Mooreland answered that the house was built in 1950 or 1951 and at the time he had very few inspectors and his office was not getting certified plats on many structures. There were many mistakes at that time, Mr. Mooreland explained, it was difficult to get the certified plats and many got by without inspection. That probably was the circumstance here.

There were no objections from the area.

Mr. Lamond moved to grant the application for variance because of the irregular shape of the lot and because this would not appear to adversely affect the neighboring property. Seconded, Mr. T. Barnes.

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

Against the motion: Mrs. Henderson and Mr. Smith.

Motion carried.

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WILFRED K. RODMAN, to permit erection of a carport within 2 feet of the side property line, Lot 45, Section 1, Westmore Gardens, (3313 N. Underwood St.), Falls Church District. (Suburban Residence Class 1).

Mr. Rodman presented five letters to the Board from neighbors, three of whom are expressing approval of this variance, stating that this addition would be an improvement to Mr. Rodman's property and to the neighborhood.

This house was built about six years ago, Mr. Rodman told the Board. He bought last year. The place was in a badly run-down condition when he bought and he has made a serious effort to put in improvements as he can. The concrete driveway is in-leading to this side of the house where he has only a 17 foot setback at the rear corner of his house. Mr. Rodman called attention to the slanting lot line on this side which narrows the lot toward the rear and cuts down his setback. These are wide lots, there are only four separate properties in this block. The houses are all set well apart. There are 63 feet between this side of his house and the adjoining neighbor.

It was noted on the plat that the driveway makes a slight turn at the entrance to the carport, therefore in order to enter the carport from the apron on the driveway, the carport is pushed back about 7 feet beyond the rear line of the house. There is no way he could comply with the restriction and have a carport, Mr. Rodman stated, without a variance, therefore he could see no reason why the Board would not grant the variance.

Mrs. Henderson suggested putting the carport in the rear; Mr. Mooreland suggested that Mr. Rodman would have a 10 foot leeway in the front. Mr. Rodman said he did not go back farther as it would be too close to the neighbor and he did not want it in the front.

Mrs. Carpenter suggested bringing the carport up flush with the front line of the house which would increase the side setback considerably. Mr. Rodman answered that there is a big terrace approach and a bank which would require grading back of the fill in the front yard. He insisted that there is only one way he can locate the carport, as shown on his plat.

Mrs. Henderson suggested buying a strip of land from the adjoining neighbor since there are 63 feet between the houses.

That is a possibility, Mr. Rodman admitted, but that is only an imaginary line between the houses. The purchase of property does not change the position of the buildings. He would still have the 63 feet between houses, no matter who owns the land.

But this is an excessive variance, Mrs. Henderson stated, beyond the jurisdiction of the Board to grant.

Mr. Rodman said he had been in many meetings of Boards and it had been his experience that such Boards always try to work out a situation like this.

2- Ctd. The Board has suggested four alternatives, Mrs. Henderson pointed out; locate the carport in the rear, buy a strip of adjoining land to make it conform, locate it in the front or cut down the bank in front and bring the carport forward and cut down the width of the carport.

Mr. Rodman said he had considered all of these things, none of which would be satisfactory. The lots near this property in Arlington County are smaller, the neighbors prefer to see this variance and under any circumstances, what would be accomplished by buying land from the neighbor? Nothing is changed. This is an improvement to which no one objects; it would appear reasonable to grant.

There are many similar situations in the County, Mr. Lamond stated, the Board cannot grant variances without show of hardship or some reason must be advanced why the building cannot be relocated.

Mr. J. B. Smith moved to deny the case because there are alternate locations which could be used for the carport. Seconded, Mrs. Carpenter. Carried, unanimously.

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3- EAGLE HOMES, INC., to permit erection of dwellings within 40 feet of the street property lines, Lots 54 and 55 and Lots 69 thru 73, Section 2-B, Sleepy Hollow Estates, Mason District. (Rural Residence Class 1).

Mr. Jaffe represented the applicant. This is a heavily wooded area, Mr. Jaffe told the Board and he is trying to protect all the trees he can in order to make a more attractive development. By putting the houses further forward on the lots he will be able to save many trees which would have to come out if the houses meet the required setback.

All of these lots (large 1/2 acre or more) are on a cul-de-sac therefore there is no question of sight distance and the less setback is not noticeable. Several of these houses are already sold and the purchasers are very eager to retain the trees.

By going back another 10 feet, Mrs. Henderson asked how many trees would be destroyed. It would take out enough trees to destroy the natural overall beauty, Mr. Jaffe stated. It would require more filling which in itself would kill the trees. Twelve inches of fill around a tree will kill it. Mr. Jaffe said he could not honestly tell people that the trees will be left, if they have to make that much of a fill, and the wooded lots are a big talking point in their sales. The last section of this tract which they sold was without trees and they feel they have a much better talking point on this section. The fact that they are leaving the trees is used in their television advertising and it is very effective. They wish to be in a position to live up to their advertising. These are premium lots and they want to do the best possible job on the landscaping.

Mr. Lamond noted that the houses meet the required setback on Randall Court. That is true, Mr. Jaffe answered, and they ran into difficulty on those lots; therefore they are asking the variance on this. They lost

3- Ctd.

many trees which could have been retained if they had had a variance. He thought a great deal of the beauty of that Court was lost in the building. A variance here and there on a front setback is necessary and reasonable, Mr. Lamond pointed out, but seven lots are too many. It is true that some of these houses could meet the setback without too much destruction of trees, Mr. Jaffe admitted, but the overall effect is better to have all of them back, especially on Queen Anne Terrace. The sewer is 13 feet deep in the street. It is at the lowest possible level. This setback gives the best grade they can get for entry into the sewer.

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While this same problem has no doubt come up in other places in the County, Mr. Jaffe suggested, it is the function of this Board to relieve such situations. This is not basically a substantial variance from the intent of the Ordinance, Mr. Jaffe continued, he is achieving all requirements of the Ordinance in principle, the setback is not detrimental to anyone, it allows good sight distance; the people want the trees and it makes an attractive overall development. These things are all in the interests of making a good development.

Mrs. Henderson suggested terracing the rear yard, which would allow the builder to retain the front setback. It would retain the trees and make an attractive arrangement.

Mrs. Carpenter stated that she did not know the area and would rather see the property before voting on this. Mr. Jaffe said the lots are not yet staked out, but he would be glad to meet the Board and show them the general location of the proposed lots and houses.

It does not appear, Mr. J. B. Smith suggested, that all of these houses would need a variance; why not reduce the number of these variances by taking out those houses which could meet setbacks.

He could have done that, Mr. Jaffe answered, but he thought it would make a better arrangement to have all the houses more or less uniform. He thought it would be better psychologically to ask for these all at one time rather than to come back several times on individual cases. However, all of these lots are affected, Mr. Jaffe continued, but there are three or four (54, 55, 72, 71 and 73) which are of great urgency.

Mrs. Henderson suggested viewing the property to determine which lots would appear to most need this variance.

Mr. Lamond moved to defer the case until September 9 in order that the Board might view the property.

Seconded, Mr. J. B. Smith.

The Board agreed to call Mr. Jaffe and meet him on the property.

Carried, unanimously.

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August 12, 1958

CECIL C. BROWN, to permit existing carport to remain within 5 feet of the street property line, Lot 11 and east 20 feet, Lot 12, Block 9, Section 3, Belle Haven, (11 Fort Drive), Mt. Vernon District. (Suburban Residence Class I).

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Before the case started, Mr. Lamond asked Mr. Mooreland to define a carport. He questioned if Mr. Brown's case should come before the Board as a carport. It appears to be a temporary structure, Mr. Lamond continued, which probably would not require a permit.

Mr. Brown observed that this structure has been up since 1951. It is practically enclosed with hemlocks and has never been questioned by anyone. The posts are 6 pipes, the nearest of which is 13 feet from the walkway which runs around the cul-de-sac. There are 21 feet between the structure and the road right of way. There are 7 feet between the used right of way and his property line and the street line. This house was built under the old Urban zoning. This is only a cover for his car, Mr. Brown continued. For a long time he had just a canvas cover. It is plyboard now. It has been here since 1951 and no one has objected to it.

Temporary - and it has been up since 1951, Mrs. Henderson asked?

Temporary as to structure, Mr. Brown answered.

Mr. Lamond said he considered this a canopy rather than a carport.

Mrs. Henderson suggested locating this at the side of the stone garage in which case it would hardly be visible. Mr. Brown said he would have to move his fence which runs from the stone garage to the property line.

As to the definition of a carport, Mr. Mooreland said there is nothing in the Ordinance spelling out just what constitutes a carport.

Mr. Lamond said in his opinion this was built in the nature of a canopy or a shelter. Carports are usually of brick or frame, Mr. Lamond continued. This is merely a slab of plywood on iron posts, it is not joined to the stone building.

We have carports in the County built of all kinds of materials, Mr. Mooreland noted, and it is not necessary to join them to the building. The Ordinance also says you may have a carport on the side or 10 feet in front of the building. Mr. Mooreland said he would consider this a shelter, a shelter for a car, an open enclosure or protection for a car.

This carport is within a heavily wooded hemlock area, it cannot be seen in following around the cul-de-sac. However, this was discovered by one of his inspectors who happened to drive around the cul-de-sac in the wrong direction one day, and saw the structure. He had been there many times before and had not seen it.

Mr. Brown said he could not build another garage without tearing down the fence and taking out a very large tree which he pointed out in the pictures he presented with his case.

4- Ctd. The Board agreed that this structure serves the same purpose as a carport and it has all the utility and appearances of a carport.

Mr. Lamond thought that the fact that this was not joined to the building would take it out of the category of a carport.

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The Board discussed the collapsible extensions used on trailers and it was asked if such an addition would be considered as a carport. If they were used for carports, Mr. Mooreland said, yes.

There were no objections from the area.

It was suggested that the case be deferred to view the property and for definition of a carport.

Mr. Lamond moved to defer the case until September 9 to get a definite definition of a carport and to view the property.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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5- C. B. RUNYON, to permit erection of a dwelling on a lot with less width and less area than allowed by the Ordinance, on east side Route 649, just north of the James Lee School, Falls Church District. (Suburban Residence Class 1).

Mr. Hansbarger, attorney for the applicant, asked the Board to defer this case until September 23 in order that property owners in the area may be notified.

Mr. Lamond moved to defer the case until September 23.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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6- BRUCE L. SIMMONS, to permit erection of carport within 6 feet of the side property line, Lot 12, Section 2, Lewinsville Heights, (5825 Linwood Place) Dranesville District. (Suburban Residence Class 2)

Mr. Simmons said he paid extra for what he thought was a retaining wall along his driveway and now they tell him that he is in violation because he is using part of this retaining wall as one side of his carport and it is too close to the side line. The wall is three feet high, level with the ground. Mr. Simmons said he did not know the retaining wall used as part of his carport would be in violation or he would not have paid the extra amount to have it built, as it was his intention to put the carport on this side when he bought the house.

This carport would be 40 feet from the adjoining neighbor's house. He discussed purchasing a strip of land from this neighbor but could not do that, however that neighbor does not object to the encroachment. Mr. Simmons called attention to the fact that the carport would violate only at one corner where it is six feet from the side line.

6- Ctd. Mrs. Henderson asked how far back Mr. Simmons would have to put the front posts on the carport in order to come within the Ordinance. She called attention to the fact that the carport could be built with a 3 foot overhang which would give shelter to the car and if the posts were moved back far enough the structure might be made to conform.

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He would gain one foot of setback with each foot he moves back, Mr. Simmons answered. He would have to go back 4 feet to meet the requirements.

Mr. Mooreland did not think he would get the proper setback for the post unless he pushed the carport back ten feet.

Mr. Simmons said he felt his situation was a little unusual in that he was given the wrong impression when he bought the house thinking he could use the retaining wall. He could have gone on the other side of the house but since he has put the extra money into this driveway and wall and it will be an attractive addition to his house; the neighbor does not object; there is a large open area between the houses, it did not appear in the least objectionable. The wall was an expensive addition. There were no objections from the area.

With regard to pushing the carport back ten feet, Mr. Simmons said it would detract from the structure not to have the carport flush with the house.

Mrs. Carpenter moved to deny the application as an adequate carport can be constructed which would not be in violation.

Seconded, Mr. J. B. Smith.

Carried, unanimously.

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7- **NORTHERN VIRGINIA ARCHERY ASSOCIATION**, to permit operation of a field archery course on 31 acres of land, approximately 1200 feet east of 647, Hampton Road on Loven's Access Road, Lee District. (Agriculture)

Mr. Grefe represented the applicant.

This is the same archery range that was granted some time ago, Mr. Grefe told the Board, which has been operating on rented property. They will buy this land if the permit is granted and the range will be moved here from the old location. They will put in a good access road from Route 647. Loven's road which leads to this property will be widened and made permanent. The nearest house to the property is about one mile away. This is located a long way off the highway in a well wooded tract. They have heard of no objections from the area; all adjoining property owners are in agreement with this. They were not able to reach Mr. Davis, one of the nearby property owners.

Mr. Lamond told the Board that Archery Ranges were discussed before the Planning Commission and they were reluctant to have them any place in the County. However, he did not agree with that. This is a remote area, Mr. Lamond pointed out and there would appear no reason not to grant it.

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

Mr. Lamond moved to grant the Northern Virginia Archery Association a permit to operate an archery range on the thirty-one acres of land contingent upon the applicant giving notice of this planned use to Mr. Davis who is one of the adjoining property owners who was not notified. Seconded, Mr. T. Barnes.

Carried, unanimously.

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8- MALCOLM B. AND EVELYN G. DEAVERS, to permit erection and operation of a private school, grades pre school thru Junior College and a Summer Day Camp on 38.5 acres of land, property on east side of Route 613, Sleepy Hollow Road, approximately 350 feet north of Kerns Road, Mason District. (Suburban Residence Class 2 and Rural Residence Class 1)

Mr. William Johnston represented the applicant. The plat presented with the case was made from the land records, Mr. Johnston told the Board but it must be reasonably accurate, as the land on two sides of the property has been subdivided, Ravenwood and Lake Barcroft.

There is some flood plain along the stream, Mr. Johnston noted, which area would not be used for building purposes. The existing building is located about 600 feet back from Sleepy Hollow Road.The proposed new buildings will be to the east and south of the Craig residence indicated on the plat. They will construct private roads into the property.

The new structures will be of colonial design brick construction with white trim in keeping with Virginia architecture. This is a permanent installation; the buildings will be attractive and the property well landscaped.

In answer to Mrs. Carpenter's question as to how many children they would plan to have in the school, Mrs. Deavers said they will take in all the grades between pre-school and junior college. She did not know the number of children, perhaps 750. They will have different buildings for the different ages. They plan to have a gymnasium, a science laboratory and other buildings to make this a complete educational institution.

Mr. Brandon Marsh asked if all the new buildings would be on the south side of the property or would there be any building to the north on the Ravenwood side. Mr. Marsh said his property in Ravenwood is near this tract.

They will not build in the flood plain which is along the north side of the property, Mr. Johnston answered. They plan to retain as many trees as possible, along that boundary. The flood plain will probably be used for recreational purposes, especially for bridle paths. They would not build within 300 feet of Mr. Marsh's property because of the topography. The buildings will all be in the southern area.

~~The buildings will all be in the southern area.~~

Mr. Marsh said he had attended an executive meeting of the Board of the Citizens Association and had contacted 12 or 15 property owners in this immediate area and all had expressed approval of this project and stated that they considered it an asset to the neighborhood and were pleased to have it on this property. They were especially happy over the fact of leaving the trees.

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Mr. Jaffe presented the following statement from Eagle Homes, quoted in part:

> ".....It is our understanding that the Congressional School has a contract to purchase the Craig property and is requesting permission to erect a private school thereon. As the largest and therefore the most interested adjoining property owner we have no objections to this land being used for school purposes if the new owners would agree not to disturb the terrain or the trees within 100 feet of any existing houses or proposed houses in Sleepy Hollow Estates. In addition we also request that a minimum of 50 feet adjoining our mutual boundary be left in undisturbed, natural condition. We would be more than willing to give the new owners a complete layout of our existing and proposed houses in order for them to meet this request.
>
> Yours truly
>
> /s/ OCEAN TERRACE INC.
> EAGLE HOMES, INC.
> Bernard Jaffe, Agent."
>
> July 24, 1958

It might be convenient to destroy the trees or put in a playground adjoining Sleepy Hollow Estates, Mr. Jaffe suggested, but people have bought expecting that homes would be put in on this property. These people may have the best of intentions, Mr. Jaffe continued, but problems may come up that make it necessary to cut the trees or change their present plans. It is not always possible to anticipate all contingencies. Trees are the natural enhancement for the beauty of a neighborhood and assurance should be given that they will be retained. Mr. Jaffe again stated that he had no objection to the school but he felt that a restriction should be placed on this area to protect people who have bought here thinking this property would be developed in homes on 1/2 acre lots.

If the buildings are located on the south of this property there will necessarily be a considerable amount of cleared ground around the buildings, therefore there should be some physical restraint which will guarantee the fact that this will be developed in keeping with the residential area.

It was pointed out that this property could be sold to another school,

8- Ctd.

and operated by them, unless it is granted to the applicant only. Even then if the use is not started within a limited time, the use lapses.

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Mr. Jaffe continued to point up the possibility of good intentions being destroyed by problems unforeseen.

Home development would not necessarily guarantee retention of the trees, Mr. Lamond noted; the County has seen many a developer wipe out some of the finest trees in the County. There are no restrictions on developers. It would appear that a school of this caliber would want to keep their property attractive, Mrs. Carpenter observed.

As the school grows and they need more buildings it will necessitate more clearing, Mr. Jaffe contended.

This is a complaint the Board hears often, Mr. Lamond observed; people ask the big land owners to protect their view, to protect their property and maintain the rural atmosphere. This is a fine project, the type of thing the County wishes to encourage. It is hardly fair, Mr. Lamond continued, that they be restricted in some rigid manner that people in the area may look upon large wooded areas. These people are conscious of the need to develop their land in an attractive manner. They have said they plan to maintain all the trees they can. The nature of the type of development they plan will assure good development. The developers of this project must protect their own property. That should be sufficient.

Mr. Jaffe pointed out that he is at least consistent as in his earlier hearing he has asked a variance in order that he might preserve the trees.

Mr. Johnston said that if it is feasible they will stay 100 feet from the line, but they must be guided by the topography of the land. They do not intend to go closer to the back line than 50 feet unless for some reason they must. They have a large piece of ground and they wish to develop it efficiently as well as attractively. They most certainly will not cut more trees any place on the property than they find absolutely necessary.

Mrs. Henderson asked what provision is being made for future widening of Sleepy Hollow Road. None, Mr. Johnston answered; at least the Highway Department has made no statement as to their need for more right of way. However, Mr. Deavers will widen the roadway in front of his property in order to make adequate ingress and egress to the school. If the Board wishes to make a stipulation that the road be widened, it would be in line with their intentions.

Mr. Lamond moved to grant the application to the applicant only. This type of project is badly needed in the County, Mr. Lamond stated. It will provide a means of education for many children for whom the County will not have to provide education for. Seconded, Mr. T. Barnes.

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

Mrs. Henderson refrained from voting. The motion carried.

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9- B. H. RUNYON, to permit erection of pump islands within 16 ft. of the right of way line of Columbia Pike, on west side of Columbia Pike, Route 244 approximately 400 feet south of Blair Road, Mason District. (General Business)

Mr. Shaof represented the applicant. Last year when Columbia Pike was widened it did not leave sufficient room between the new right of way and the existing pump islands for trucks to enter Mr. Runyon's property to be served, Mr. Shaof told the Board. It is his wish now to move the pump islands 5 feet further from the right of way. It is not possible to move the islands far enough back to conform to the required setback because of the existing building. This would appear to be the only logical way to use the pump islands.

There were no objections from the area.

Mr. Lamond moved to grant the application as this will give the public better access to these pumps and there is no way in which the applicant can conform to the required setbacks.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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10- MICHAEL DEVELOPMENT CORP., to permit erection of 3 signs on building with larger area than allowed by the Ordinance, 912 sq. ft. of sign and 61 feet above building, property on southerly side of Route 244, Columbia Pike, approximately 2000ft. east of intersection with Route 236 and Route 244. (Michael Shopping Center, Annandale), Mason District. (General Business)

Mr. Michael and Mr. Roseman were both present to discuss this case with the Board.

Since this application was filed the Acme people have expressed their willingness to revise their signs and reduce the square footage by approximately 50 per cent, Mr. Michael told the Board.

Mrs. Henderson asked Mr. Michael if his Corporation had considered a policy for their shopping center of putting up one large identifying sign for the entire commercial area and having the individual store signs conform to certain regulations as to size, style and color, something in the manner of the Seven Corners arrangement. If every building in the shopping center comes in with a request for an oversized sign like this it would be horrible, Mrs. Henderson went on. It could become a maze of signs. She called attention to the Willston Shopping Center which has all sizes, shapes and color of signs and the resulting effect is most unpleasant.

This particular store sets in a hollow, Mr. Michael explained, and it needs both the high identification and the signs on the building.

10 - Ctd. No residences face this area and the sign actually cannot be seen by the traveling public until one is practically at the store.

Mrs. Henderson pointed out that Food Lane at Seven Corners is in a very low spot and off to the side, yet it is plainly visible.

The high standing sign containing 432 sq. ft. is seen only from the highways, Mr. Michael went on, and he believed they would need that area in order to be seen any reasonable distance. No other sign would be above the roof line. This is a three sided sign Mr. Michael pointed out, so built in order that it will be seen from both highways (Route 236 and Columbia Pike). All three sides of the sign are counted in the square footage, yet there is only one sign visible at a time.

The difference in elevation between Columbia Pike and Route 236 is considerable and it requires a large high sign.

It was pointed up that the total aggregate of sign area allowable under the Ordinance is 120 sq. ft.

But we no longer have 2000 sq. ft. stores, Mr. Michael observed, 120 sq. ft. of sign may have been satisfactory for a store of that size but here we have a 21,000 sq. ft. area store which does not face into any residences. The signs would be confined within the vision of the highways and the commercial area.

Mrs. Henderson stated that it was the obligation of the Board to consider the overall appearance of the County; some areas have already been blighted by too large signs and too many glaring colors, Mrs. Henderson stated. They are planning a first class job on this shopping center, Mr. Michael stated; the filling station is the first step in the development. This is an expensive sign, it is well designed and effective; they cannot afford to allow the commercial area to suffer for lack of signs.

There is no need for the area to suffer for lack of signs the Board noted, but those signs can be reasonable in size and effective as well as attractive.

It was suggested that if these signs were back to back (instead of three-sided) the area could be figured as only one sign. But back to back would not reach both Route 236 and Columbia Pike, Mr. Michael explained. However, the Acme people wish to reduce the height to about 50 feet. This is based on the present size sign.

Mrs. Henderson asked, is it the sign on the building that brings customers to a store, or is it the quality of goods in the store?

Mr. Michael insisted that the store must have an adequate identifying sign, that is of prime importance.

It was recalled that the Board had reduced the "Giant" sign from 600 sq. ft. to 200 sq. ft. and it still appears to be effective.

10 - Ctd. Mr. Michael pointed out the fact that if this large store were cut up into smaller stores they could have considerably more sign area on this property. To stay within the sign ordinance is a great disadvantage to a large store, he continued; they need a sign which is in proportion to the size of the building. A 120 sq. ft. sign would be lost on this building.

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Mr. Michael noted that they are asking for a 143 sq. ft. sign which has three sides but is visible only one side at a time. To all intents and purposes this is a 143 sq. ft. sign.

But if we grant this sign, Mrs. Henderson observed, "Giant" would be perfectly within their rights to come back and demand more sign area. On this, the Board must be consistent.

Mr. Michael again discussed the needs of adequate sign area on large buildings. They hope that this shopping center will be a credit to the County financially as well as to the owners and lessees. To do that, they must go along with modern advertising methods.

Mrs. Henderson again suggested Mr. Michael working out some means of sign control for the entire center, regulating size, type and color of signs to be put up in order that the development may be harmonious. She felt that a control similar to Seven Corners could be worked out which would insure good controlled sign planning.

Mr. Lamond moved to defer the case for Mr. Michael to restudy these signs and bring back to the Board something that will better conform to the Ordinance. The case should be deferred to September 9. Seconded, Mr. J. B. Smith.

Mr. Mooreland said the new zoning ordinance will probably allow a 300 sq. ft. maximum of sign area. The sign area will be figured at 3 sq. ft. per lineal foot of store with a maximum of 300 sq. ft. and 100 sq. ft. for a pylon which will be required to be set back 20 ft. from the property line.

Mrs. Henderson asked how the A & P can get along with the medallion and without asking any variance on their signs. That is an old established trade mark, Mr. Michael answered. It has probably been used for 100 years. The A & P has an enviable position in the food business. It is a fine thing to develop a trademark but that takes time.

Mr. Roseman suggested using the back to back sign and reducing the tower which would bring the area down to about 200 sq. ft.

Mr. Lamond cautioned that the Board would not look favorably upon the applicant coming back for a sign on the building, if the large area is granted on the standing sign. He suggested that Acme will want a sign on their building which would probably be better for their business than the standing sign. Mr. Lamond suggested that Acme should follow a uniform pattern on the front of their buildings which people would come to recognize. He noted the fact that all Acme stores have different signs

10- Ctd. which can be misleading. He suggested that Mr. Michael and Mr. Roseman study the Seven Corners sign plan and see if they cannot come back with a better plan which will give adequate advertising for the different size stores planned in this shopping center and not overload the area with too many too large signs.

These large stores lay down very rigid requirements, Mr. Michael stated.

The motion to defer was carried, unanimously.

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11 - DON R. HARRIS, to permit erection of an addition to be used as an auto repair garage, S.E. corner of Arlington Boulevard and Route 649, Falls Church-Annandale Road, Falls Church District. (General Business.)

Mr. Harris explained that he wishes to put an addition on to his building for the purpose of automobile maintenance and auto inspection. This would be a 45 x 40 ft. addition on the rear of the existing building which is used in connection with his filling station.

Mr. Barnes asked, what about storage of wrecked vehicles?

There would be none of that, Mr. Harris answered, they will do no body work, only repair. They will have ingress and egress from Annandale Road to the garage. He now has five pumps which will have access from both Arlington Boulevard Service Road and Annandale Road.

It was pointed out that Section 6-16 of the Ordinance would prevent the storage of wrecked vehicles on the premises. Mr. Harris said the only wrecked cars they may have at any time would be ones hauled from a highway wreck waiting for disposition by the insurance company.

There were no objections from the area.

Mr. T. Barnes moved to grant the application, noting particularly that there are to be no wrecked vehicles allowed on the property. This is granted under Section 6-16 of the Ordinance.

Seconded, Mr. Lamond.

Carried, unanimously.

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12- ROSE HILL WOMEN'S CLUB, to permit operation of a kindergarten in present church building, Parcel 1, Bush Hill Woods, (at the N.E. corner of Route 644 and Jane Way), Lee District. (Suburban Residence Class 2)

Mrs. Casey represented the applicant. They operated this school last year at the Franconia Baptist Church, Mrs. Casey told the Board, but wish to bring it to this church as it is closer for most of the children. They would operate the school in Calvert Hall basement. The Church is sponsoring the school but the parents are actually carrying the responsibility of running the school. It is entirely non-profit. They will have plenty of playground equipment and a large area where the children will not bother anyone.

The following letter from Dr. Marvin Q. Sanner was read:

"August 9, 1958

".....I am sorry that I will be unable to attend the public

12 - Ctd. hearing for consideration of permission to operate a non-profit kindergarten in this area. I feel this is a most worthwhile endeavor and endorse it without limitation.

"Your club is to be commended for its community interest and the part it is playing in enriching the lives of the citizens of the Franconia area."

August 9, 1958 Yours truly,

/s/ Marvin Q. Sanner, M.D."

Mrs. Carpenter asked if the play area would be fenced. Mrs. Casey said they did not plan to do so, since it would not be practical for the Church, but she did not think a fence would be needed.

Mrs. Lessman, President of the Kindergarten told the Board that they were very eager to have this, that the kindergarten was very successful last year. She thought it was serving a real purpose in the Community.

There were no objections from the area.

Mr. Lamond moved to grant the application for operation of a kindergarten to the Rose Hill Women's Club as it would not appear that it would affect the neighborhood adversely nor would it adversely affect the health or safety of the community.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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13- THE BANK OF ANNANDALE, to permit erection of two temporary signs with larger area than allowed by the Ordinance, Total area of signs 900 sq. ft., property at S.E. corner of Route 236, and Route 617, Mason District. (General Business)

Mr. John Hazel represented the applicant.

These are temporary signs erected for the purpose of pointing up the future location of the Bank of Annandale. The signs would be up for about 8 months. This is an area of about 300 x 300 ft. It has been used successively for parking and carnivals. The bank has bought this property and they expect to be in their new home by spring. Their present location is very bad. A great deal of construction has been going on in Annandale and the bank is in a particularly bad spot. They want these large signs to keep people from going to other banks during this interim of construction. The signs are located on the property in such a way that they will not obstruct view and will not adversely affect other property. They are asking for two 450 sq. ft. signs, one to be located at the intersection of Routes 617 and 236 and the other on Route 236.

Mr. Barnes asked why they wanted such large signs.

Mr. Lamond suggested that a 60 sq. ft. sign, back to back should be sufficient.

Mr. Hazel called attention to the Giant sign across the street pointing

13-Ctd. He thought a 60 sq. ft. sign would be lost on this property especially with so much construction and confusion going on around the property. That Giant sign was not granted by this Board, Mrs. Henderson noted.

Mrs. Henderson questioned the need for so much text on the sign. A simple indication of the new bank location would convey all the infomation the public needs.

Mr. Hazel asked what the Board would think of two 150 sq. ft. signs. Again, Mrs. Henderson questioned the need. This bank has been in operation for some time, it is well known. Why such an exaggerated notice of their new building and change in location.

The bank feels that it is necessary to forestall business from going down the street to other banks, was the answer. It is purely a matter of need.

Mr. Hazel thought it would be unreasonable to restrict his client to 60 sq. ft. when others have a much larger sign. He could see no public harm resulting from granting this and it would be of great value to the bank. Again Mr. Hazel pointed to the great amount of activity going on in Annandale and the fact that a small sign would be lost.

The Board agreed that this request practically reaches billboard proportions. This is a bad intersection which should not be further distracted by oversized signs. The 150 sq. ft. signs were discussed.

Mr. Hazel called attention to the fact that the 150 sq. ft. signs would be within the new sign code. He suggested that the present sign code is unreasonable.

There were no objections from the area.

Mr. Lamond moved to grant two temporarysigns each 6 by 10 feet to be taken down by January 1, 1959.

Mr. Hazel noted that the 60 sq. ft. signs would be permitted for permanent signs. This motion would have the effect of denying the application, Mr. Hazel stated.

Mr. J. B. Smith thought the Board should be more lenient with temporary signs. He recalled that such signs could be granted on large projects or projects where there seems to be a special need for a very limited time without substantial harm to anyone. This property has considerable frontage on Route 236.

Mr. Lamond moved to deny the application. Seconded, Mr. Barnes.

(Case denied because it would appear that a sign within regulations would meet the needs of the applicant.)

For themotion: Messrs. Lamond, Barnes, and Mrs. Carpenter, and Mrs. Henderson. Mr. Smith voted against it.

Motion carried.

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14 - ROBERT M. BUCKEER, to permit operation of a day school on 17 acres of land property 169 feet south Route 193, approx. 1600 feet east of Route 684, Dranesville District. (Agriculture)

This case was withdrawn. No action by the Board is necessary, Mr. Mooreland stated.

DEFERRED CASES:

1- HOWARD P. HORTON, to permit erection and operation of a service station within 30 feet of the street property line and pump islands within 25 feet of the street property line, N.W. corner South Street and Highway #1, Mt. Vernon District. (General Business)

Mr. Hansbarger represented the applicant.

This case was deferred for new plats, Mr. Hansbarger recalled. He located the property indicating the business zoning and uses in the area. The Fair Haven Citizens Association is the seller on this, Mr. Hansbarger told the Board. Mr. Horton is the purchaser. Atlantic Refining Company will lease or purchase the property for a filling station. The Citizens Association intend to use the money from the sale of this tract for improvement of their recreational facilities in the area.

Mr. Hansbarger pointed out that after revising their plats the building requires only a five foot variance on South Street and they are asking a 25 foot setback for the pump island which setback is in line with the policy of the Board. This is a difficult piece of property to use, Mr. Hansbarger went on, it is bounded on three sides by roads, creating a triangular shaped lot. They have reduced the size of the building in order to bring the variance down to five feet. The new building is 33 feet long whereas the building on the other plat was 47 feet.

Mr. Lamond moved to grant the application as per the new plats submitted by the attorney, plat prepared by John E. Whitmore, indicating the location of the building and pump islands. This is granted under Section 6-16 of the Ordinance. It is to be noted also, Mr. Lamond continued that this is granted for a filling station only.

Seconded, Mr. Smith.

Carried, unanimously.

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2- JACK STONE CO, INC., to permit erection of six signs with an area larger than allowed by the Ordinance. (Total area 243½ sq. ft.) S.W. corner of Seminary Road and Scoville Street, Mason District. (General Business)

Mr. Hulse represented the applicant. This was deferred for proof of notification to adjoining property owners.

Mrs. Henderson said she had done a little research on filling station signs and found that last year the Board had granted 15 filling stations

2- Ctd. and 12 so far this year. Out of these cases the only requests for sign variances had come from Cities Service. Last year the Board granted two sign variances to Cities Service and two this year. It was noted that they have four signs at the Hybla Valley station totaling 136 sq. ft. and 120 sq. ft. in the signs on the Columbia Pike Station. The fact that this property backs up to residential property, Mrs. Henderson continued should make a difference in the sign size granted.

Mr. Hansbarger stated that people in the area had planned to object to this but when they saw the location of the filling station they withdrew their objections.

Mr. Mooreland noted that on the two cases referred to (Columbia Pike and Hybla Valley) the Board had figured the entire background of the letters while in recent cases the Board has been considering the lettering only. Mr. Mooreland also called attention to the fact that the directional signs "Lubrication", "Washing" etc. are included in this area.

It was noted that the Citizens Association in this area had asked that this case be deferred so they could look into the sign sizes and they are not present in opposition. There were no objections from the area.

Mr. Lamond moved to grant the application as presented.

Seconded, Mr. Smith.

For the motion: Mr. Lamond, Mr. Smith, Mr. Barnes and Mrs. Carpenter. Mrs. Henderson voted no, stating that oversized signs should not, in her opinion, be granted when the property backs up to residential land. Mrs. Henderson recalled that she had voted for the sign on the Columbia Pike station because that was in an entirely commercial area.

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3- HOWARD JOHNSON'S INC., of Washington, to permit erection of an addition to an existing restaurant within 10 feet of the street property line, Part lots 21, 22, 23, all of Lot 6 and part of vacated Orchard Street, Rust and Smithers Subdivision, Providence District. (Rural Business) This case was deferred until September 9 at the request of the applicant.

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The meeting adjourned.

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

September 9, 1958

The regular meeting of the Board of Zoning Appeals was held Tuesday, September 9, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs. Lamond, Smith, Barnes and Mrs. Lois Carpenter. Mrs. L. J. Henderson, Jr. absent. Mr. Lamond presiding.

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

NEW CASES:

1- PIEDMONT ENTERPRISES, INC., to permit erection of a recreational building and activities in connection with, on east side of Route 1, Woodley Hills Trailer Park, Mt. Vernon District. (Suburban Residence Class 3)

Mr. Winslow presented the case for the applicant.

While they have a few small recreational areas in this trailer park, Mr. Winslow pointed out, they have no large activity area. This is a 1.5 acre parcel which the Woodley Hills Recreational Association has agreed is well located and well adapted to this use. The Association has agreed to take responsibility for control of the area. They will erect a building and plan the ground to take care of the various activities such as Little League team, Boy Scouts. The building will serve as a meeting place for the Garden Club, Women's Club and Sunday School and Church. It will also serve as a social center. The building will be approximately 41 by 31 feet with a concrete floor. There are many builders and contractors living in the trailer park who will donate most of the labor.

Mr. Lamond asked how cars would approach this area. There will be no car-carrying roads leading to the area, Mr. Winslow answered. This will be a walk-in center. This facility will be limited to Woodley Hills trailer park for the present. They may, in time, expand to include Beard's trailer park. At some future time, if it is feasible, a swimming pool may be added. Averaging 1.8 children to a trailer, this center will serve approximately 400 or 500 children.

There were no objections from the area.

The President of the Recreation Area was also present and stated that the people in the trailer park favor this.

Mrs. Carpenter moved to grant the application to the Piedmont Enterprises, Inc. in accordance with plat presented with the case prepared by Oslo Paciulli, dated May 1, 1958. This is granted to the applicant because it does not appear that it will adversely affect neighboring property.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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NEW CASES - Ctd.

2- MORTON H. LYTLE, to permit carport to remain as erected 6.8 feet of side property line, Lot 14, Section 7, Salona Village, Dranesville District. (Suburban Residence Class 3)

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Mr. Harris represented the applicant. They have considered moving the posts in further from the side line to make them conform. Mr. Harris stated that this would jeopardize the safety of the roof. The beam support for the roof is above the retaining wall on which the posts are setting. If the posts were moved in it would leave the beams unsupported and therefore greatly weakened.

This carport was built before Mr. Lytle bought the house, Mr. Harris continued. The retaining wall was put up before the house was built, as a drain protection to the house. The land slopes away from the side line.

Mr. Mooreland explained that when his inspector first saw the posts they were setting on the retaining wall. They were notified that this would be in violation. The inspector was told that that was temporary; the posts would be relocated as soon as the concrete base was completed. A certified plat was furnished showing the posts located within the requirements. Further inspection showed the posts on the retaining wall. Mr. Mooreland said he did not know when this shift in the location of the posts happened.

Mr. Harris said the retaining wall was not built with the idea of supporting the posts. The builder simply made the mistake when he permanently located the posts, however, this was a logical mistake because had he placed the posts closer to the building they would not have given proper support to the roof.

This area was zoned Sub. Class II before the Freehill amendment, Mr. Mooreland stated. It was changed to Class III in the adoption of the new zoning. Mr. Mooreland asked how this could be considered a hardship. The retaining wall should have been put on the setback line. He considered it a subterfudge to get around the Ordinance. The certified plats no doubt show the carport located on the retaining wall as it was originally planned.

Mr. Harris called attention to the slope in the ground which required this retaining wall to protect the house. He insisted they had no intention of using the retaining wall in the construction of the carport.

While this may have been done deliberately, Mr. Barnes suggested, the fact remains that there is a topographic condition here and it may have been an honest mistake.

NEW CASES - Ctd.

2- Ctd. Mr. Mooreland noted that if the posts were moved in the roof would have too much overhang.

There were no objections from the area.

The lot is about 19 feet lower at the back, Mr. Harris observed. Mr. Barnes moved to grant the application because of the topographic condition of the lot and it does not appear that this will adversely affect people in the neighborhood. This is granted as per plat presented with the case, prepared by B. Calvin Burns, dated August 20, 1958.

Seconded, Mrs. Carpenter.

Motion carried.

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

Mr. Smith voted no.

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3- HERBERT L. OPPENHEIM, to permit division of lot with less frontage than allowed by the Ordinance, north side of Route 611 adjacent to south boundary Sharon Subdivision, Lot 1A, Marjorie Howard Sub., Mt. Vernon District. (Suburban Residence Class 3)

Mr. Oppenheim located the homes of the people whom he had notified of this hearing, stating that adjoining on the west and across the street are large parcels of vacant land. It was noted that he had notified only one adjoining owner. Mr. Oppenheim owns the property on one side but had not notified the owner on the opposite side.

Mr. Oppenheim said he would try to get in touch with Mr. Mason, the adjoining owner before the day was over, if the Board would continue the case.

Mr. Mooreland noted that the houses located on the plats do not conform to Sub. Res. III setbacks; since these setback variances are not requested in this application, those setbacks would have to be applied for in another application.

The Board agreed to defer this until a later hour, to give Mr. Oppenheim time to contact the Masons.

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4- WILFRED J. GARVIN, to permit erection of an addition to dwelling, within 15 feet of the side property line, Lot 22, Section 1, Sleepy Hollow Knoll, (1213 Radnor Place), Falls Church District. (Rural Residence Class 1)

Mr. Garvin told the Board that he has owned this property since 1951. He has four children and needs to expand his home. If he cannot have the addition he will necessarily have to find another place, but he likes the neighborhood and wishes to remain here. The plans have been worked out by an architect and are feasible. It will provide a screened porch, kitchen, dining room, bedroom and bath. The garage will be under the addition. The plat showed that the addition will be across the back and

NEW CASES - Ctd.

4- Ctd. on one side. The architect has suggested that the addition be extended to a maximum of 16 feet and a minimum of 14 feet in order to work out a well arranged floor space. The 16 foot projection on the side will leave a 15 foot setback.

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Mrs. Rigby who lives on the adjoining lot stated that this addition would not only add to the appearance of the house but would improve the neighborhood as it would break up the uniformity.

All persons notified of this hearing signified their approval. There were no objections from the area.

Mr. Barnes suggested cutting the side projection and extending the building on toward the rear. Mr. Garvin said he could not do that as the lot has a very steep grade from the front to the rear. About 12 feet beyond the house the ground drops off sharply. They have a terrace at the rear which makes something more than a two foot step down, then the land takes a sharp drop again toward the rear of the lot.

It was suggested that the side projection be kept to approximately 11 feet and allow the 16 foot width on the rear.

Mr. Garvin said he had discussed all possibilities with the architect and had been told that this is the only feasible way to add to the house, and that no other location would be economically practical.

The architect advised against any construction unless this plan could be used.

The Board was of the opinion that any plan could be revised and rather than deny the case suggested that Mr. Garvin again discuss this with his architect.

But any change in dimensions would completely destroy the practicality of the plan; just to have space is not sensible, Mr. Gavin contended, the space must be such that it can be used to advantage and suit his purposes. The room on the back would serve only to expand the kitchen further, which they do not want. Mr. Garvin also called attention to the fact that these are outside dimensions; an eleven foot room would be entirely too small for his purposes.

The discussion continued, the Board urging Mr. Garvin to attempt a revision with the architect, Mr. Garvin insisting that the dimensions as shown on the plat are necessary.

The possibility of granting this because of topography was discussed. The Board came to the conclusion, however, that the applicant was asking too great a variance.

Mr. Garvin showed pictures of his home, indicating the slope of the land and the proposed location of the addition.

Within three houses on this property is suburban zoning, Mr. Garvin pointed out, where the setback is less than he is asking. It would seem

NEW CASES - Ctd.

4- Ctd. a little unfair, Mr. Garvin continued, that one can have a garage or screened porch within 15 feet of the side line, yet living quarters are restricted. This is a substantial addition, it is expensive and they are trying to make it attractive as well as practical. They do not wish to squeeze space.

Since the Board feels that it cannot grant this amount of variance, Mr. Barnes suggested again that Mr. Garvin take the plan back to the architect for revision. He therefore moved to defer the case until September 23 for a better plan with less variance. Seconded, Mrs. Carpenter.

It was suggested that the revision show not more than a #2 or #3 foot variance.

Motion carried.

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5- MAY HOUSING, INC., to permit erection of dwellings closer to Street property lines than allowed by the Ordinance, Proposed Lots 26 thru 45, Villamay Subdivision, Mt. Vernon District. (Rural Residence Class I).

Mr. Paul Harrell represented the applicant. Mr. Harrell presented proof of notification with the statement that no property owner objected to this application. (All adjoining lots are owned by May Housing, Inc.)

Mr. Thomas Chamberlain explained the topographic map which indicated the slope of the ground. He presented two illustrations one showing the houses located at the required 40 foot setback and the other at the requested 25 foot setback, showing the difference in the required backyard fill with the two setbacks. There is no problem of getting into the sewers, Mr. Chamberlain stated, it runs at the back of the lots. These are large lots, the plat indicated, and the homes to be constructed would be in the $40,000 class.

They are planning an attractive subdivision, making every provision for retaining the trees, Mr. Chamberlin explained, and an excessive fill at the back of these lots will necessarily run the trees. After filling the back yard to about 15 or 20 feet, the drop off to the back line is still between 20 and 30 feet in some cases, Mr. Chamberlin pointed out. They would have 20 foot sub-basements in some cases if they stay at the 40 foot setback line.

Mr. Harrell showed pictures of some of the houses completed and under construction in this development. They run from 30 to 40 feet deep and from 80 to 90 feet wide and range in price up to $51,000. Mr. Chamberlin showed pictures of the different phases of construction, explaining how they are handling the ground fill.

NEW CASES - Ctd.

5- Ctd. Mr. Lamond asked if the company planned to have a service road along the Boulevard. The houses would still be on a 30% grade, Mr. Chamberlin answered.

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Mr. Harrell recalled that Mr. Locraft had done most of the engineering on this tract before they bought the property and no doubt he had explored all avenues of layout as he had put in at least $50,000 worth of engineering. They have made only a few changes.

The dirt moving job on this project is collossal, Mr. Harrell stated. They want this to be an especially attractive subdivision; it is beautiful ground with interesting contours and large trees and should have the best possible development. They feel that trees are one of their most important assets. They cannot visualize the type of development they want to produce without trees. Purchasers of this price home expect to have the trees and they are willing to pay more for a home that has them.

But when you bought this property, all these things were existing, Mr. Lamond pointed out, and it was well known what difficulties of construction would develop. What do you expect the Board to do, Mr. Lamond asked. These difficult conditions were not created by the Ordinance.

Mr. Harrell said they were only thinking of the improvement of the neighborhood and they do not want to have step terraces in the rear.

Even with the 25 foot setback, Mr. Lamond said he thought they could save very few trees as the fill would still be more than a tree could stand. By moving the setback up to 25 feet the average drop from basement to original grade would average from 8 to 10 feet rather than 15 to 16 feet at the required setback, and they could create a reasonable back yard play area by making wide stone terraces. They think with this limited fill they can make the homes unusual and attractive. If they observe the 40 foot setback the terrace at the back of the houses would have 15 or 16 foot drop which would make an unusable and unattractive back yard. This is a long curved street, Mr. Chamberlin pointed out, and the less setback would not be noticeable.

They are interested in the appearance of the development, Mr. May explained as that has a direct bearing on their ability to sell the houses. Their investment is large, the price of the homes is above the average level and they feel they cannot do anything that will cheapen the area. They are sure that the setback will not have anything of an adverse effect on the neighborhood and they feel that the development of an attractive back yard with a reasonable terrace and trees will be necessary to the sale of these houses. This is not a means of saving money, Mr. May contininued, it is purely a matter of aesthetics.

Mrs. Carpenter suggested that a 15 foot variance on 19 lots was too big a

NEW CASES - Ctd.

5- Ctd. thing to consider without first seeing the property, and questioned if the Board had the jurisdiction to grant such a variance on ground that could be developed without the variance. Therefore she moved to defer the case until September 23 to give the Board the opportunity to view the property. Seconded, Mr. Smith. Carried, unanimously.

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6- R. L. JOYCE, to permit enclosed porch to remain within 26 feet of the Street property line, Lot 132, Fenwick Park, (237 Lawrence Drive), Falls Church District. (Suburban Residence Class 1).

Mr. Joyce did not have proof of notice of this hearing from adjoining neighbors.

Mr. J. B. Smith moved to defer the case until September 23 for presentation of proof of notification. Seconded, Mrs. Carpenter. Carried unanimously.

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7- C. R. SPRINKLE, to permit garage to be converted to second dwelling, Lots 7 and 8 and part Lot 9, Melville Subdivision, N.W. corner of Lee Highway and Cedarest Road, Providence District. (Rural Residence Class 2).

No one was present to support this case. It was put at the bottom of the list.

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8- JOSEPH P. BAKER, to permit an extension of a cemetery on approximately 64 acres of land, on north side of Route 626, approximately 1000 feet west of Route 1, Lee District. (Suburban Residence Class 2)

Mr. Baker had notified five lot owners in Mt. Vernon Woods immediately adjoining this property of the hearing, but had not notified Mr. Ayres who is the largest property owner in the immediate vicinity. However, Mr. Baker said Mr. Ayres did not object to this extension.

It was pointed out that Mr. Baker now has an operating cemetery on 50 acres immediately to the east of the land on which he wishes to extend the use. The extension would cover about 64 acres.

Mr. T. Barnes asked about a buffer.

While the State law requires a 750 foot buffer between the graves and the homes on adjoining property, Mr. Mooreland pointed out that this refers to a newly created cemetery and does not apply to an extended use. As far as the State is concerned, he could use the property up to the line.

Mr. Smith suggested a 100 foot buffer.

There were no objections to this use from the area.

Mrs. Carpenter asked what would happen to the 10 acre School Board property shown in the middle of this property?

Mr. Baker said that would not be used for a school; he was trying to buy that ground.

NEW CASES - Ctd.

8- Ctd. Mr. Barnes moved to grant the application with a 100 foot setback buffer on the west and south boundaries and on the east of Parcel 2, not including the line between this property and the presently operating cemetery. It is understood that all the trees presently on the property will be left and additional screening will be added to make the 100 foot buffer. This is granted as per plat presented with the case prepared by Edward S. Holland, CLS, dated January 5, 1949. Seconded, Mrs. Carpenter. Carried, unanimously.

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9- WOODROW W. HAM, to permit enclosure of existing carport within 39.4 feet of the Street property line, Lot 8, Block L, Section 1, Rose Hill Farm, (#Sturbridge Place), Lee District. (Suburban Residence Class 2)

Mr. Ham explained that he now has a temporary carport on this side of his house. He plans to make that into a permanent room and add a carport. The variance on the room will not exceed .6 of a foot. This side of the house faces the cul-de-sac and the slight variance would never be noticed. It affects only one corner of the room.

There were no objections from the area.

Mr. Mooreland explained that this was making something permanent of a temporary structure. Mr. Ham first put up the carport which was allowed under the ordinance. Now he will remodel this carport into a recreation room and add the carport. The carport meets required setbacks but the enclosure will create this small violation.

Mrs. Carpenter moved to grant the application to Mr. Ham as this is such a very small variance and the only violation occurs at one corner of the enclosure and because the street curves at the point of violation. This is granted according to plat presented with the case prepared by Walter Phillips, dated November 26, 1954, with pencil notations. Seconded, Mr. Barnes.

Carried, unanimously.

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10- DONNA LEE PLAYSCHOOL, to permit operation of a day nursery school, Lot 84 and part Lot 83, Section 1, Annandale, S.W. corner of Poplar Street and Martin Avenue, Falls Church District. (Suburban Residence Class 1)

Mr. Lytton Gibson represented the applicant, indicating the location of the property with relation to commercial property in the area and with relation to the property owners notified of this hearing.

Mr. Gibson presented nine letters from clients of Miss Howdershell's school which she has conducted at Culmore, all commending her highly on her method of handling the children and the high character of her school and expressing need for this facility. She has operated this school for three years.

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10- Ctd. This is a dead end street, Mr. Gibson stated, carrying little traffic. Miss Howdershell's reputation has brought her many pupils, Mr. Gibson went on and she has outgrown the small quarters at Culmore.

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They have not yet obtained a report from the Fire and Health Departments but will do so immediately after this is granted. Mr. Gibson suggested that if the Board sees fit to grant the case, they do so contingent upon approval of all interested agencies. Miss Howdershell will also get a license from the State Welfare Department. They can and will meet all requirements.

Miss Howdershell will have from 25 to 30 children, ranging in age from 2½ to 6. From 9 to 12 a.m she will have from 15 to 20 and approximately 10 pupils all day. The house will meet all sanitary and space requirements.

The Chairman asked for opposition.

Mr. William Kuck of 120 Poplar Street asked if the property would be fenced. Mr. Gibson answered that it would, if the Board required it.

Mr. Kuck called attention to the fact that the lots across the street from this property are only 60 feet wide, the street is already congested, he contended, and this use would cause a considerable amount of additional traffic. Since there is no through street ingress and egress would present a problem. He also thought granting this would set a precedent which would encourage other requests for commercial zoning in the area.

Mr. Gibson explained to Mr. Kuck that this is not a commercial zoning; the character of the property is not changed, it is merely a permitted use in a residential district and therefore it would have no bearing on any future request for a commercial zoning.

Mr. Kuck said he lives directly across the street from this property at the end of the street.

This is a small lot; it is on the corner and since the children are so young, Mrs. Carpenter suggested that the property should be fenced.

In summing up his case, Mr. Gibson pointed up the fact that this is a needed facility; it is in the public interests as evidenced by the letters filed with this case; it would have no detrimental effect on the health or public safety. While this use may have some adverse effect on some individuals, Mr. Gibson went on, the evidence shows that it will serve a good purpose in the community.

The children will be brought to school by their parents; perhaps in car pools. There may be some congestion around 9, 12 and 3 o'clock, but this being a dead end street actually adds to the safety of traffic.

Mr. Barnes moved to grant the application for a day nursery school to the applicant with the understanding that the property be fenced completely. This is granted on Lots 83 and part of 84 as per plat prepared by Victor H. Ghent, dated August 8, 1949. Seconded, Mrs. Carpenter. Carried, unanimously.

NEW CASES - Ctd.

11- PEACE VALLEY RECREATION ASSOCIATION, Inc., to permit erection and operation of a swimming pool, recreation area and accessory structures thereto, on east side of Peace Valley Lane, 850 feet south Route 7, Mason District. (Suburban Residence Class 2)

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Mr. Cavagrotti represented the applicant. Mr. Craig Richter was also present.

After locating the property and the homes of the adjoining and nearby property owners on an aerial photograph, Mr. Cavagrotti presented the Board with a brochure containing a letter to the Zoning Board from Peace Valley Recreation Association, Articles of Incorporation, letters of acknowledgment from adjoining property owners, plat showing location of the proposed recreation area, and applicant membership list.

There are no recreational facilities available for children in this community, Mr. Cavagrotti told the Board, except a small playground around Sleepy Hollow School and at Willston School, neither of which are within walking distance.

This recreational association was formed, composed of people in Sleepy Hollow Manor, Buffalo Hill, Sleepy Hollow, Ravenwood Park and White's Addition, Munson Hill, Pine Forest and Glen Forest. This project will be sponsored by Ravenwood Park and White's Addition and Sleepy Hollow Manor. The main objective is to construct a swimming pool and, later, tennis courts.

This facility will serve from 500 to 600 families. It will be administered by a Board of Directors elected by the membership. The initial investment will be $125,000. They hope to be in operation by summer of 1959.

The type of people coming into this area require and expect recreational activities, Mr. Cavagrotti continued; most of them have teenage children. Children of this age, particularly, need recreational facilities. This will also serve a good purpose for adults.

This is a community of responsible people, most of whom have good positions and are eager to finance and help operate this project.

Mr. Cavagrotti called attention to the fact that this property adjoins the Munson Hill School on the westerly side. While the present approach will be by Peace Valley Lane, three other access roads are planned which will give access and will distribute traffic. These roads will be opened when development in the immediate area gets further under way.

It is the intention of the Association to retain as many trees as possible, both for screening purposes and to act as a noise barrier. The pool location is on sloping land nearest the school property. This location will also be noise reducing. They will have adequate parking for 125 cars. They will make every effort to retain the natural beauty of the area. It is the belief of the Association that this project will enhance property

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11-Ctd. values as people coming to this area will want to purchase homes where recreational facilities are available. This is a particularly inviting location for many people, it is near Seven Corners, good transportation, and schools. The Association feels that this is an added attraction. Mar-Built homes has informed the Association that in their opinion this will be an asset in the sale of their homes.

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There are only two families living near this property, Mr. Cavagrotti went on; Admiral Bartlett and Mr. Howard Cavil, both of whom live on Peace Valley Lane. However, neither will be affected by the noise as they are at least 1000 feet or more from the pool, and there will be relatively little traffic on Peace Valley Lane when the other three access roads are built.

Across the street Coffman and McCaffrey and McPherson Morris Company are building. They have built within one block of Peace Valley Lane. No one is presently living across from this property on the Lane, and there are actually no lots planned immediately across from the pool.

Mr. Frank Bartimo, President of the Sleepy Hollow Manor Citizens Association, who lives at 513 Eppard Street told the Board that this Association is only one year old. One of their first jobs was to organize a swimming club with the plan to get the pool in operation as soon as possible. There is a great interest in this project; the people have put in unlimited work and have suffered many frustrations finding land and getting free advice and guidance. Now they have the land. It is well located to serve the area and is appropriate for this use. It is mystifying, Mr. Bartimo went on, that people of good will can protest a project of this caliber. This is conducive to good health, it will be well managed and properly supervised. It will actually add value to land in the area and attract people who will pay their way taxwise in the County.

Mr. Cavagrotti stated that the officer from Ravenwood Park Citizens Association was unable to be present but forwarded the statement that his Association, including White's addition endorse this project.

The Chairman asked for opposition.

Mr. Andrew Clarke represented Admiral Bartlett and Mr. Howard Cavil, both of whom live on Peace Valley Lane and both of whom oppose this project. However, Mr. Clarke told the Board that no one was present with any thought in mind other than to commend these people who want to provide a recreational area. This sort of thing should be done all over the County, but this is the first time he had heard of a recreation area that is completely isolated from the area it is to serve. Mr. Clarke indicated on the map the location of Sleepy Hollow Manor with relation to the pool, which he stated is very nearly 1½ mile. Also he pointed out the location

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of Ravenwood Park and Buffalo Hill which are nowhere near this project. All the traffic and attending noise which naturally accompanies one of these developments will be far from the homes of the people who will use the area. Munson Hill will not be affected; it is not near the project. Pine Forest and Glen Forest are not in the immediate area. This is a request for approval of a swimming pool that does not affect a single person in the area from which the project is to get its membership.

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It was said that the high school will act as a buffer, but on the west side the school will face away from Peace Valley and the playground is in front, facing colored property, whose owners do not object.

Admiral Bartlett owns property within 75 feet of the northeast corner of this property. The parking space is on top of the hill, area for 125 cars.

Mr. Clarke also noted that the Church on the corner of the highway is also present to object.

This would appear to be an impractical venture, Mr. Clarke continued, the property is very expensive and they will have to spend a considerable sum to purchase the ground, put in the pool and construct the bath house. They would have to raise $10,000 a year to take care of this, therefore they will have to expand their membership to a very large number to take care of the continuing expense.

A membership of 500 families would mean that they are dealing with a minimum of 1800 people, who will be transported to and from the pool. There is no telling how many cars will be involved. Peace Valley Lane is a little 16 foot lane. They have acquired an additional 17 feet to widen it in time, but the land is in very bad condition, barely passable at times. Before anything goes on this property (if this is the proper location for this project) it should have adequate access. This little street is not in any sense of the word adequate.

In addition to the traffic and access situation, Mr. Clarke continued, here you have a quiet little land leading off of Route 7, down a decline. It is narrow and rough. Now come 500 cars or more to the pool. This is an untenable situation; one which should be given very careful consideration.

In checking home locations on the member application list, without exception, Mr. Clarke emphasized, there is no possibility of this project having an adverse effect upon any of these people. It is very easy to favor a project of this kind when it is in someone else's front yard and you are sure you are well away from it. The people favoring this should be asked to show exactly how far they are away and therefore how little they would be adversely affected.

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11-Ctd. This recreation association has been trying since February to locate a site, Mr. Clarke told the Board, which would not be objectionable to the surrounding area. They had a site in mind in Ravenwood but the people were against it and the site was abandoned. Mr. Clarke said he did not know how many other sites were found and discarded.

This is only a use permit, Mr. Clarke pointed out, granted for a limited use, but it has many of the same basis objections attached to it as a commercial zoning. On Route 7 at Juniper Lane a request was made on a parcel of land for commercial zoning, to put in a bank. The people in the area fought that zoning vehemently, fought it when that property was located on Route 7 where 18,000 cars pass daily.

Mr. Bartimo cannot understand opposition to such a worthy project, Mr. Clarke recalled. Surely Mr. Bartimo is not accustomed to coming to the Fairfax Courthouse very often...opposition in such matters is a fundamental democratic right, sacred to everyone. Admiral Bartlett bought here many years ago. He has a right to object to this if he feels in his heart that the traffic and noise or any other conditions connected with this will hurt him. He should not be condemned for exercising that right. But rather, Mr. Bartimo should be willing to listen to him without criticism. If this project were located on the site in Ravenwood these people would not be here today objecting; that site is to the west of the high school. It is a wooded area, not close to homes. It could very well be used but those people don't want it. If it does not make noise here, it won't make noise near Ravenwood.

Admiral Bartlett concurred in all Mr. Clarke had said. He made it plain that he has no objection whatever to swimming pools as such, but in the proper place. The Admiral said he bought this lovely home in Peace Valley for a permanent home many years ago. Peace Valley Lane is named for their home. They were given to understand that this would always be a residential area. He saw the zoning sigh, purely by chance called the Courthouse and learned of this hearing. Mr. Bradley came to see him and Mr. Cavil. He would be pleased to see a swimming pool in the area, but instead of having it in the back yards of people who will use the pool, they are having it in their front yard.

The Admiral read a letter from Mr. Sargent White who sold him this property, saying he had defended this area many times before against encroachment, and stating further that he is opposed in principle to desecrating a residential neighborhood. He knew of planned subdivision on Peace Valley Lane and the plan for the high school, the Admiral continued, but this particular style of creeping business he objects to.

11- Ctd. Mr. Cavil also concurred in Mr. Clarke's statements and pointed up the fact that the large parking area in itself shows that these people are not expecting to serve just the immediate area. It is like saying, "I like a pool, but not in my front yard."

Mr. Clarke presented an opposing petition with approximately 40 names. Reverend Robert Oz, pastor of Christ Church, also Mr. Lyle and Mr. Michael, officers of the Church, appeared in opposition. Mr. Oz presented and opposing petition with approximately 121 names. The petition described the Church property as being at the corner of Leesburg Pike and Peace Valley Lane, approximately 300 feet from this recreational site. The request to deny this application was based upon the following: That the use will materially increase traffic on Peace Valley Lane and will create traffic congestion at Route 7 and Peace Valley Lane; the grade on Peace Valley approaching Leesburg Pike is such that it would create noise by automobile traffic; this is an exclusively residential area; the use requested is semi-commercial and should be placed where it would not depreciate property values.

This Church has invested a quarter of a million dollars on three acres. They bought here thinking they were in a purely residential area. The noise from the recreational area and cars coming and going would interfere with Church services.

Marshall Coffman (Coffman and McCaffrey, Builders) said he had no objection to the project but requested that the pool be set back from the street some 200 feet. They own land across from this property. They will be 50 feet from the pool. They believe, however, that a 200 foot setback will not hurt their property, in fact they think the pool would be an asset to the community and in the sale of their homes. They do think that the pool and parking area should be placed where it will create the least detriment to property owners. Mr. Coffman stated that they would put in a street which will enter near this site and which could be used as an access road. This would relieve traffic on Peace Valley Lane and it would serve Sleepy Hollow Manor and Ravenwood Park. They plan to build houses on that street. Mr. Coffman said he believed people buying here would be pleased to know that a swimming pool is in the immediate area.

Mr. Randolph Lee, 416 Faragut Court stated that his dining room windows are about 300 feet from the pool. He had no objection to a pool if the five acres is adequate to maintain the residential character of the homes in Peace Valley Lane. He disapproved of a lighted pool and a loud speaker system.

Stephen Marut 414 Faragut Court, stated that his property is closest to the pool. Mr. Marut said he was told that the pool would be located back of the property. The plan shows it only 30 feet from the line and 300 feet

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from his home. He suggested moving the pool back about 300 feet into the woods. They are drawing from a much larger area than he had first been told. If it is to be located here it should have restrictions on the number of participating families in order that they can be taken care of financially. Mr. Marut said he likes the idea of a pool but the number of participants should be decreased in order to decrease traffic and to reduce the expense.

Mr. W. W. Morris from McPherson-Morris Co. (builders of White's Addition) concurred in Mr. Clarke's statements.

Mr. Morris stated that he had understood that the people in Mar-built homes who would be greatly affected by this were not approached regarding the pool, although it was stated earlier that they favor this project. Mr. Morris said his own company was not approached and they own land that will be built upon immediately across from the pool area. Mr. Morris said he too was in favor of these recreational areas, but not in a location that would be objectionable to home owners.

If the Board considers granting this request, Mr. Clarke suggested that the pool should be moved to the southwest corner of the property and the wooded area on the northeast corner be so restricted that the trees will be retained.

Mr. Cavagrotti recalled Mr. Clarke's argument regarding the traffic on Peace Valley Lane. It has been shown that they will have other access roads and the school will have an entry which they will use, so the traffic will not be concentrated on Peace Valley Lane. Therefore traffic should not be a consideration. Mr. Cavagrotti insisted that neither Admiral Bartlett nor Mr. Cavil were within hearing nor ~~site~~ SIGHT distance from the pool. Mr. Clarke had stated, Mr. Cavagrotti went on, that the 500 families would mean a membership of 1825 people; they made a drive in two subdivisions contacting 300 families, they signed up 180. 1825 members is far beyond their expectations.

As to the fact that this pool area is not contiguous to the people it will serve, it is not so, Mr. Cavagrotti continued; they are drawing from subdivisions completely surrounding this area and Ravenwood Park is adjacent to the pool.

The charge that granting this would establish a precedent toward commercialization of the area, there are already certain commercial activities on Route 7 which is very near; the tea house at Patrick Henry Drive and Route 7 itself is fast growing away from a residential highway. This is not a commercial project in any sense of the word, it is purely non-profit. Mr. Clarke has represented two people opposing this, and neither one is adjacent to the pool.

11- Ctd. There will be some noise, Mr. Cavagrott continued, and some extra traffic, that is inevitable, but the noise and traffic created by the high school which adjoins this tract will far exceed anything this project could ever generate. The Association feels that it is locating this project in an area not completely residential because of the school.

The Church discussed by Mr. Oz is under construction. Very few of the people who make up this congregation ~~do not~~ reside in **this area. They are not immediately affected by this.** They will have three access roads, not just one. The Church is located on Route 7 where they will be subjected constantly to noise and traffic. Any noise or traffic which would be added to that would be negligible.

In response to Mr. Coffman's suggestion to move the pool back, Mr. Cavagrotti said they were not wedded to having the pool 30 feet from the road, but 200 feet back is too far. The terrain slopes down at this point and the best location for the pool is as they have shown it. Moving it back 200 feet would present a topographic problem. They probably cannot push it back to a point that would please everyone, however, they are very willing to locate it farther from the line.

Both Mr. Lee and Mr. Marut say they are not opposed to the recreational area, but want the pool moved back; that appears to be their only objection. Mr. Cavagrotti stated again that he was sure something could be worked out.

Referring to Mr. Morris' statement regarding White's Addition, Mr. Cavagrotti stated that a petition favoring this project has been entered, signed by people in White's Addition. These people are a part of the Association. Some are no doubt opposed to it, but they are probably those who live from 1 to 2000 feet from the area. Any statement that this would depreciate property, Mr. Cavagrotti said he would challenge. The high school might depreciate property, but not the pool.

No one lives across from this project at the present time; the only adjacent owners are the school and two builders.

Mr. Lamond asked about the attempted purchase of land in Ravenwood. Mr. Richter answered this by saying yes, they did see a piece of land in that area, in Sleepy Hollow, which they thought might be considered. They asked a number of people in the area if they would object to this type project. They said they would, that was all. They made no attempt to purchase the land. The other land they looked at was too expensive. There is no land left in this area, Mr. Richter went on, which can be bought for a pool. This site is especially desirable; it will not be necessary to cross Route 7 and they will not need access to Route 7 when the property to the rear is developed and the other access roads are completed.

NEW CASES - Ctd.

11- Ctd. Mrs. Carpenter questioned the 125 car parking space for 500 or 600 families. That space is expandable, Mr. Richter answered; they had relied upon the experts for that number, but it is not an arbitrary figure.

The parking space is one of the main reasons for his client's objection, Mr. Clarke pointed out. They obviously will have to expand the parking to a great extent. It will no doubt creep up to the admiral's door.

Mr. Barnes said he was confident improvements could be made in the layout; certainly the location of the pool can be changed. Surely the Association can get together with the people most affected by this project and come up with a better plan. Also, Mr. Barnes continued, the Board should have definite assurance that the other access roads will go in. The 30 foot setback for the pool is too close, it must come way back, but that should not be too difficult. Also the structure is too close to Peace Valley Lane.

Mr. Barnes moved to defer the case until September 23 for revision of the layout which would relocate the pool to at least 150 or 200 feet back, which Mr. Barnes said in his opinion would not appear unreasonable. Seconded, Mr. Smith.

Carried, unanimously.

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12- NATIONAL SIGN COMPANY, to permit erection of one sign with larger area than allowed by the Ordinance, (total area 139 sq. ft.) Lots 56, 57 58, 59 and 60, East Fairfax Park (White House Motel) Providence District. (General Business)

Mr. Kinder represented the applicant. They are asking for a 15 by 15 foot double faced sign to be located in front of the White House Motel to replace the presently located sign. This sign will be placed on the same structure they are now using and will carry the same square frontage (75 sq. ft) This is the actual sign area, however, the zoning office figured the brick structure on which they will mount the sign. This has not been done by the Board, Mr. Kinder recalled.

The present sign is too cluttered with words; the lettering is too small to be read by the traveling public, going at a rate of 55 miles per hour. Mr. Kinder showed pictures of the signs now on the property which he said will be removed. They consider that this is a great improvement, the one simple modern sign. It will have dignity and will be attractive.

Mr. Lamond asked if the Board had approved all signs shown in the photograph. Mr. Kinder answered that he did not handle the original signs, and Mr. Mooreland said he thought not.

12-Ctd. NEW CASES - Ctd.

This is a new type of sign, Mr. Kinder pointed out, plastic with the light coming from the building. He called attention to the fact that the Streamline Diner across the street had been granted a permit for the large sign because of the traffic speed. They depend entirely upon the tourist traffic, Mr. Kinder continued, and it is most important. Mr. Kinder pointed to the very large signs on Arva and Marriott motels.

Mrs. Carpenter moved to grant the application as the sign appears to be an improvement upon what has been on the property.

Seconded, T. Barnes.

Carried, unanimously.

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DEFERRED CASES

1- EAGLE HOMES, INC., to permit erection of dwellings within 40 feet of the Street property lines, Lots 54 and 55 and Lots 69 thru 73, Section 2-B, Sleepy Hollow Estates, Mason District. (Rural Residence Class 1).

This case had been deferred to view the property. Mrs. Carpenter reported that while there is a drop in the land back of the house locations on these lots the developer can still reach the sewer line and actually there is only one lot which has a very severe drop. To grant a variance on all of these lots would be a wholesale action, Mrs. Carpenter continued, which she did not think the Board had the jurisdiction to take.

Mr. Lamond agreed with Mrs. Carpenter's statements saying there were only the two lots which he considered might be worthy of a variance, but to go along with all the lots was too much. He was of the opinion that the real reason for this requested variance was so the developer would not have to make so much of a fill in the rear of the lots.

Mrs. Carpenter moved to deny the variance as Mr. Jaffe can properly develop these lots without a variance.

Seconded, Mr. Barnes.

Carried, unanimously.

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2- CECIL C. BROWN, to permit existing carport to remain within 5 feet of the Street property line, Lot 11 and east 20 feet, Lot 12, Block 9, Section 3, Belle Haven, (11 Fort Drive), Mt. Vernon District. (Suburban Residence Class 1)

This case had been deferred to view the property.

Mr. Albert Bryan, Jr., was present to represent the applicant.

Mr. Bryan reviewed the case, stating that the property is located on a circle which has only three houses on it. This is a free standing structure, Mr. Bryan stated, which extends from the garage to the front. It has been in place without objection from any of the neighbors or the County since 1951. It cannot even be seen when circling the cul-de-sac in the right direction. It was discovered by an inspector who got

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off the track and circled the cul-de-sac in the wrong direction. This is an old section of Belle Haven, Mr. Bryan continued; it is well grown up with trees and shrubs. The structure is almost entirely screened by growth except from one angle. The question has been raised whether or not this comes within the Ordinance since it is free standing and it is put together like a canopy or yard shelter. No one objects to this, Mr. Brown has obtained letters from all adjoining and nearby neighbors stating that they have no objection.

Mr. Cole, who lives across the street from Mr. Brown stated that he is a registered architect and could make the statement that this shelter has had no adverse effect upon him nor upon the neighborhood. It could not be located any other place in the yard without substantial hardship to Mr. Brown and damage to his yard. He asked the Board to allow it to remain.

Mr. Lamond informed the Board that he had made two inspections of this structure and could not be convinced that it was doing any damage. He was also of the opinion that this probably should not be considered a carport since it is free standing and is more of a canopy than a carport. It is well hidden with shrubbery and there is one particularly large tree just to the side which would have to come out if the canopy were put to the side of the garage as suggested in the previous hearing.

Mr. Barnes moved to grant the application as it does not appear that it it would adversely affect the community. This structure has been here for seven years and it has hurt no one. Also there is some question if this is a carport since it is free standing. This is granted in accordance with the plat presented with the case prepared by Edward S. Holland, datedSeptember 21, 1948.

There was no second.

Mrs. Carpenter said she could not vote on this as she did not see the property.

Mr. Smith questioned if the Board was actually doing Mr. Brown a favor by granting this; it has not been approved by the building inspector, Mr. Smith pointed out. When the roof was just a canvas covering it gave way during a heavy storm. Suppose the present plywood top should give way in a similar manner, it could do considerable damage to the car.

Mr. Bryan suggested if the Board could not grant this, to defer it for the full Board to see the structure. He thought they could not oppose it if they saw the carport with relation to the landscaping and the surrounding property.

Mr. Lamond moved to grant the variance saying that while this may be out of order to some extent, in his opinion it does not constitute a carport. This sort of thing has never come before the Board before, but it would appear to him to be more of a canopy than a carport. It is not

2-Ctd. attached to the building. Seconded, Mr. Barnes.
For the motion: Mr. Lamond and Mr. Barnes.
Not voting: Mrs. Carpenter, Mr. Smith. Motion carried.
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3- MICHAEL DEVELOPMENT CORP., to permit erection of three signs on building with larger area than allowed by the Ordinance, 912 sq. ft. of sign and 61 feet above building, property on southerly side of Route 244, Columbia Pike, approx. 2000 feet east of intersection with Route 236 and Route 244 (Michael Shopping Center, Annandale), Mason District. (General Business)
Mr. Michael and Mr. Roseman were present to discuss the case. This case was deferred to revise the sign.
The Acme people resurveyed this with relation to the sign requirements, Mr. Michael told the Board. It was observed that this site is about 9 or 10 feet below the grade of Columbia Pike which highway is approximately 350 feet away. The canopy of the building is 10 feet above the ground level, therefore the sign would be at approximately eye-level with the approaching cars on Columbia Pike. The only thing seen from the highway now is the roof of the building. Mr. Michael pointed out that the other food store in this area is on considerably higher ground, their sign will be about 20 feet higher. Both the building and ground are higher than the Acme.
However, they have revised the sign, Mr. Michael continued, which was 61 feet above the roof of the building and it was a three sided sign, to eliminate the verticle tower and make the sign back to back and to extend only 25 feet above the roof. That would be about the same height as the pylon at ground level. They want the "Acme" sign on the front elevation. The building is 171 feet long and the sign would be 21 feet. This is the identification for Columbia Pike. The canopy sign "Acme Market" will be plastic face, no exterior illumination, --interior lighting.
This is a minimum of revision, Mr. Michael went on, because of the relation of the two roads to this building location. The building will be 171 feet by 123 feet. The restriction of 60 sq. ft. area is not a fair yardstick. If this one large store were divided into several smaller stores it would result in considerably more sign area.
Mr. Michael said he now computed the signs at 378 feet, six inches total area reduced from the originally requested 912 sq. ft.
The sign sizes on other Acme stores was discussed, also the visibility of this store from Routes 244 and 236, Mr. Lamond making the observation that the signs would be plainly visible from both highways, and he did not think such large signs were necessary.
Coming south on Route 244, Mr. Roseman said, the 171 foot elevation of the building is parallel to Columbia Pike, therefore one does not see the

DEFERRED CASES - Ctd.

3-Ctd. "Acme Market" sign across the front of the store. There are 1750 feet from Little River Pike to Columbia Pike which means that an adequate sign must be aimed at each highway in order to achieve proper identification. In answer to Mrs. Carpenter's question, Mr. Michael said there would be only one entrance, the front.

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Mr. Lamond suggested putting the Acme back to back sign at right angles to the building. This, Mr. Roseman thought would not catch the traffic going east on Route 236. He contended that all three signs were necessary to reach their potential market.

Mr. Michael gave the following figures as revised by Acme:

120 sq. ft. on the two sided sign.

181.5 sq. ft. on Acme Market across the front.

77 sq. ft. on Acme making a total of 378.5 sq. ft.

Mr. Smith moved to grant the application as revised, with the 6 by 20 foot double faced sign to be placed 25 feet above the building with Acme Market above the building and Acme on the north side of the building. This is granted as per plat presented with the case prepared by Triangle Sign Company, dated September 8, 1958. Seconded, Mr. Barnes. For the motion: Mr. Smith, Mr. Barnes, and Mrs. Carpenter.

Mr. Lamond voted no. Motion carried.

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4- HOWARD JOHNSON'S INC. OF WASHINGTON, to permit erection of an addition to an existing restaurant within 10 feet of the Street property line, Part lots 21, 22, 23 all of Lot 6 and part of vacated Orchard Street Rust and Smithers Subdivision, Providence District (Rural Business) David Hayter represented the applicant. Mr. Cicco, architect for Howard Johnson's was also present.

This case was deferred to view the property, Mr. Hayter recalled. He gave a brief review of the case as previously presented, stating that this building has been here since 1938. It is located at the sharp intersection of two important highways, on a circle and with a steep bank on one side. The corner of the existing building is 17.1 ft. from the right of way.

Mr. Johnson has taken a personal interest in this case, Mr. Hayter told the Board, as he realizes the great potential in Fairfax County and wishes to expand and modernize his facilities in this area. Mr. Cicco, who was present as Mr. Johnson's personal representative, stated that this particular restaurant needs modernizing. It is completely inadequate to take care of the business, but after considerable study they find that the manner in which the building can be modernized and enlarged is very limited. Mr. Cicco showed the Board the plan for beautifying the outside of the building as well as the inside remodeling.

DEFERRED CASES - Ctd.

4-Ctd. Mr. Barnes asked about the front parking. They will lose that in time, Mr. Cicco answered; they have checked with the Highway Department who do not object to the front parking nor to the addition. However, they realize that in time they will have to change both their front and side parking. They have negotiated with Dr. Pfeiffer for land in the rear which will, when necessary, be used for parking.

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Mr. Lamond suggested putting the addition on the rear. It would not be practical, Mr. Cicco answered, the kitchen facilities are there.

The opposite side of the building was suggested for the addition. That would be impractical because the toilet facilities are there, Mr. Cicco answered. Any change from locating the dining area any place other than on the south side of the building where it will be a continuation of the present dining area would mean remodeling the entire inside of the building and relocating all their working operations, which would be most expensive and impractical. Also if this plan of extension is used they can work on the building without closing the business, whereas if such extensive changes are required in the inside, they would have to closedown for a considerable time.

Mr. Lamond still thought the addition could be put on the north. That would give poor circulation and would not be accessible to their working facilities, Mr. Cicco pointed out.

Mr. Hayter stated that the revised plan of the addition would, as it goes toward the rear of the building, have a far greater setback than at the one corner which is 17 feet from the right of way. The building would encroach only on the one corner. At the rear of the addition the exterior would be over 35 feet from the right of way.

Mr Lamond again urged the applicants to put the addition on the Pfeiffer land at the rear.

A dining room on the rear, looking out upon a trailer park is not attractive, Mr. Cicco pointed out, and there are the natural conditions which lend themselves to putting the addition on the south side; the encroachment is no greater than the present encroachment at the one corner and the setback gets wider toward the rear of the building, this would be nearer their existing facilities, facilitating services to the public, circulation is good and the windows can overlook the highway andthe circle. The Highway Department is in accord with this as long as they do not increase the overhang.

The letter in the file of this case from the Highway Department did not give approval to what the applicant is proposing, Mr. Lamond noted. However, Mr. Hayter read a second letter from the Highway Department which colloberated Mr. Cicco's statement.

DEFERRED CASES - Ctd.

4-Ctd. Under any circumstances, Mr. Lamond pointed out, the setback is a matter for the County and not the State Highway Department.

The Board discussed at length whether or not they had the jurisdiction to extend a non-conforming building, Mr. Hayter contending that the Board does have that right and they have already exercised that right, in the case of the addition on the rear of this building in 1952.

The discussion continued, Mr. Cicco contending that the 40 seats which this addition would add is badly needed; no other location for the addition is feasible either economically or practically. Each of the Board's suggestions he put in one of these categories, and rejected.

The violation of the 50 foot setback, which is required on this zoning, is already excessive, Mr. Lamond observed, all of this addition would be within the area of the 50 foot area which should be setback. That is certainly a little unusual, Mr. Lamond declared.

It was recalled that it has been the policy of the Board not to grant additions to non-conforming buildings.

Mrs. Carpenter suggested that the Board discuss this with the Commonwealth Attorney before making a decision.

Mr. Cicco noted that a building could not be placed on this property today and meet both 50 foot setbacks. But the building is here, they wish to improve it both inside and outside; it cannot possibly harm anyone, Mr. Cicco stated.

Mr. Hayter summed up his case, pointing out the great need for this, the advantages to the County and to the public. This is a practical situation, Mr. Hayter went on; they have a non-conforming building, existing before the Ordinance, they will improve conditions without further encroachment. It does not make sense not to allow that, Mr. Hayter contended.

Mr. Barnes moved to defer the case until September 23 in order that the Board members might discuss this with the Commonwealth Attorney and get an opinion from him.

Seconded, Mrs. Carpenter.

Carried, unanimously.

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NEW CASES - Ctd.

3- HERBERT L. OPPENHEIM, to permit division of lot with less frontage than allowed by the Ordinance, north side of Route 611 adjacent to south boundary Sharon Subdivision, Lot 1A, Marjorie Howard Sub., Mt. Vernon District. (Suburban Residence Class 3).

Mr. Oppenheim appeared before the Board saying he was unable to get the signature of the woman who owns property adjoining his lots. She liked

NEWCASES - Ctd.

3-Ctd. the plan Mr. Oppenheim had shown her and she realized that the width of the lot would be the same as those adjoining on the opposite side, but she stated that she did not want to sign any paper. Therefore, Mr. Oppenheim said he was unable to show proof further than that, that his neighbor had been notified of this hearing and of what he proposed to do.

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The Board discussed the side yard setbacks shown for the houses drawn on the plat. He wanted to put a little different type house on these lots, a better house than on the other two lots, Mr. Oppenheim stated. These houses would be wider. The present zoning would require a 20 foot setback while the adjoining lots require only a 15 foot setback. He would like the same setbacks on these lots adjoining.

But in this application, you have not applied for the setback variance on the houses, Mr. Lamond pointed out, you have asked only for the division of the lots.

Mr. Oppenheim said he could put the same house on these lots as on the other two lots, but he wanted to do a little better and get away from the sameness in construction.

Since the setback would be the same as the other recorded lots and the zoning on this property in question was changed by the Freehill amendment Mr. Smith thought the Board could grant both the lot division and the setback. It was noted that the lots have more square footage than required.

Mr. Smith moved that this application be approved because the other lots were recorded under the old zoning and this area was changed by the Freehill Amendment. This would not be out of keeping with the neighborhood.

Mr. Hayter volunteered the information that this case as well as the Howard Johnson case could be granted under 6-12-g of the Ordinance.

Mr. Smith restated his motion to grant the division of the two lots as applied for.

Mr. Oppenheim said he had sold these lots with the agreement that the houses to be erected would conform in setback to the adjoining lots.

Mr. Smith added to his motion that the setback on the houses as shown on the plats be allowed.

It was recalled that Mr. Oppenheim did not bring in actual proof of notification to the two adjoining property owners. His discussion with Mrs. Mason, the adjoining property owner, was verbal and since the Board has required written proof of notification, Mr. Smith withdrew his motion and moved to defer the case until September 23 for proof of notification to be presented by the applicant. Seconded Mr. Barnes. Carried, unanimously.

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September 9, 1958

The following letter was read from Mr. Weissberg:

"August 18, 1958

Mr. William P. Mooreland
Assistant Zoning Administrator
Fairfax County Court House
Fairfax, Virginia

Re: Old and New Edsal Roads

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Dear Mr. Mooreland:

Enclosed is the layout of the Seven-Eleven store I would like to build on the above property. There is a slight discrepancy, since we would like to build within 45 feet of new Edsal Road. The variance that you sent with your letter of August 5 stated that we must stay 50 feet from new Edsal Road.

I was unaware that the Board of Zoning Appeals placed this restriction in granting the variance. A previous plot plan showed the building 25 feet from old Edsal Road. This, of course, would be preferred, but since we must stay 35 feet from old Edsal Road, we must change the layout of the building somewhat. It still has the same depth as the original layout (40 feet) but the cutoff angle is changed somewhat. This was done because the equipment is set up for a normal sales area as shown; the equipment fits into the sales area, and if that is cut off it would hinder the operation.

The rest of the variance will be complied with, including the 10 feet which will be dedicated when the widening of old Edsal Road takes place.

We will have an undue problem here because of the irregular shape of the lot. This section of the lot has 15,000 sq. ft. and any normal commercial development allowing 3 to 1 parking would allow for as much as a 3500 so. ft. building. The proposed Seven-Eleven building would be only 2300 sq. ft., consequently, we would be staying well within the usual commercial development.

I am asking your indulgence to allow us to build according to the enclosed plan. This property was bought with the assumption that a Seven-Eleven store could be built on the premises. Because of my oversight, I did not realize that the 50 foot setback line on Edsal Road was incorporated in the variance.

Thank you very much for your cooperation.

Yours very truly,

(s) Weissberg Bros. Realty
M.F. Weissberg "

The Board agreed that the 50 foot setback was an inadvertent error and should have read 35 feet which is the setback required on the existing zoning.

Mrs. Carpenter moved that the setback from New Edsal Road in this case be changed in the motion from 50 feet to 35 feet.

Seconded, Mr. Barnes

Carried, unanimously.

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Mr. Mooreland asked the Board to answer the following question: Is it necessary for a nursery in a trailer park to go before the Board of Zoning Appeals for a permit? The unanimous answer was yes.

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NEW CASES - Ctd.

7- C. R. SPRINKLE, to permit garage to be converted into a second dwelling, Lots 7 and 8 and part 9, Melville Subdivision, N.W. corner of Lee Highway and Cedarest Road, Providence District. (Rural Residence Class 2) This was put at the bottom of the list as no one was present to support the case when it came up under the scheduled time. No one was present at this time.

Mrs. Carpenter moved to defer the case to September 23 and that the applicant be told that if he is not present the case will be acted upon at that time. Seconded, Mr. Barnes. Carried, unanimously.

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9- The following letter from the McLean Shopping (Mr. Ralph Kaul) was read:

"September 9, 1958

Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Sirs:

On September 10, 1957 you granted a use permit to the McLean Shopping Center, Inc., for the erection of a gasoline service station at the northeast corner of Ingleside Avenue and Route 123.

The inclusion of a service station in a shopping center raises certain questions by the lessees and mortgagees which cannot be finally resolved until leases and loan commitments for the major tenants are closed.

For this reason we have refrained from starting construction of the service station until the shopping center is fully planned and leased.

We are therefore respectfully requesting an extension of the Use Permit for one year to permit us to complete negotiations now under way on the entire shopping center.

Sincerely,
McLean Shopping Center, Inc.

(S) Ralph Kaul, President"

Mr. T. Barnes moved to extend the permit for one year. Seconded, Mrs. Carpenter. Carried, unanimously.

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Meeting adjourned.

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

September 23, 1958

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 23, 1958 at 10 o'clock in the Board Room of the Fairfax Courthouse. All members were present at the call of the meeting except Mr. Lamond who was delayed until 12 o'clock. Mrs. M. K. Henderson, Chairman, presiding.

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

Since the applicant on the first scheduled case was not yet present, Mr. Mooreland asked the Board to consider a matter which had come to his attention. The following letter from Mr. Marcus L. Beckner was read.

"September 19, 1958

Fairfax County Board
of Zoning Appeals,
Fairfax, Virginia

Re: Application of Morris Kraft and Solomon Stichman for Use Permit granted June10, 1958.

Gentlemen:

The subject use permit was granted as follows:

For use permit be granted subject to a letter from the applicant stating that the architectural design of the filling station to be erected on the property described in this application, will conform to the architecture in the neighborhood, and that the standard green and and white filling station will not be constructed. Property at S.E. side #123 adjoining Oakton Methodist Church."

The owners of the property had entered into a lease with the Sinclair Oil Company, prior to the granting of the subject use permit. The oil company's present position is that they feel it necessary to construct their standard type filling station, as distinguished from that permitted in the above use permit. It appears that this will work an undue hardship on the owners of the property.

I therefore request you to permit a hearing on a date certain to be established by you, to request the amendment of the subject use permit, as it applies to the prohibition of the construction of the standard green and white filling station.

I wish to express my apologies for not appearing before you in person, and hope that my failure to do so will in no way reflect on my interest in this matter or the interest of the owners. I had planned, sometime in advance, to attend the League of Virginia Municipalities conference in Roanoke, Virginia, and therefore, find it impossible to be present at your meeting.

If the hearing requested is granted, I will of course, notify those persons in the vicinity of the property who opposed the initial granting of the permit.

Sincerely yours,

(S) Marcus L. Beckner, Jr."

Mr. Mooreland said he was unable to tell these people what kind of architecture "conforms to architecture in the neighborhood". He asked the Board to clarify this part of their motion.

Mr. Lamond who had made the motion granting this permit stated that he had in mind anything except the green and white porcelain station. He did not put the word "colonial" in his motion as he had felt that would tie the applicant down too closely. The Board agreed to discuss this further at the end of the meeting.

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NEW CASES

1- The applicant on the first scheduled case was not present, therefore the Board considered the second case.

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2- CAPITAL FLEET CLUB, a Virginia Corporation, to permit erection of a club house and the establishment of a non-profit recreation center, located approximately 1500 feet south Route 644 and south side of Route 635 and east of R. F. and P. Railroad, Lee District. (Rural Residence Class 2)

Mr. Downey represented the applicant. Mr. Shipley, President of the Club was also present.

This recreation club was organized almost ten years ago but they did not purchase property until 1955 at which time they obtained a permit from the County, but because of lack of funds they did not get underway within the life of that permit. Now they have the money and are ready to go ahead with their clubhouse, ball fields and archery range. They plan a swimming pool, soft ball and tennis courts at a later time. They are particularly interested in getting the ball fields under way to take care of their little league team. This area will also be used by the Boy Scouts.

Mr. Downey displayed a model of the proposed club house building.

There are two dwellings now on the property, both of which are rented.

The stream which was shown on the plat is intermittent, Mr. Downey stated; sometimes it is completely dry. There is a natural swale through the property which carries off the water, eliminating any possibility of flood plain or drainage problem.

Mr. Mooreland stated that the shed from which drainage could pour on to this land is very limited. It would come only from Shirley Park Subdivision which is a very small area.

Mr. Shipley said they have provided parking for at least 400 cars but they would adjust the parking to the number of memberships they have. They do not wish to take out more trees than necessary for the parking area as there are many very old and lovely trees on this property. However, they will have all the parking they need. This is a 19+ acre tract. Capital Air Lines, under whom this club operates, has a large picnic once a year and they plan to have that picnic on these grounds. It will be necessary to clear out underbrush to take care of cars at that time.

Route 635, the entrance road from Franconia Road, is 30 feet wide.

There were no objections from the area.

Mrs. Carpenter moved to grant a permit to Capital Fleet Club for the erection of a Club House and establishment of a non-profit recreational club. This is granted according to the plat presented with the case, prepared by Springfield Surveys, dated July 29, 1958. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASES - Ctd.

1- JAMES WATT, to permit erection of a 6½ ft. fence, on 5 feet of Lot 13, and 35 feet of Lot 15, Wellington, (17 Southdown Rd.) Mt. Vernon District. (Rural Residence Class 1).

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Mr. Downey, employee of the fence company which proposes to put up the fence for Mr. Watt represented the applicant.

Mr. Downey located the property showing on the plat just where the fence would go. It has been the custom over the years, Mr. Downey explained, for people in this area along the river to put up high fences, either of hedge or wood, to more or less enclose the property. Many others in the area have 6 or 8 foot fences, in fact the property to the right of Mr. Watt has a 7 foot hedge and immediately adjoining that lot the property is enclosed with a 6 or 6½ foot fence. Mr. Watt thought he could put up this fence without a permit since there were so many in the area. He does recognize the fact, however, that he can have a 5 foot fence without a permit from this Board.

Mr. Downey called attention to the fact that the Watt house is 25 feet below the level of the road which means that one can look down into the house from the road. This will help to give them some degree of privacy.

Mr. Mooreland said that he had seen the property. There had been something of a drainage problem but Mr. Watt had put in a flagstone patio from his house to the street and had paid to carry off the drainage which came from the road on to his property and the lot next door. The drain tile was laid through the property of the adjoining neighbor, which apparently had taken care of surplus water. It was noted that the little house which sets practically on the property line will be removed.

Three letters in opposition to this were read: From Carl S. Clancy, Mrs. Robert Smith and Frieda Reicher. The letter from Mrs. Reicher, which summed up the opposition is quoted as follows:

"September 11, 1958

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

Dear Mrs. Henderson:

I understand that the Board of Zoning Appeals will review a denial of a request for a permit to construct a "split cedar close woven fence 6½ feet high" on the property of Mr. James Watt at 17 Southdown Road, Wellington Villa.

May we urge the Board of Zoning Appeals to deny Mr. Watt's request for special privileges under the County code which regulates the construction of fences for the following reasons:

1. 17 Southdown Road is a 40-ft. lot in a re-zoned ½ acre community. Our home at 19 Southdown Road is within 4 feet of Mr. Watt's proposed fence.

NEW CASES - Ctd.

1- Ctd.

2. The construction of a 6½ foot closely woven split cedar fence will deprive our home of air, light and sun. A 6½ foot fence will reach the height of the upper part of our living-room windows and the six bedroom windows facing south.

3. Wellington Villa is a tiny egg-shaped community east of the Mt. Vernon Boulevard and located on the Potomac River. The value of our property and the beauty of the location is very much due to the open spaces between the dwellings. Trees and evergreen hedges divide property lines. Here and there a 4-foot white picket fence adds to the loveliness of the community. The granting of a special permission for the construction of a stockade fence 6½ feet high will box in a 40-foot lot along the River road, and will deprive the community at large of the enjoyment of the River view. It will also create an undesirable precedent for future property owners in our community.

On the scheduled date for the hearing, I shall be out of town. I, therefore, request that the Board of Zoning Appeals accept this letter in lieu of my personal appearance to protest the granting of Mr. Watt's request to construct a 6½ foot stockade fence within 4 feet of the windows of our home.

Cordially yours,
(s) Freida Reicher "

The following letter from Daniel A. Cerio was also read:

"September 19, 1958

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

Re: Hearing on request for 6½ feet high fence by James Watt
17 Southdown Road, Alexandria, Virginia

Dear Mrs. Henderson:

John and Grace Coughlin of 12 Southdown Road, Alexandria, Virginia have requested me to represent them in the matter of Mr. Watt's request for permission from your Board for the erection of a split cedar close woven fence six and one-half (6½) feet high entirely on Mr. Watt's own property and immediately inside the property line dividing the Coughlin-Watt properties.

Please be advised that Mr. and Mrs. Coughlin are in no way opposed to the height of the fence or its design. However, Mr. and Mrs. Coughlin would be opposed to any fence that was not within two (2) inches of the property line separating their property from Mr. Watts and would be further opposed to having the setback line from Southdown Road be less than twenty-four (24) feet from the full twenty-five (25) feet width of Southdown Road.

Very truly yours,
(S) Daniel A. Cerio "

Mr. Downey called attention to the fact that the Coughlins live next door to Mr. Watt and they are not objecting.

With regard to the Reichter letter, Mr. Downey explained that in the beginning there had been trouble between Mr. Watts and Mrs. Reichter because of the drainage. That was straightened out by Mr. Watts putting in the drainage tile referred to earlier in the hearing. Actually the Reichter property is completely darkened by a 7 or 8 foot hedge-fence which is located on the side of her lot opposite Mr. Watts. This cuts off her air and light, which she hopes to make up for in preventing Mr. Watt's fence.

Mr. Watt wants to avoid trouble with any of his neighbors, Mr. Downey went on. He is a lecturer by profession, therefore he needs a certain amount

1-Ctd. of seclusion. He is a gentle person, not given to disturbing anyone. He needs the fence; it is not out of keeping with the area and it will not detract from the neighborhood as it is not unlike other fences in the area.

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Mrs. Henderson could not see why a 5 foot fence would not serve adequately.

Mr. Mooreland suggested that the Board view the property before making a decision; it is difficult to explain this property.

Mr. T. Barnes moved to defer the case until October 14 in order to view the property. Seconded, Mrs. Carpenter. Carried, unanimously.

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DEFERRED CASES

1- HERBERT L. OPPENHEIM, to permit division of lot with less frontage than allowed by the Ordinance, north side of Route 611 adjacent to south boundary Sharon Subdivision, Lot 1A, Marjorie Howard Su., Mt. Vernon District. (Suburban Residence Class 3)

Mr. Oppenheim presented his proof of notification for which this case was deferred.

Mr. Oppenheim reviewed his case calling attention to the fact that he has more square footage in his lots than required in the present zoning classification. He is asking only the few feet less frontage and he would like the same setbacks on the buildings as that already existing on the two lots immediately east on Telegraph Road; that is 15 feet for the building with a 10 foot setback on the carport. If this is granted it will tie in with the neighborhood and there will be the same distances between houses.

Mr. Oppenheim recalled that his first two lots immediately adjoining were divided in 1953. They came under the old 12,500 sq. ft. zoning. On this second lot, the larger one, Mr. Oppenheim said he planned to build a larger house, a more expensive one, in the neighborhood of $24,000. It would be a rambler and would have to have the 15 foot setback. This is the highest and best use of the land, Mr. Oppenheim went on; the distance between houses is the same. There is no crowding and with his present plans he could add variety to the neighborhood with this larger house which will be of a different architecture.

Mrs. Henderson counted five or six variances on one piece of property which she thought too much. She called attention to the fact that the application as filed does not ask for a reduction of setbacks for the house, it is an application for lot division only.

Mr. Oppenheim said he had been told that it was not necessary to apply for the house setback in this case. At the time he filed for this case he had thought the zoning would allow a 15 foot setback. Therefore he did not include that request in his application. However, he did

DEFERRED CASES - Ctd.

1-Ctd. include this setback in his notices to property owners.

Mrs. Henderson suggested that the lots were too small for two houses, that Mr. Oppenheim could put the one larger house he plans on one lot. It would appear that a larger house could take more yard space.

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The people with whom he has a contract on this want this particular house on this lot; they would not care to have the two lots, Mr. Oppenheim answered. This will be the last of his property; no further variances will be required. Mr. Oppenheim noted that lots adjoining him to the west are wider.

Mrs. Henderson said she could see no hardship, therefore no reason to justify granting this.

The ground does slope from the back down to the road, Mr. Oppenheim pointed out; it is a beautiful piece of property and as he plans it, it would make a harmonious development. If the land were not divided the cost would be prohibitive. The neighborhood prefers this larger house; the people are pleased with the manner in which he has developed and planned these lots.

But, Mr. Barnes insisted, you can put two houses on these two lots; if the Board grants the division of lots you can put in two houses and if you wish to build the larger house, it could be placed lengthwise of the lot. It would appear that granting five variances on these lots, simply because the applicant wants to put up a certain kind of house is hardly justifiable.

The discussion continued, the Board making suggestions which Mr. Oppenheim rejected as impractical.

It would be a problem for him, if the Board granted only the division of the lots, Mr. Oppenheim stated, but he would certainly want the division under any circumstances and he would revamp his plans if necessary.

Mr. J. B. Smith moved that the division of the property be granted as applied for but noted that no setbacks for the proposed houses to be located on these lots was requested in the application. It is therefore understood that this granting does not include any side line variances. This is granted as per plat presented with the case prepared by Cecil J. Cross, dated August 13, 1958. Seconded, Mr. Barnes.

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

Mrs. Henderson voted no.

NOTE: At the close of the scheduled cases, Mr. Oppenheim again came before the Board asking a change in the motion to allow him an equal division of the lots. See motion in full at the end of this meeting.

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DEFERRED CASES - Ctd.

2- WILFRED J. GARVIN, to permit erection of an addition to dwelling within 15 feet of the side property line, Lot 22, Section 1, Sleepy Hollow Knoll, (1213 Radnor Place), Falls Church District. (Rural Residence Class 1) 192

Mr. Garvin read a prepared statement, the substance of which is recorded here: (Full statement is on file in the records of this case)

A brief summary of the case recalled that Mr. Garvin had requested an addition up to 16 ft. on the side of his house which now has a 31 foot setback, the required setback being 20 feet. Mr. Garvin is asking for a 5 foot variance.

In accordance with the request of the Board, Mr. Garvin re-examined his space requirements with a view toward reducing the setback variance and now returns to the Board with the statement that his architect's advice still stands; that he undertake no addition if restricted to an eleven foot room width on the side. This decision was the result of a restudy of traffic flow, design, builder's advice as to square footage cost, space needs and cost as against purchase of a new home.

Mr. Garvin handed the Board a rough drawing of his plan, indicating the location of the additional rooms with relation to each other and to the existing house plan. They need a dining room (they have none at present) to accommodate up to 12 persons (6 in his family.)

Extending the addition to the rear instead of the side: Contour of the land would make that impractical and the addition would not serve the purpose for which it is intended as the rooms would be inaccessible and unnaturally located.

Mr. Garvin said he would proceed with bids on this if the Board grants only a 14 foot addition, but it will reduce the efficiency of his plan and would not allow for a double garage under the addition as he had planned.

As to the 15 foot setback as against the required 20 foot setback, Mr. Garvin noted that porches, garages and carports are allowed the extra 5 foot leeway. Then why not living quarters?

He also called attention to a lot not more than 100 feet from his property which has living space 15' 3" from the lot boundary. This is not an isolated case, he insisted. Several homes built around Devon Drive are within 15' of the lot lines. This same setback exists in many other places in the County. Therefore it is difficult for him to understand such a strict prohibition against his requested encroachment.

Mr. Garvin said he had gone beyond requirements in notifying people in that he has statements from all his neighbors saying they have no objection to this addition. However, if anyone does object, claiming that this would lessen his property value, he would withdraw the request, Mr. Garvin concluded.

Mrs. Henderson asked what the Freehill Amendment had done to this area.

DEFERRED CASES - Ctd.

2- Ctd. Mr. Mooreland said he knew of no change here but he believed this property adjoins Valley Brook which has a 15' setback. He recalled no variance having been granted in this immediate area.

Mr. Smith said he agreed with the architect, that no other place on the lot is feasible for this addition. The lot has a double slope.

Mr. T. Barnes moved to grant the application in accordance with the copy of a plat presented with the case prepared from work of J. D. Payne, dated February 21, 1951. This is granted due to topographic conditions on this lot and because of the topography it appears that this is the only logical place for this addition. This is granted also because it does not appear that it would adversely affect the health or welfare of anyone in the neighborhood.

There was no second to the motion.

Mrs. Carpenter moved to defer the case to view the property. Seconded, Mr. Smith. Deferred to October 14. (Mr. Garvin was told that it would not be necessary for him to appear at the next hearing.)

Motion carried unanimously.

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3- MAY HOUSING, INC., to permit erection of dwellings closer to Street property lines than allowed by the Ord., Proposed lots 26 thru 43, Villamay Subdiv. ~~Lot 132, Fenwick Park, (237 Lawrence Drive),~~ Falls Church District. (Mt. Vernon Dist. Sub. Res. Class 2) ~~(Suburban Residence Glass 1)~~

Mr. Harrall and Mr. May appeared before the Board. Mr. Tom Chamberlin, Engineer was present also.

Several members of the Board had seen the property. They discussed the very steep grades and precipices along the Boulevard. Mrs. Carpenter stated that in her opinion this is definitely a hardship case, but questioned if the Board had jurisdiction to grant this great number of variances.

Mr. Harrall answered that it did not appear to be the intention of the Ordinance to place a restriction on the number of variances beyond which the Board could not grant, but rather that the reasonableness of the hardship is the important consideration.

Mrs. Henderson suggested that the applicant bring the houses to within 30 feet of the right of way rather than 25 feet.

Mr. May answered that they could do that, but what they had planned was to start with the 25 foot setback and graduate the setbacks up to the 40 feet.

The most difficult grade is on Lots 31, 39 and on Lot 29. These lots would need the 5 foot variance, however, on lots 38 and 34 they would not need the 25 foot setback. They could stagger these houses; they had planned to do that even if granted the 25 foot setback on all these lots because it would make a more interesting development. On Lot 27 they can observe the 40 foot setback, however, they would not jump from

DEFERRED CASES - Ctd.

3-Ctd. a 25 foot setback to a 40 foot setback. Those houses in between would be staggered. They will agree, Mr. May assured the Board to graduate the setbacks on any line agreed upon.

Mr. J. B. Smith thought the house locations should be shown on the plats rather than to give a blanket variance.

It can happen, Mr. Harrall explained that the location of a house would change. This is a custom built subdivision and people often like to make changes in the houses which will necessarily change the location of the building on the lot. If they have variances on some of these lots and not on others, it could present a problem for them, when they are at the point of initial construction.

Mr. Mooreland noted that even if the street were moved up the hill farther these people would still have the same problem. The houses on the other side of the road would be below the road level if they maintained the required setback. This is not a matter of making more lots, it is purely topography. Mr. Mooreland emphasized to the Board that they do have the jurisdiction to grant a case of this kind, that the Ordinance specifically takes care of topographic hardship cases into which category this case falls.

Mr. T. Barnes stated that never during his membership on this board have so many lots been granted a variance, but after viewing the property and going over the ground he was of the opinion that the variance on the lots applied for (26 through 45)should be granted, due to topography.

Mr. Lamond who was not present at the beginning of the meeting came into the room at this time and made the statement that he had discussed this case with the Commonwealth Attorney who gave him the opinion that the Board does have the right to grant these variances; he therefore supported Mr. Barnes in his statements and seconded the motion.

Carried unanimously.

4- R. L. JOYCE, to permit enclosed porch to remain within 26 feet of the Street property line, Lot 132, Fenwick Park (237 Lawrence Drive), Falls Church District. (Suburban Residence Class 1)

Mrs. Joyce appeared before the Board.

They got a building permit for erection of a screened porch, Mrs. Joyce told the Board and when it was completed they decided to add jalousies. They did not realize that putting up the jalousies would constitute enclosing the porch into a room and thereby creating a violation of the Ordinance. This is a corner lot, Mrs. Joyce pointed out and only one corner of the structure violates the setback.

Mrs. Joyce presented pictures which helped to further explain her case. They actually have put the jalousies on only two sides of this porch; one end of the porch is entirely open. There is no heat therefore they cannot use this porch in winter.

DEFERRED CASES - Ctd.

4-Ctd. The Board members were in agreement that with one end of this porch not enclosed with jalousies this does not create an enclosure and therefore does not violate the Ordinance.

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But, Mr. Mooreland stated, the Board has said that jalousies on a porch constitute an enclosure.

If all the four walls are enclosed, yes, Mrs. Henderson answered, but with one wall open that is nothing more than a porch and should be subject to setback restrictions for a porch rather than a room.

There were no objections from the area.

Mr. Mooreland still contended that this is an enclosed porch and suggested that the Board act on it as such.

Mrs. Joyce stated also that the end of the porch was screened and that there was no partition between the end of the porch enclosed with jalousies and the screened end. It is all one porch.

If this were a plain open porch it could remain without question, Mr. Lamond stated. While this is half open and half closed, two corners are enclosed and one end open. Most certainly this is not an enclosed porch. To be considered a room or closed porch, all four walls would necessarily be enclosed. This is not a room that could be heated; it is purely for summer use.

The Board agreed with Mr. Lamond's statement and suggested that the case be dismissed as no violation has taken place and no variance is necessary. It was made plain to Mrs. Joyce, however, that if at any time she proposed to put jalousies on the open side of the porch she would need a variance from the Board.

Each Board member made a statement that in his or her opinion this was not an enclosed porch and that no variance was needed.

Mr. Mooreland cautioned Mrs. Joyce not to come back to the Board expecting to get a variance on this as a room, as under the new Pomeroy Ordinance the Board will not have the jurisdiction to grant variances on setbacks of this kind. Mrs. Joyce stated that she has no intention of further enclosing this area. It will remain as it is, a porch.

Mr. Lamond also recalled that the Board has required applicants to tear down part of a building that was in violation.

Mr. Lamond stated that in the opinion of the Board this is not a violation as it exists today, therefore there is no need for a variance. He moved that the case be dismissed. Seconded, Mr. J. B. Smith. Carried unanimously.

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5- C. R. SPRINKEE, to permit garage to be converted to second dwelling, Lots 7 and 8 and part Lot 9, Melville Subdivision, N.W. Corner of Lee Highway and Cedarest Road, Providence District. (Rural Residence Class 2)

No one was present to support the case. The applicant had been notified of this deferred hearing but was not advised that if he was not present

DEFERRED CASES - Ctd.

5-Ctd. the case would be acted upon. Therefore, Mr. J. B. Smith moved to defer the case to October 14 and requested that the Zoning Office notify Mr. Sprinkle that if he is not present at that time his case will be acted upon. Seconded, Mrs. Carpenter.

Carried unanimously.

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6- PEACE VALLEY RECREATION ASSOCIATION, INC., to permit erection and operation of a swimming pool, recreation area and accessory structures thereto, on east side of Peace Valley Lane, 850 feet south Route 7, Mason District. (Suburban Residence Class 2)

Deferred for revision of plats and information regarding access roads.

Mr. Cavagrotti presented a new layout for the swimming pool area. He introduced Mr. Bradley, President of the Peace Valley Recreation Association. Mr. Cavagrotti recalled the three principle objections to this recreation area placed before the Board at the last meeting; concern over location of the pool, so close to Peace Valley Lane and he suggested that the pool be located 200 feet back from Peace Valley Lane; amount of traffic this use would generate. The Association had stated that three access roads would be available to the area; however, it was uncertain when these roads would be constructed. The Board asked for a firm statement as to the time of availability of these roads. They cannot remedy the location of the area on Peace Valley Lane but it is a fact. Mr. Cavagrotti stated that no one lives immediately across the lane from this development and no homes are closer than 300 feet.

With regard to moving the pool back, Mr. Cavagrotti stated that they had called a meeting of the opposition, purposely including the people who objected at the last hearing. These people were asked where they thought the pool should be located. The meeting was not as productive as they had hoped, he went on. The opposition insisted that the pool be located 200 feet from Peace Valley Lane even though the Association had shown that such a location would be impossible. If they move the pool back that far it would be immediately in front of Mr. Macleay ~~McCleary~~ from whom they are purchasing this land. He would object to the pool being that near to his home. Therefore, they proposed to move the pool back 75 feet from where it was originally indicated. The engineer needs approximately 150 feet clearance to take care of aprons and buffers. The property has a depth of approximately 300 feet between boundaries. This would give the pool as near a central location as possible. The Association has made a firm statement that they will leave all the trees within the 75 ft. buffer which they would create. That would be made a part of the covenants. The Association believes that the pool should be as near the school as possible, however, no agreement was reached as to how many feet it should be from the school. They are confident that a 75 foot buffer of trees will serve as an effective sound barrier.

DEFERRED CASES

6- Ctd. With regard to access roads, Mr. Bradley read the following letter from Mr. John Yaremchuk of the Planning office:

"September 22,1958

Mr. George E. Bradley
428 Shadeland Drive
Falls Church, Virginia

Dear Mr. Bradley:

Attached herewith is copy of a map, as requested, showing the existing and proposed street layout in Ravenwood area. Please be advised of the following schedule of the street construction program for the area in question:

(a) The streets outlined in blue - the construction has been completed and the same are in the State maintenance system,

(b) The streets colored in red - the construction to be completed by September 1959,

(c) The streets colored in green - are in preliminary stage only, therefore the exact construction completion date is unknown as of this date,

(d) The streets outlined in yellow - have been submitted for preliminary approval, however, same has not been given as of this date and the exact construction completion date is unknown at this time.

It is noted that the Planning Office from the outset has planned that ultimately Peace Valley Lane would serve as one of the principal access streets to Munson Hill High School, since the same provides the most direct means of access from a major highway, and the same is designed accordingly.

Very truly yours,
(S) John Yaremchuk, County Planning Engineer"

Mr. Bradley traced the roads on the map which would ultimately serve as access to the pool. He also read the following letter from Mr. George Pope of the School Board office:

"September 22, 1958

Mr. George E. Bradley
428 Shadeland Drive
Falls Church, Virginia

Dear Mr. Bradley:

Relative to your letter of September 19, 1958, I wish to advise that the new high school under construction in the Lake Barcroft-Munson Hill area is scheduled for completion September 1, 1959. This schedule also applies to whatever roads are included in the school contract. Specifically the only road to be provided by the School Board is a connection between Peace Valley Lane and Wilkins Drive, a connection which may logically be an extension of an existing Vista Drive.

The School Board does not anticipate doing any work for the improvement of Peace Valley Lane, planning instead to use Vista and Diamond Drives as present access routes.

(s) George H. Pope, Assistant Sup't."

DEFERRED CASES - Ctd.

6- Ctd. Mr. Andrew Clarke was present representing the opposition. Mr. Clarke asked Mr. Cavagrotti to display a copy of the purchase contract on this property. Mr. Cavagrotti said he had received the contract the evening before this meeting and if the Board wished to see the contract he would show it, however, he did not think it pertinent to this case. The Board did not ask for the contract, but Mr. Clarke proceeded to inform the Board as to certain terms of the Contract. If the conveyance to the Association is five acres or more, Mr. Clarke explained, the purchasers are not subject to subdivision control. However, at the joing meeting Mr. ~~McCleary~~ MacCleary stated that these people are not getting five acres because he wants a 50 foot road running along this property to the high school. If Mr. ~~McCleary~~ MacCleary is reserving that 50 feet this property is sold within the Subdivision Control Ordinance and would be controlled by that office. The meeting between the Association and the opposition was called for the purpose of effecting a compromise, Mr. Clarke stated, but it was no compromise, it was a flat statement of what the Association would agree to and what they would not agree to.

There are many things which should be considered and since there are many present who were not in the last hearing, Mr. Clarke suggested that they be heard.

Mr. Clarke requested that the pool be taken back from the Lane at least 200 feet but Mr. ~~McCleary~~ MacCleary, whose home is on the hill will object, claiming that it would be detrimental to his property. In Mr. ~~McCleary~~ MacCleary's contract he says the pool must be back as far as they can locate, away from his home. If it would be detrimental to Mr. ~~McCleary~~ MacCleary, it must be detrimental to others as well.

Their main objection at the last hearing was the fact that the Association indicated such a large membership (1825 people, 500 families) and that they came from all over the area. These objections still stand.

Mr. Clarke called attention to another pool group which is being formed and will locate on Sleepy Hollow Road. They are locating that pool 400 feet back from the road which sounds reasonable.

Mr. Clarke also stated that he had asked the Association if they would agree to covenant their property to say that the N.W. corner would remain wooded. They would not place any such restriction on that property as they hope to use that area for tennis courts. They would, however, agree to remove the poison ivy.

Asked if they would participate in the improvement of Peace Valley Lane Mr. Bradley said no.

With regard to surfacing of the parking area, the Association stated that what kind of surface they would put on the parking lot would depend upon their money, it would either be black top or crushed gravel. Crushed gravel is not satisfactory, Mr. Clarke contended; it becomes grown up in weeds within a short time.

DEFERRED CASES - Ctd.

6- Ctd. Mr. Clarke was not satisfied with anything less than a 200 ft. setback for the pool. Admiral Bartlett should be protected with respect to covenants running with this land on the N.W. corner of this property. The Bartletts are also concerned over traffic on Peace Valley Lane. The people in White's Addition and Ravenwood Park and Ravenwood will tell of their objections and then claim that this will be noisy and objectionable, Mr. Clarke stated.

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Mr. Stephen Marut, 414 Faragut Court told the Board that at the last hearing he appeared as an individual; he had been in the County only three days and he was not too well informed on the case. Now that he has been a resident for nearly three weeks he has had time to become well acquainted with the facts of the case and he is present with more complete data. Mr. Marut was also representing people in Ravenwood Park and White's Addition whose Citizens' Association oppose this use.

Mr. Marut said he was told originally that this was a community project which would be controlled by members of the community. Under those circumstances they were willing to have the pool 200 feet from Peace Valley Lane. In light of the true facts, he is now unalterably opposed to the use.

Mr. Marut claimed that the Ravenwood Park Citizens Association did not officially sponsor this proposed pool as evidenced by two excerpts which he read from the minutes of the Association meetings. He claimed the Association agreed to no specific sponsorship of this project. (Excerpts from minutes on file in the records of this case) Less than 15 persons were present at the meetings to which he referred.

The idea of having a pool did not originate in Ravenwood Park, Mr. Marut stated. He called attention to the fact that out of 174 names on the petition, 94 are from Sleepy Hollow Manor and other places. In fact, 73% are from areas other than Ravenwood Park. Many had made the statement, "Yes, I am interested in a pool." but that is not saying that they would help with money or work or both, to have a pool.

Mr. Marut called attention to the nearness of the school to this area and said that facilities there are available to their neighborhood also the ~~Parkside Racket~~ FENBROOK RACQUET Club has recreational facilities and now another group on Sleepy Hollow Road will go in. Mr. Marut said he could not see where the area was under-served in recreational facilities.

Mr. C. E. Ijams from 302 Cheryl Drive told the Board that membership is still available in the Sleepy Hollow pool on the Van Evra tract, which will open in May 1959.

Mrs. Henderson advised Mr. Ijams that that swimming club is not yet in operation, as it will necessarily require a hearing before this Board.

DEFERRED CASES - Ctd.

6- Ctd. Mr. Ijams continued with his description of the proposed club which he said is more convenient to these people than Peace Valley and the feels will be attractively low, $25.00 per couple per year with $5.00 additional for each child with a maximum of $40.00 per family.

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Mr. Ijams objected to the Peace Valley project for reasons stated.

Mr. Marut told the Board that they had canvassed Ravenwood Park and White's Addition asking people what they thought of this pool in the proposed location. Sixty-one property owners objected to it; 61 out of 146 residents in the subdivision.

Mr. Charles Hubbel displayed a chart indicating the result of their survey, showing location of the 61 homes, homes under construction and those who did not sign the petition. About 2/3 of the people to whom they spoke objected, Mr. Hubble stated. Twenty-four did not sign the petition saying they were neutral, which means they would probably not be prospective pool members. This is not a popular venture, Mr. Marut continued and a compromise is not acceptable. He asked the Board to deny the case.

About 32 people were present in opposition.

Mr. Fred Cardwell asked how facilities would be provided; sewer, lights, gas and water. He assured the Board that the additional traffic would tear up the roads which are already in bad condition. Installation of public utilities would again disrupt the streets. Mr. Cardwell insisted that there are too many areas for recreational facilities in the County. The County is becoming overloaded with them and soon would be burdened with the expense of taking care of such areas which cannot pay their way.

Mr. Cardwell said he lives in an apartment at Seven Corners at the present time, but hopes to purchase a home in Fairfax County in the near future.

Mr. William Conoley who lives on Cheryl Drive objected to the disrupting of his quiet rural life. His reasons for objecting were covered by others.

Mr. Metenyi, from Faragut Court asked denial of the case.

Mr. Randolph Lee of Faragut Court noted that all the trees on the high school property have been removed therefore this 75 foot strip of trees provided for a buffer on this property will give little protection in the direction toward Faragut Court.

Mrs. Lieberman of 307 Cheryl Drive objected for reasons stated. Mr. David Waters of Cheryl Drive also objected.

Mr. W. W. Morris of Morris-McPherson Company, developer and owner of White's Addition objected showing again the location of home owners in White's Addition who oppose this use.

Mr. Morris located the fifty homes in White's Addition which range in price from $29,000 to $32,000. He is planning to build four homes across from the pool on Peace Valley Lane. Without doubt these houses will suffer in the appraisal, Mr. Morris stated. If the pool is put in they will necessarily have to reduce the type of home they put in there, in order to get FHA loans.

6- Ctd. They do not know when they will put in the road referred to by Mr. Yaremchuk; the only access now is via Peace Valley Lane which is a private road.

This pool will undoubtedly adversely affect homes in the immediate area either immediately or ultimately, Mr. Morris continued. This is not in keeping with the Zoning Ordinance. He asked the Board to deny the case in the interests of the 121 signers of the petition and others who are opposed.

Mr. Oz, pastor of Church of Christ (Peace Valley Lane and Route 7) submitted a petition with 121 names objecting to this use. This added 11 names to the petition handed to the Board at the last hearing, Mr. Oz said.

The Pastor restated his case, as presented at the previous hearing, objecting to traffic, noise, depreciation of property and disruption of Sunday services. The planned rectory will come within 350 feet of the pool.

Mr. Clarke summed up his opposition stating that every person residing close to this proposed pool objects to it; Mr. Morris has shown that it will depreciate property values; Mr. Clarke said he had noticed that development has moved away from the Vienna pool; FHA has stated that such pools have a depreciating effect on loans in the amount of from $500 to $1000. These things are important, Mr. Clarke continued; they have a direct economic effect upon the people in the area.

Peace Valley Lane is now a private road not accepted nor maintained by the State as it does not have the required right of way. Two on the road have given 17 feet dedication but the County cannot require a dedication from this Association because it does not come under Subdivision Control. There is no indication as to when this road will be widened and when it will be accepted and thereby maintained by the State.

These people feel very sincerely that their property is depreciated; every person living near the pool area believes that, Mr. Clarke went on. Then, for all practical purposes, whether you agree with them or not, their property is depreciated. This is a thing not wanted, encroaching on a residential area. The people believe in recreational areas, but not located where they will adversely affect property owners.

Mr. Cavagrotti spoke in rebuttal. Thirteen were present favoring this use. These objections do not lessen the fact that a swimming pool is badly needed in this area, Mr. Cavagrotti emphasized. The County does not provide recreational facilities, therefore it is the obligation of the people to do so.

Mr. Cavagrotti picked out various statements in the opposition to rebute. Regarding the 50 foot buffer which Mr. Clarke said was to be used for a road: In their contract with Mr. ~~McCleary~~ Macleay, they agreed that Mr. McCleary may purchase back the 50 foot strip if and when he needed it for access.

DEFERRED CASES - Ctd.

6-Ctd. He may never want the access.

They cannot move the pool back 200 feet, it would be too near to Mr. ~~McCleary~~ Macleay. They have offered a good compromise, the very best they could make, and it was rejected.

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The 1825 people referred to in Mr. Clarke's statements are entirely too many. They do not expect to have facilities for that many.

Regarding the buffer of trees against the Bartlett property, they are willing to do that, Mr. Cavagrotti told the Board. They have made that statement, but have never heard whether this is satisfactory to Admiral Bartlett. When they were approached regarding reservation of this buffer strip, Mr. Cavagrotti said he was told that if the buffer was left, Admiral Bartlett would go along with the project.

Mr. Cavagrotti said he is a resident of Ravenwood Park and is representing that area as much as Mr. Marut. Both are residents of the Park and officers in the Association.

As to Mr. Marut's statements that Ravenwood Park did not endorse the pool, Mr. Cavagrotti said Mr. Marut had reported only part of the facts. He did not tell of the meeting where Sleepy Hollow Manor had asked Ravenwood Park to go along with them in the construction of a pool. The Association voted at that time to go into this with Sleepy Hollow Manor. They had no specific location in mind; merely that it be in the area. Mr. Cavagrotti was elected to represent the Association, in establishing the pool club. He still represents them. (Mr. Cavagrotti said the President of the Ravenwood Park Citizens Association had asked him to make this statement.)

They have a list of 75 home owners who are in favor of this pool. These people were not asked to be members but said they have no objection. This means 75 for the pool and 61 against. They circulated their counter petition merely because they understood that the opposition were circulating a petition. They could have had many more names, it was probably a matter of who appeared first with a petition. Whichever side got the head start was the one better off.

Actually, a very few of these people are affected outside of those on Faragut Court.

Mr. Cavagrotti mentioned the unsatisfactory features of the Sleepy Hollow pool proposed. They are enlarging to 800 members; it is three miles from this area; children would have to be carried by car, and under any circumstances the pool has not been granted by this Board which might be difficult.The opposition can no longer talk of peace and quiet in this neighborhood, Mr. Cavagrotti continued, they are too near the high school, Seven Corners, and the constant flow of heavy traffic on Route 7. The pool would add a negligible amount of noise and traffic to the existing situation.

DEFERRED CASES - Ctd.

6- Ctd. The homes Mr. Morris will construct across the street from the pool area will necessarily be adjusted to the location. The people who will live in these homes are an intangible element at this time, since they are not yet in the picture. But when they do come here they will know the location of both the pool and the high school. This will be something of a problem for Mr. Morris, but this is a good community in which homes sell very well and his opinion, Mr. Cavagrotti continued, they will sell regardless of the pool or the school.

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The Church showed a listing of 132 names against the pool. The pool property is not even visible from the Church. It would not interfere with the church in any way. The 132 people do not live in this area and should not be considered. The traffic on Peace Valley Lane added to that already existent on Route 7 would be negligible.

Mr. Bradley located the pool as being within one mile of his home, showing that he was just as much affected as many of the objectors. Mr. Bradley said he was elected along with Mr. Cavagrotti about a year ago to look into the possibilities of getting a pool for the area. He contacted the Citizens Associations in the area, as it is necessary to have more than one group back of a project of this type.

Mr. Bradley went back over the plans and their agreements, buffers, and stated that they would make their contribution to Peace Valley Lane if the other property owners will contribute also.

They will put the pool back as far as they possibly can but they want to preserve the very large trees to cushion the noise and retain the beauty of the site.

Mrs. Lamond asked if this is a contract purchase. It is, Mr. Bradley answered. If this is not granted they will not even lose their down payment.

As to Mr. Marut's desire to protect surrounding property, the Association wishes to do that, but they also have Mr. ~~McCleary~~ Mealey to protect. The solution is a compromise, which they have offered.

Mr. Marut came before the Board again and summed up his statements charging that after nine months of work the pool people have only 174 names of members, while they obtained 61 names in opposition within one week.

There is a difference between not being opposed to a swimming pool and wanting it in your immediate area, Mr. Marut continued. They have signatures of people who live in the neighborhood and are opposed to a pool in their area. No one close to the pool wants it there; they believe that it is not in harmony with the intent of the Ordinance and that it does affect adversely the use of neighboring property. This has been proved, Mr. Marut continued and it is the basis given in the Ordinance for denial of such a request.

The high school is necessary; it is regulated and it is closed in summertime. This pool will create a hazard to children playing in front of their homes. All the streets in the area would be affected. This is a zoning matter, Mr. Marut continued, and is not in harmony with the neighborhood. He asked the Board to deny the application.

Mrs. Carpenter moved that this application be denied because the means of ingress and egress would create an objectionable condition and it appears that this use would adversely affect the neighborhood. Mrs. Carpenter stated also that this was denied as not conforming to Section 6-16-d of the ordinance. (This last sentence in the motion was removed later in the day upon suggestion of Mr. Lamond and Mrs. Carpenter.)

Seconded, Mr. Lamond.

Carried unanimously.

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7- HOWARD JOHNSON'S INC. OF WASHINGTON, to permit erection of an addition to an existing restaurant within 10 feet of the street property line, Part lots 21, 22, 23 all of Lot 6 and part of vacated Orchard Street Rust and Smithers subdivision. Providence District. (Rural Business)

Mr. John Rust represented the applicant. Mr. Mooreland told the Board that both he and Mr. David Hayter had discussed this case with the Commonwealth Attorney.

The Commonwealth Attorney said that Section 6-12-3 of the Ordinance refers to what the Board can do, but that section refers to a non-conforming use within a building. This use of the building is not non-conforming; it is located on business zoned property and therefore should not be handled as a non-conforming use. The Commonwealth Attorney stated that in his opinion it is within the jurisdiction of this Board to grant the requested addition.

Mr. Lamond stated that having heard the case and the opinion of the Commonwealth Attorney, he would move to grant the application of Howard Johnson's for a permit to erect an addition to the existing restaurant with the understanding that the present 17 foot setback at the corner remain as it is but that the applicant may come, with his addition, to within 22 feet of the one side and 37 feet at the end corner of the building. This is granted in accordance with the plan shown on Scheme I, plat prepared by Joseph A. Cicco, A.I.A., dated Sept. 2, 1958 showing alterations and additions to the existing building.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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DEFERRED CASES - Ctd.

Herbert Oppenheim asked to be heard again on his application for division of lots. Mr. Oppenheim asked the Board if they would change their motion to give him an equal division of these two lots at the building setback line. He had abandoned the idea of placing the larger house on the one lot and will use the same house plan as that on the other lots. By shifting the line a few inches in this division he can get this house on the two lots without further variance.

Mrs. Carpenter moved to amend the motion previously passed on Mr. Oppenheim's lots and grant him an equal division of the lots at the building setback line.

Seconded, Mr. T. Barnes.

Carried unanimously.

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The Board adjourned for lunch and upon reconvening the Chairman asked that discussion of the Beckner letter regarding Kraft and Stichman continue.

Mr. Mooreland said he could not make a decision on "architecture which would be in keeping with the neighborhood." It was his recollection that the Board wished to get away from construction of the stereotyped filling station of glaring white porcelain. But, he continued, the material used on the building does not constitute architecture.

Other filling stations in the area were discussed. Mr. Lamond moved that the Board set October 28, 1958, the hour to be determined, at which time the Board would clarify the motion made in the Kraft and Stichman case on June 10, 1958 with respect to architectural design of the building.

Seconded, Mr. T. Barnes.

For the motion: Mr. Lamond, Mr. Barnes, Mr. Smith and Mrs. Carpenter. Mrs. Henderson voted no, saying that as far as she was concerned, the case was settled at the last hearing.

Motion carried.

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Mr. Mooreland asked the Board to discuss a situation which had come to his office regarding the granting of 235 sq. ft. of sign on July 8, 1958 to Giant Food Shopping Center, Inc. The property is located between Routes 236 and Columbia Pike at Annandale.

Mr. Mooreland said he received a call last week from the Building Inspector's office stating that footings were being poured and that no permit had been issued for a pylon on this property. Mr. Mooreland inspected the property, saw the footings and told the Superintendent on the job that he was pouring footings at his own risk as no permit had been issued on the pylon. Mr. Mooreland then called the sign company

and was informed that they did have a permit for the pylon. In checking back over his records, he found that in December of 1955 this Board had allowed a pylon and some square footage on a building for Giant stores, permit issued to Annandale Shopping Center. The building is going up but it is not in the location where it was represented to the Board in 1955. The pylon is not located where the plat presented with the 1955 case shows it. Mr. Mooreland said he asked the people to discontinue work until this was brought to the Board.

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Mrs. Henderson asked if the sign permit was still in effect after three years. Mr. Mooreland said that it is, time limitation applies only to buildings.

Mr. Mooreland recalled that Edward Gasson had represented the Annandale Shopping Center in 1955; he had presented plats with his case showing the location of both the building and the pylon. At the July 8 hearing when the same Giant Company was applying under its own name, an entirely different location was shown for the building and no pylon was indicated on the plat and no pylon was mentioned in the discussion of the sign area. Excavation has started on the new location, including the pylon. Since the first case was filed under the name of Annandale Shopping Center it is true the permit was issued to Giant, but when the second case came in under the name of Super Giant, it was not observed in his office that there was any relationship between the two. However, Mr. Mooreland continued, it would seem a little strange that no mention was ever made of the first hearing.

At the July 8 hearing, Mrs. Henderson recalled that the sign area of 235 sq. ft. was granted on the building only. Had the pylon been mentioned at that time the Board would never have gone along with such a large area on the building.

Mr. Abel, Mr. Wells, and Mr. Tinsley from the sign company were present. Mr. Abel reviewed the facts leading up to the present time. They had the two permits, one for the building and one for the pylon, but in between the original granting of the signs and the starting date, a complete change in their plans had taken place. However, before starting the pylon they checked with the zoning office to be certain the permits were still in effect. They were informed that the pylon permit was good.

In 1955 the store was planned to be 170 feet long. The present building is 350 feet long. When their plans were formed on the larger building, they came back for more sign area on the building. The store they have now is twice as big as that originally planned. A sign the size of the one first granted would be lost on this building. It cannot be seen in coming up Route 236; there is no sign on the end of the store. The pylon will serve Route 236.

It was noted that this is practically a new Board since 1955 and the present members were not aware of the pylon having been granted.

Mr. Tinsley again recalled that he was assured that this permit was in effect. When he came to the Zoning Office to make his changes on the building, he was told that he must make another appeal to this Board. At that time they spoke of the pylon, but since no change was made in that, it was not indicated on the plat. He assumed that the pylon was a closed matter. Mr. Tinsley again assured the Board that they had no intention of misleading anyone. They were intent upon the new sign on the building and no thought was given to the pylon.

The expiration of a sign permit was again discussed, it being determined that since a sign is not a structure, the permit is not limited to six months duration.

Mr. Schumann stated that no one had ever raised the question whether a sign is a building, nor if a sign permit has an expiration date.

Mr. Schumann made a brief statement: that in this case, the Board had granted two sign permits. These people came back to the Board and asked for a larger sign across the building. The Board approved it. On the strength of that, these people have started to make their signs. Now the question arises whether this sign can be put up. The location of the pylon would be changed from the first proposed location. What is the question before the Board? Mr. Schumann asked.

The Board had no indication that these earlier permits existed, Mrs. Henderson stated, they therefore took the July 8 case as a new request. Had the Board known of the first permits, an entirely different line of discussion would have taken place. The Board most assuredly would not have granted the 235 square feet in July.

The fact of the misunderstanding of the Board and the Zoning Office is not the fault of the sign company, Mr. Schumann answered. He asked the Board to consider the fact that these people got approval of two signs and on the strength of that, started construction. No matter how they got the approval, they have it and it would appear that they had the right to assume that an approval granted by this Board is not subject to rejection.

Mrs. Henderson suggested that the facts presented at the July 8th meeting were misleading and incomplete.

It cannot be construed that just because these people were asking for a larger sign and did not volunteer the information that a pylon was granted on this property, that this was a misrepresentation, Mr. Schumann insisted.

The Board still thought it strange that nothing was said of the earlier hearing. There was no indication to show that there was any relation between this case and anything that had gone before.

The Board reviewed the minutes from the July 8, 1958 hearing.

The manner of figuring the wording of the sign was discussed, squaring the individual letters or block-squaring the words. This sign, computed in the July 8 case was computed on squaring the words. Actually, if you square the letters, Mr. Tinsley explained, that sign would not be that large. Mr. Tinsley again went back over the steps leading up to the granting of the July 8 sign, showing that the company had relied upon the actions of this Board and the statements from Mr. Mooreland's office.

Had the applicant who filed for the July 8 hearing mentioned that he was making a change in his plans, his office would then have searched for a previous permit, Mr. Mooreland said. Mr. Abel did not remember what was said about a change, but he did recall that he was assured that the pylon sign was granted and that granting was still effective.

But, Mr. Mooreland contended, these signs are granted for specific locations. One cannot pick up a sign granted on one street and place it on another, as in this case, the pylon was moved from Route 244 to Route 236.

Other sign areas granted by the Board were discussed and it was found that larger signs have been granted on considerably smaller stores.

Mr. Lamond moved to grant a permit for a pylon sign to be 14 x 18 feet and allowing the sign to be 40 or 50 feet from the right of way of Route 236.

It was noted that the pylon was not shown on the plat presented with the case. The plat granting the original pylon was different from the plat the applicant used on the July 8 case.

Mrs. Henderson thought the case should be reheard with full information on both signs shown on the plat.

Mr. Schumann agreed that this was a patching up job, but it is a good job, he added. It would appear necessary, Mr. Schumann continued, that applicants can rely upon actions of the Board.

Mr. Lamond restated his motion to grant a permit for the pylon at this new location, the sign to be 14 by 18 feet and 40 feet above the ground level. (26 feet from the ground to the bottom of the sign) The pylon is to be located at least 40 feet from the right of way of Route 236 and it is understood that the sign company will furnish the Zoning Office with a certified plat location of the sign. Seconded, Mrs. Carpenter.

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

Against the motion: Mrs. Henderson and Mr. J. B. Smith.

Motion carried.

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September 23, 1958

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At Mr. Mooreland's request the Board passed the following resolution: That the Zoning Office is instructed not to accept any further applications for sign variances made out in the name of the sign company, but rather that such applications be made in the name of the owner of the property or the occupant of the building.

Motion made by Mr. Lamond and seconded by Mr. J. B. Smith.

Carried unanimously.

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Mr. Lamond moved that the phrase "denied under Section 6-16" be removed from the motion on the Peace Valley case. Seconded, Mrs. Carpenter.

Carried unanimously.

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Mrs. Carpenter questioned if, in the light of the large number of variances included in the granting of the May housing case, the Board might consider Mr. Jaffe's request for similar variances refused at an earlier meeting. Mrs. Carpenter suggested that the Board might have been a little too rigid with Mr. Jaffe.

After discussion, it was agreed that Mr. Jaffe's problems were considerably less than Mr. May's, that he could build on his lots with a reasonable amount of filling (Mr. Jaffe had admitted that), he would lose only a few trees, and he could reach the sewers, whereas a very serious topographic condition exists on the May property so serious that many of the lots would be unusable without the variance.

Mr. Mooreland pointed out that the Ordinance does give the Board the right to grant variances and it does not restrict the number in case of a topographic condition that creates a serious hardship.

Meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

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The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 14, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse with all members present, Mrs. M. K. Henderson, Chairman, presiding.

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

Mrs. Henderson read the following Resolution in tribute to Mr. J. W. Brookfield:

"The Fairfax County Board of Zoning Appeals notes with sorrow the death on October 3, 1958 of John W. Brookfield, a distinguished member of this Board from 1944 to 1952, and its Chairman for 5 years until his retirement in 1957.

Mr. Brookfield's extensive knowledge of this County, to which he moved in 1903, his foresight in urging orderly planning for the rapidly growing area and his recognition of the multiple attendant problems were an invaluable guide to all who served with him.

His kindliness and sympathetic understanding, in addition to his sound judgment and firmness of purpose brought him an extraordinary amount of real affection and deep respect. His devotion to his many interests continued to the last. During the past year a visit from him brightened many a day for this Board.

The influence of Mr. Brookfield's long association with the Board of Zoning Appeals will be felt for years to come. Those of us who were fortunate enough to benefit from his wisdom and his friendship cannot fail to impart to our successors much of what we learned from him. The members of this Board feel privileged to have known and worked with Mr. Brookfield and regretfully record the passing of their friend and mentor.

October 14, 1958"

The Board was unanimous in its approval of the deep and sincere feeling expressed in the Resolution. Mr. Lamond moved that this Resolution be made a part of the minutes of this meeting and that a copy be sent to the family of Mr. Brookfield and to the local press.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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NEW CASES

1- CASA BLANCA, INC., to permit dwelling to remain as erected 6.9 feet of the side property line, Lot 9, Pomponio's Addition to Bel Air (1203 Annandale Road), Falls Church District. (Suburban Residence Class 2)

No one was present to support the case. Mr. Lamond moved to place it at the bottom of the list. Seconded, Mrs. Carpenter. Carried, unanimously.

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PEACE VALLEY RECREATION ASSOCIATION - The secretary read the following letter from Mrs. Leora A. Richter, along with Mrs. Henderson's reply:

"503 Shadeland Drive
Falls Church, Virginia
September 23, 1958

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Mrs. Mary Henderson, Chairman
County Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Mrs. Henderson:

Having been prevented on a technicality from presenting these views in favor of the Peace Valley Recreation Association at a hearing at which the application for land use was unanimously denied us, I should like at least to put them in writing.

I most vigorously rebel against the turning of this northern Virginia area into nothing but a huge dormitory with no space planned or left for the recreation of our young people. The term "residential area" here apparently means a place to sleep and no place to play.

I doubt whether members of the Board, or individuals who opposed the use of this land for a recreation association have lived, as I did for eight years in Queens, Long Island, during a period when fields, woods, bridle paths and golf courses of peaceful Bayside and environs were allowed, for lack of central planning, to turn into miles and miles of houses set in tiny yards; where when children outgrew their little sandboxes they moved into the streets to play ball, and when they outgrew stickball they got into their cars and drove right out of their home community and in search of whatever recreation they could turn up, much of it unsavory.

If we, in this area, congratulate ourselves on a low rate of juvenile delinquency we are being premature. We haven't pushed our childrens' backs to the wall, quite yet. But what may look to new residents here like boundless woods, fields and open space, is, as you Board members know, already largely platted for future housing developments. Once these housing developments are built there is no turning back to rectify the planning oversight which has left no room to breathe.

I should like the record to show, based on a story in the Washington Post and Times Herald for January 21, 1958 that whereas the District of Columbia has one acre of parks or playgrounds for every 110 persons, and nearby Maryland has one acre for every 125 persons, northern Virginia has one acre for every 891 persons. The same story (headlined "Northern Virginia Stifling from Lack of Park Lands") says "The largest public-owned park land is 62 acres astride Holmes Run in Fairfax County, donated by the Eakin family in Falls Church. It is unusable, however, because the Run is dangerously polluted."

A piece in the Star, June 24, 1958, on the growth of privately financed community pools and recreation centers in the Washington area says thatin five years the number had jumped from 50 to 247, largely in Fairfax and Montgomery counties.

To those of you who preceded us as homeowners in this area, I say "where was your vision for the county's future needs in the days when land was undeveloped and cheap?" I should like to quote from Philip Brown's financial column in the Washington Post and Times Herald for October 27, 1957 entitled "Fortunes Made in Area Real Estate Without Even Mowing the Weeds": "Land in Montgomery, Prince George, Arlington and Fairfax Counties and in Alexandria and Falls Church was valued, in the aggregate, at about $335 million just after World War II. Today, this same land, apart from buildings, is worth nearly $1200 million. Compared with the late 1930's the increase is about 5-fold. This appreciation of about $1 billion in suburban land values since the late 1930's has made a lot of people wealthy. In some cases the beneficiaries have been inhabitants: some already wealty, some not.....Perhaps, a larger fraction of the gain has gone to real estate developers."

"As I understand it, there has been plenty of land for profiteering, but not an acre for the community use of our children.

I submit that the builders who opposed us have no intention themselves of moving into such a sterile community of homes lacking recreational facilities, and that they must live elsewhere, where I feel certain that they and their growing children have access to pools, tennis courts, and other recreation.

I say--in rebuttal to the arguments that noise and traffic are a reason for denying the application--that the high school to be built on the site adjacent to ours is far more noisy than a pool; that it will operate for 10 months out of the year as opposed to the 3 that a pool would operate; and that the adolescent drivers approaching a high school over the roads of Ravenwood Park will be far less cautious and restrained in their cars than would be the mothers of small children driving them to a pool, or than the middle-sized children on bikes who would constitute much of the daytime traffic.

We are not deciding today between leaving the peaceful wooded acres as they are, and building a pool. Those acres are already doomed; we are only deciding whether they will be utilized to bring pleasure, use and recreation to many, or whether they will be turned into small house lots bringing in more crowds of private individuals to overload our pathetic existing facilities.

I should like to say, finally that those of us who have worked in vain to bring a recreation association into the neighborhood have not acted as aliens trying to railroad a selfish project into an innocent community, but as honest civic-minded people who assumed we were working for the best interests of the community as honest civic-minded people who assumed we were working for the best interests of the community as a whole, including our opposition, and to set up, out of our own pockets, the long-term embellishments to living which the county has been too short-sighted or too stingy to provide.

Respectfully yours,
(S) Leora A. Richter

Copies to the Northern Va. Sun and Washington Post & Times Herald"

"604 Juniper Lane
Falls Church, Va.
October 1, 1958

Mrs. Vivian Richter
503 Shadeland Drive
Falls Church, Virginia

Dear Mrs. Richter:

The Zoning Office in Fairfax has forwarded to me your letter of September 23. I shall return it for filing with the records of the Peace Valley Recreation Association case.

I agree completely with everything you say about the inadequacy - almost non-existence - of park lands in Fairfax County. The need is evident and the efforts of citizens' groups to provide recreational facilities for themselves is greatly to be commended. However, the Board of Zoning Appeals feels that access to such facilities is of prime importance. I am sure you recall that the motion to deny the Peace Valley application was based solely on inadequate access to the site at the present time.

Sincerely yours,
(s) Chairman, Fairfax County Board
of Zoning Appeals"

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NEW CASES - Ctd.

2- RAYMOND E. EDWARDS, to permit erection of a dwelling within 10 feet of the side property line, Lot 86, Lincolnia Heights, Mason District. (Suburban Residence Class 2)

Mr. Edwards told the Board that he has sold this lot to a man who wants to put a 45 foot house on it. The lot is 70 feet wide, which would leave him five feet short on one side.

Mr. Edwards could offer no particular reason for the variance beyond the fact that the purchaser wants the 45 foot house and that the five people living in the neighborhood whom he had notified of this hearing would like to see the 45 foot house here also.

Mr. Edwards said he originally bought seven lots in this area. He has built on five and sold the houses. He has two lots left.

He located the homes of those he had notified of this hearing, all of whom signified that they would like to see this house go up.

This house would have neither garage or carport, there is not room on either side of the house. However, the driveway could be put in on the 15 foot setback side, leading to a garage in the rear if the purchaser wished to have one. The lot is rolling, they plan to have a walk-in basement.

Mr. Mooreland stated that people in the neighborhood generally have maintained the side setbacks. Mrs. Henderson suggested that this was a case of too much house for the lot, while Mr. Edwards contended that he did not want to cheapen the house by reducing the size. Mr. Edwards also contended that to have a three bedroom house, the 45 foot width is necessary. However, Mrs. Henderson pointed out that there are many houses in the County with three bedrooms, houses which still maintain the setbacks on this size lot. She suggested a two story house or a house that runs deeper into the lot.

Mr. Lamond suggested that the house could be redesigned to pick up the 5 feet. There appears to be no hardship here; there are several ways open to the applicant to rearrange his plans and conform to requirements.

Mr. Edwards insisted that the purchaser wants this particular plan; he does not wish to use the two lots, the purchaser does not want that much ground; and he does not wish to reduce the cost of the house, which as planned, would run about $20,000.

Mr. Mooreland explained to the Board that this is an old subdivision designed many years ago for two story houses. There are very few violations in this entire area; people have not tried to put ramblers on lots that were not designed to carry them. The Board has no authority to grant this, Mr. Mooreland cautioned.

It would appear that the applicant has several alternatives, Mrs. Henderson observed, reduce the width of the house by 5 feet, construct a two-story house or a split level, all of which could be located within the Ordinance.

NEW CASES - Ctd.

2- Ctd. Mrs. Carpenter moved that this application for a permit to erect a dwelling within 10 feet of the side property line be denied as an adequate house can be put on this lot which would meet requirements and there is no evidence of any hardship shown in this case.
Seconded, Mr. Lamond.
Carried, unanimously.
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3- SLEEPY HOLLOW RECREATION ASSOCIATION, INC., to permit erection and operation of a swimming pool, bath house, tennis courts and appurtenant recreational facilities thereto, property on west side of Sleepy Hollow Road, Route 613, adjoining Holmes Run, Falls Church District. (Rural Residence Class 1)
Mr. Mooreland read a letter from the attorney in this case asking that the hearing be deferred until November 10. The opposition has been notified. Mr. Lamond moved to defer the case until November 10.
Seconded, Mr. T.Barnes.
Carried, unanimously.
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Mrs. Henderson suggested that the Board study the swimming pool situation in the County with particular attention given to whether there is a need for more of these recreational areas or whether those established projects are operating on a sound economic basis. Perhaps, Mrs. Henderson continued, the Board should ask the Planning Staff to go into this; it would be interesting and valuable to the Board to know how many non-profit swimming pool clubs or recreational areas are operating in the County and what their financial status is, how well they are attended, and if more are needed. Mrs. Henderson said she realized that it would be another six months before the Commission Staff could get to this study because of other commitments, but asked if the Board considered such a study worthwhile.
Mr. Lamond agreed that the suggestion had merit from the standpoint of information for the Board, but he asked, how far can the Board go in telling people how they can spend their money? He suggested that the Board is not concerned with economics, but rather the County needs proper planning and location of such projects. If the project does not pay, that is the headache of the operator. Mr. Lamond questioned if the study would yield sufficient information to be of great value to the Board.
But, if a great many pools are granted, Mrs. Carpenter suggested, especially in areas where people come and go frequently, it could be that the pool clubs would be inclined to fall apart. These things are going big at the present, Mrs. Carpenter continued, but what the

NEW CASES - Ctd.

3-Ctd. future may bring is a question of another kind. Many of them could be abandoned and become a blight on the County.

Mrs. Henderson asked if these projects are taxed. Mr. Whitock, Attorney, who was in the room at the time, volunteered that taxes are levied on these clubs and the assessment does go up a very little when improvements are put in. However, the tax from such projects is not greatly in excess of the normal amount of land tax.

It was suggested and agreed that members of the Board make inquiries among their friends and acquaintances, to get what information they could on the things discussed.

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4- ROBERT C. COTHRAN, to permit erection of a carport and tool shed within 8 feet of side property line, Lot 221, Section 4, Loisdale, (6218 Lois Drive), Lee District. (Suburban Residence Class 2)

Mr. Cothran presented evidence that he had notified the five neighbors most affected by this addition, of the date and time of this hearing.

Mr. Cothran called attention to the fact that his lot has an 87 foot frontage, but that it narrows to less than 60 feet at the rear indicating that this makes it difficult to get the addition on the side of the house. The front of the carport was shown not to be in violation, but shortly before it reaches the rear corner it runs too close to the side line. If the lot were a perfect rectangle this would cause no violation.

It was noted that the rear of the carport, the part with the violation, is enclosed for a storage area.

One may use the rear of a garage for storage, Mr. Mooreland stated, therefore why cannot the rear of a carport be enclosed and used for storing. However, these sheds on the back of a carport have long been cause for discussion and question, Mr. Mooreland concluded. The question of the distance between the carport and the side line was discussed and it was found that the plat did not scale properly. Mr. Cothran recalled that the original plat had had a mistake which Mr. Kelly corrected and noted the revision on the plat. Apparently the error was not properly corrected. The Board agreed the plat would have to be corrected.

Asked how many in the area have carports, Mr. Cothran stated that two homes across the street have carports, the other houses in the immediate area have none. Several of the home owners have signified that they have no interest in a carport.

Mr. Lamond moved to defer the case in order that the applicant may present a properly scaled plat, which will show the distance between the tool shed at the rear of the carport and the side line. Seconded, Mr. T. Barnes. (Defer to October 28, 1958)

NEW CASES - Ctd.

4-Ctd. Mr. Smith asked if the applicant had considered moving the carport forward. Mr. Cothran answered that they had considered that and rejected it as impractical; it would change the view of the street. The architect advised against it.

Motion carried, unanimously.

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5- DR. ROBERT K. WINELAND, to permit physician's office in a dwelling as non-resident, Lot 14, Section 1, Bellehaven Terrace, (425 Fort Hunt Road), Mt. Vernon District. (Suburban Residence Class 1)

Dr. Wineland made the following statements to the Board: He has been practicing here in this seven room house for four years. He uses three rooms for offices. When he came here his family numbered four and he did not use all of this office space. Now he has a family of five and his practice has expanded. The house is too small for both his home and office and there is no office space available in the immediate area.

This property is located next door to the Messiah Lutheran Church, across the street from the Belleview Esso Service Station and about one block from Belleview Shopping Center. The medical offices of Dr. Choi to whom the Board granted a permit is similar to the one Dr. Wineland is requesting. (Dr. Choi is two doors from Dr. Wineland.)

Dr. Wineland said he would conduct his office on the first floor of the building as a non-resident physician and rent the upstairs to a small family for residential purposes. This would free him to get larger living quarters.

Dr. Wineland said he would like to keep his office in this location as this is the place where he is known; it is in the midst of his practice and parents know to bring ill or injured children to this particular location. Also, with the removal of the Alexandria Hospital and its emergency rooms from this area, this office would be in even greater demand to help care for illnesses and emergencies which might occur.

This is identically the type of permit the Board granted Dr. Choi, Mr. Lamond recalled, and there is also a dentist operating in the area under practically the same conditions. It is well that the Board consider this carefully, Mr. Lamond continued, as this appears to be a good location for professional people, it may develop into a C-O district. Until the new Ordinance is adopted and the Planning Commission can consider this particular area, the Board probably should consider such cases favorably.

This doctor is performing a real service in this Community, Mr. Lamond told the Board; he takes care of patients all hours of the day and night. People consider him valuable to the area.

NEW CASES - Ctd.

5-Ctd. All of that is no doubt true, Mrs. Henderson observed, but by these grantings the Board is in effect rezoning this land to a C-O district, when the matter of rezoning is up to the Board of Supervisors. However, Mrs. Henderson went on, perhaps the Planning Commission should consider this now in the light of the need in this area and of what has already taken place.

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These people start into their professional business in their homes and build up an excellent practice, Mr. Lamond stated, and since this would appear to be an excellent location for professional offices, it is possible that the Board of Supervisors should handle this rather than for the Board of Zoning Appeals to continue granting permits for applicants to operate as though they were in a C-O district. However, it would appear a little unfair not to go along with the need in the area and the desires of the people who feel that they need this service.

Dr. Wineland said he did not expect to stay here always; he looked forward to the day when a professional office building will go up in this area, and when that time comes, he would move into an office. In fact, he would do that now if the office space were available. In the meantime, Dr. Wineland considered his situation critical.

Mr. Mooreland recalled that the permit to Dr. Choi was issued to him only, but with no time limit.

Reverend Disbro, Pastor of the Lutheran Church, stated that Dr. Wineland renders a great service to the community. He is the only pediatrician between Alexandria and Fort Belvoir. They need him very badly; he is near the center of the area which he serves and is always accessible. He asked the Board to act favorably on this case.

Mr. Lamond moved to grant the application of Dr. Wineland to permit him to maintain a non-resident physician's office at this location and that the permit be granted for a period not to exceed three years. This is granted to Dr. Wineland only. Seconded, Mr. Barnes.

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

Not Voting: Mrs. Carpenter

Mrs. Henderson voted no, stating that in her opinion this is creating a creeping business zone on the part of the Board, which should be handled as a rezoning by the Board of Supervisors.

Motion carried.

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6- MONROE B. WALKER, to permit carport as erected to remain within 7.9 feet of the side property line, Lot B, Block 10. El Nido, Dranesville District. (Suburban Residence Class 2)

NEW CASES - Ctd.

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6- Ctd. Mr. Walker said he built this addition himself. He made the mistake in location. He had not realized that this side lot line was on such an angle as was shown on the plat; he thought he had plenty of room and would have had had the lot line been straight. He first planned to put the addition on the rear but was advised not to do so. His trouble was in not locating it far enough to the front. He did push it 6 feet 3 inches forward from the rear line of his house, but that was not enough. He did not measure the setback after the relocation because he was so sure it was all right. (It was noted that the carport is about 16 feet wide.) Mrs. Henderson suggested moving the posts in allowing an overhang which would protect his car and at the same time meet the setback. Mr. Walker agreed that he could do that.

Mr. Mooreland questioned whether the Building Inspector would approve the shifting of the posts.

It was recalled that this had been done many times before and there had been no question. Rather than have the case denied, Mr. Walker withdrew his application, saying he would move the posts in to a conforming location and would submit a plat showing final proper location of the posts.

The Board agreed to the withdrawal and allowed Mr. Walker 30 days in which to make this change in the posts.

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7- TOPS DRIVE-IN, INC., to permit erection of a sign with a larger area than allowed by the Ordinance, (Total area 105 sq. ft.) N.E. corner of Chatelain Road and Columbia Pike, Falls Church District. (General Business)

Mr. Miller, agent for Tops, represented the applicant. Mr. William Johnston, official at Tops, was also present.

In response to the Board's request that Tops not ask for 150 sq. ft. of sign area on any more of their restaurants, Mr. Miller said they have reduced the sign area, which they have been accustomed to using to 120 so. ft. He did recall however, that the Board had granted 150 sq. ft. on two other Tops Restaurants.

It was noted that the application shows a request for only 105 sq. ft. of sign instead of the 120 sq. ft. indicated by Mr. Miller.

Mr. Miller said he could not understand how anyone could arrive at that figure, as the job of reducing the sign was definitely based upon the 120 sq. ft. The master drawing was cut down in several points to make this 30 sq. ft. reduction. Mr. Miller noted that the plat and drawing of the sign prepared by the sign company shows 120 sq. ft. The 105 sq. ft. was, in some unaccountable way, written on the plat by someone in the Zoning Office and was incorporated into the notice.

NEW CASES - Ctd.

7-Ctd. The Board discussed the difficulty of continuing to work with an antiquated ordinance and the possibility of getting a revision of the sign requirements or of completing the Pomeroy Ordinance.

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It was recalled that the Board of Zoning Appeals has asked the Board of Supervisors many times for new sign regulations, but nothing has been done. Mr. Lamond said the Pomeroy Ordinance is far from an accomplished fact.

There were no objections from the area.

The Board agreed to handle this on a 120 sq. ft. basis. It was agreed also that there will be no sign on the building. Mr. Lamond moved that the application of Tops Drive-In, Inc. be approved for 120 sq. ft. of sign; this is a considerable reduction of the 150 sq. ft. area formerly given for Tops restaurants. This is granted because it is realized that this is the type of restaurant which requires something more than the usual advertising. This granted as per map presented with the case, prepared by James A. McWhorter, dated July 23, 1958. It is also agreed that the sign shall be located at least 10 feet back from the property line.

For the motion: Messrs. Lamond, Barnes, J. B. Smith and Mrs. Carpenter.

Mrs. Henderson voted no, stating that she saw no hardship in this case.
Motion carried.
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DEFERRED CASES

1- JAMES WATT, to permit erection of a 6½ foot fence, 5 feet, of Lot 13 and 35 feet of lot 15, Wellington, (17 Southdown Road) Mt. Vernon District. (Rural Residence Class 1)

Mr. Downey represented the applicant.

Mr. Downey restated Mr. Watt's desire to have this fence, summing up the reasons given at the original hearing. He termed this a "privacy fence" indicating that many fences of the same type are in the neighborhood.

Mr. Lamond observed that on the Board's inspection of the neighborhood they saw very few such fences. At least, Mr. Lamond continued, that could not be termed a "community of fences" as Mr. Downey had stated at the last hearing.

Hedge and wood fences were discussed, Mrs. Henderson explaining to Mr. Downey that the Ordinance does not prohibit an evergreen hedge fence. She did recall to Mr. Downey that the applicant could have a 5 foot wood fence if he wished or an evergreen hedge without height limitation. She also pointed out that one side of this fence would come within 4 feet of the living room of the house next door, which would appear to be objectionable.

Mr. Mooreland noted that the Board should not consider that, as that house is in violation of the setback.

There were no objectors present.

Mr. Lamond moved to deny the application since the applicant can have a

DEFERRED CASES - Ctd.

1-Ctd. five foot fence which would appear to give adequate privacy. This is denied also because the Board does not consider that the extra 1½ feet on the fence is necessary and no evidence of hardship has been presented to justify the granting. Seconded, Mrs. Carpenter.

Carried unanimously.

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2- WILLIAM J. GARVIN, to permit erection of an addition to dwelling within 15 feet of the side property line, Lot 22, Section 1, Sleepy Hollow Knoll, (1213 Radnor Place), Falls Church District. (Rural Residence Class 1)

Mrs. Garvin discussed the case with the Board.

Mrs. Henderson stated that she had seen the property and called attention to the fact that the Suburban Residence zoning line runs a very few houses from Mr. Garvin's property. His property is in Rural Residence zoning. However there are other houses like this on ½ acre zoning in the immediate area.

The ground slopes down at the rear, Mrs. Henderson continued, but the problem is on the side and the rear topographic condition does not affect that. There would appear to be no justification for this, Mrs. Henderson continued, the applicant could have an 11 foot room, which while it would be narrow, is usable. Or, there is nothing to prevent the applicant from extending the addition to the rear. The only other alternative Mrs. Henderson could suggest was that the citizens in this area petition the Board ofSupervisors to rezone their property to conform to the Suburban Residential zoning which is only a few doors away. No hardship has been established, Mrs. Henderson continued, and in her opinion, granting this would set a precedent for others to ask the same thing and it would be difficult to refuse.

But the 11 foot addition would be completely inadequate, Mrs. Garvin answered, part of that area must be used as a passage-way AND if the addition is ~~en~~longated to the rear, the only means of access to the rear would be by a long hallway which would take up unnecessary space. If an addition were put on the rear of the building, the back of it would set up very high as though it were on stilts. Also that would eliminate the double garage which they had hoped to have under the addition. Space, without practical and convenient planning is of no particular value, Mrs. Garvin continued. They do not think it sensible to add on just to have rooms, if those rooms are not accessible nor adequate in size.

Mrs. Carpenter moved to deny the application because an 11 foot addition can be built onto the house within the requirements of the Ordinance. The case cannot be granted on the grounds of a topographic condition, as topography is not a question. The Board has heard the case fully, has inspected the property and has given it full consideration but can find no justification to grant. Seconded, Mr. J. B. Smith. Carried unanimously.

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DEFERRED CASES - Ctd.

3- C. R. SPRINKLE, to permit garage to be converted to second dwelling, Lots 7 and 8 and part Lot 9, Melville Subdivision, N.W. corner of Lee Highway and Cedarest Road, Providence District. (Rural Residence Class 2).

This case was withdrawn by letter from the applicant.

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4- C. B. RUNYON, to permit erection of a dwelling on a lot with less width and less area than allowed by the Ordinance, on east side Route 649, just north of the James Lee School, Falls Church District (Suburban Residence Class 1).

Mr. Hansbarger represented the applicant. This is a Sub. Res. Class I District, Mr. Hansbarger pointed out, but the lot has only 7,722 sq. ft. with a 54.63 foot frontage on the Falls Church-Annandale Road. It is 154.44 ft. deep. The Zoning Ordinance and this particular classification requires 10,000 sq. ft. average area.

This is a left-over piece of land which the contract purchaser wishes to put to some use, Mr. Hansbarger explained. He could ask for commercial zoning but he would still have to contend with the setbacks as this property is joined by residential zoning on both sides. There is no classification into which this lot will fit, yet it is a piece of land which could serve some purpose.

Lots in this area are generally irregular in size; some are as narrow as 25 feet. It is colored property. There are a few good homes near and if they put up a nice little home which would fit in with the better homes in the area, it would help to raise the standard of the neighborhood. While the area opposite this property is zoned for business use, there is no business development until one reaches Arlington Boulevard, or Hillwood Avenue.

Mr. Carl Hink, agent for this property, pointed out that there is no use to which this property could be put without a variance of some kind.

Mr. Hink recalled that several years ago, about 1950, the Scott property to the east of the Falls Church-Annandale Road was brought before the Board of Zoning Appeals for apartment use. A 50 foot right of way was left for access to this property. The apartments were never built, however, and the School Board bought the Scott tract. The School Board was not interested in the 50 foot corridor which would have been access to the Scott property so they did not buy it. As a result, the 50 foot easement was left hanging unused. This lot is part of that old easement.

Mr. Hink said they had tried to buy land from the adjoining owner to make this a conforming lot, but he would not sell, as conveyance of another parcel of his ground would bring him under the subdivision ordinance.

They would need variances if they build on this, Mr. Hansbarger told the Board, the house they have in mind would come within 5 feet of the side line on the north and 10 feet on the south. With the one variance they

4-Ctd. could have a 35 foot house. It would be possible to put up a 30 foot house without variance, placing the house end to end, but that kind of house is hard to sell.

Mrs. Henderson stated that while she was very conscious of the bad living conditions for colored people in the County and better housing is at a premium, yet it would not appear reasonable to grant too many variances on one small piece of property.

It was noted that many houses in the area have less than the required setback and therefore granting a variance on this would not do violence to the area. Property to the south is vacant, Mr. Hansbarger noted; to the north is a house which is located sufficiently far away that a house could be located between a new house on this property and the existing house.

Mr. Mooreland called attention to the fact that the setback is not before the Board at this time; the application requests only the variance on width and area of the lot. The only question is, will the Board set up a buildable lot?

Mr. Barnes moved to grant the applicant permission to erect a dwelling on this lot with less width and area than required by the Zoning Ordinance. This is granted in accordance with the plat presented with the case, dated June 30, 1950 prepared by Carson V. Carlisle, Ctf. Surveyor. This is granted because it does not appear that this will have an adverse effect upon the neighborhood. (It is to be noted that this granting does not include a variance on the house location.)

Seconded, Mr. J.B. Smith.

Carried unanimously.

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The following letter from Mr. C. C. Massey regarding authority in the matter of trailer parks was read:

"2 October 1958

Mrs. Katheryne Lawson, Secretary
Board of Zoning Appeals
Fairfax, Virginia

Dear Mrs. Lawson:

The Board ofCounty Supervisors, at its meeting yesterday, requested the Planning Staff and Planning Commission to consider in connection with the proposed Pomeroy Ordinance changing the provision which would permit the Board of Zoning Appeals to grant use permits for trailer parks on commercially zoned property and to transfer this right to grant such permits to the Board of County Supervisors.

The Board directed that the Board of Zoning Appeals be advised of this suggestion and invites it to make such comment as it may desire.

Very truly yours,
(S) Carlton C. Massey, County Executive"

Mr. Keith Price was present. In view of the differences of opinion regarding trailer parks in the County, Mr. Price asked the Board if they considered it desirable to continue allowing trailer parks in the County.

Mr. Lamond answered that there are many people in the County in the business of selling trailers; if a ban were put on further trailer park development, these people would be thrown out of business, as it is obvious that if trailer purchasers cannot settle in trailers in the County the sales would be at a minimum.

Mr. Lamond said he felt that there is a need for trailer parks and related businesses in the County. There is a large population in the County which is necessarily semi-transient and their housing situation is most satisfactorily met by trailers.

Mr. Price called attention to the fact that the present ordinance on trailer parks is very tight; it forces the new parks to come up to a very high standard and in the long run the poor trailer parks will be forced to bring their facilities to a much higher quality in order to compete.

Mr. Mooreland observed that trailer parks are bound to be a political football; the Board of Supervisors does not want more of them in the County, therefore they want to take back the control of granting them in order to insure their elimination.

But, Mrs. Henderson contended, this may not always be a political football, the Board will not always be subjected to the pressure that they are under now.

Under any circumstances, Mr. Price noted, the Board of Zoning Appeals has no choice in this; if the Board of Supervisors wants to take back trailer park authority, they will do so. Mr. Price said he considered the letter from the Board merely a matter of courtesy.

Do they have the authority to take this back, Mr. Mooreland asked? They had the law changed to require an appeal from the Board of Zoning Appeals to the Court. Would the law have to be changed to bring it back under the Board of Supervisors? Mr. Lamond suggested referring this to the Planning Commission. It was agreed, however, to answer the letter from the Board saying:

"October 15, 1958

Mr. Carlton C. Massey
County Executive
Fairfax County Courthouse
Fairfax, Virginia

Dear Mr. Massey:

At their meeting of October 14, members of the Board of Zoning Appeals considered the request contained in your letter of October 2, regarding transfer of the granting of Trailer Parks located in business districts

from the Board of Zoning Appeals to the Board of County Supervisors. By unanimous vote the Board of Zoning Appeals asked that the following statement be forwarded to you:

"This Board presumes that this matter will be referred to the Planning Commission for its recommendation. However, if the Board of County Supervisors desires to take the trailer park authority away from this Board, the Board of Zoning Appeals feels that it is not in a position to object to that request."

Very truly yours,
(S) M. K. Henderson, Chairman

By Katheryne Lawson, Secretary"

1- CASA BLANCA, INC. - No one was present to discuss the case. Mr. Lamond moved to defer the case until October 28; seconded, Mr. T. Barnes. Carried.

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Mr. Lamond asked if the Board members thought it too late to reconsider the case of Mr. Jaffe. He had felt a little conscience-stricken over that, Mr. Lamond explained and wondered if the Board might consider allowing Mr. Jaffe to come up to the 40 foot setback line as long as the Board had granted similar variances on the May property.

Mr. Mooreland thought the situations not comparable.

Mrs. Henderson recalled that Mr. Jaffe had said the extra grading would add from $500 to $1000 to the purchase price of his houses and she noted that he has building permits for many houses in the amount of $30,000. She thought he could bear the extra grading cost. Also, Mrs. Henderson continued, the May property is practically a cliff, while Jaffe's is cul-de-sac lots with grading necessary on only a few lots.

If the Board was wrong, Mr. Jaffe may come back on the houses which really need the variances, Mr. Smith added, and grant those.

The meeting adjourned.

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

The regular meeting of the Fairfax County Board ofZoning Appeals was held Tuesday, October 28, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse. All members were present at the call of the meeting. Mrs. M. K. Henderson, Chairman, presiding.

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

Since the first case was not ready to be presented, Mr. Mooreland read to the Board a letter from the attorney representing Beasley, Jarvis and Lemond regarding the extension of six months for a quarry. Mr. Lamond moved that this extension be granted. Seconded Mr. Barnes. Carried unanimously.

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The 10:00 case was still not ready to be heard so the Board decided to hear the second case;

2- CAROLINE M. MATTHEWS, to permit extension of dance studio, Lot 8, Block 11, Section 5A, Springfield (7018 Essex Ave.), Mason District. (Suburban Residence Class 1)

The letters of notification were presented. Mr. Lamond asked if there was any objection and Mrs. Mary Mainz, who lives next door, said she was in opposition to this because she did not want commercial coming into this area, that her husband is ill and not able to work most of the time and further that she thought this would set a precedent; also that parking problems would be created and their guests would not have places to park.

Mrs. Matthews said she owns the property and that this activity stems from mothers in the neighborhood who are not able to get their children to Alexandria to take dancing lessons. She said these mothers had approached her and asked if her basement could be used for this purpose and in return Mrs. Cannon gives her daughter dancing lessons. The classes are held two afternoons a week, on Tuesday and Friday. Regarding parking, mothers usually drop off their children and go to the shopping center to do shopping. She said this is not a social activity and does not think it is a nuisance. She has no sign outside advertising that this is a dance studio.

Mr. Lamond said he did not think he was present when this permit was originally granted and he wondered if this Board can allow property owners to have such a situation existing; he does not think they have a right to do anything about it. Mr. Lamond moved that this should be deferred to next meeting during which time the Board can confer with the Commonwealth Attorney regarding this point. Seconded Mrs. Carpenter. Carried unanimously.

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1- SPRINGFIELD AMERICAN LEGION POST 176, INC., to permit erection and operation of a building 50 by 100 feet to be used as an American Legion home and community purposes , property located 312 feet west of Backlick

NEW CASES - Ctd.

1-Ctd. Road on an access road, and south of Route 644, Mason District. (Rural Residence Class 2)

Mr. Hardee Chambliss, attorney, presented the required notices. He said this is an application for special exception to provisions of Rural Residence 2 to permit the Post to erect an American Legion Home at Springfield. The Post has a contingent contract subject to use permit being granted by this Board. He went on to review aims and purposes of the American Legion. In connection with the site, the Post has spent a good deal of time and study in selecting location which would serve its purposes to the neighborhood. They studied six or seven sites and this one was preferable. It is off Backlick Road 312 feet with the right of way going into the property. They would like to shift the location of the building from the center to the corner of the property. The building would be 120 feet long and 38 feet wide. Surrounding uses are the auto body works, S. & F. Roofing establishment and Allen Glass establishment. There are 3.85 acres in the property; the back line of the property fronts on three lots, namely 247, 248 and 249 of Springvale Subdivision. The Post had originally proposed to have an athletic field at this location but there was objection. Mr. Chambliss presented a petition signed by eleven families in favor of the application and also photographs.

Mr. Chambliss said he had checked in the Zoning Office as to other applications that have been granted to the American Legion and one was granted by the Board of Supervisors, after an appeal from the Board of Zoning Appeals. He proceeded to read the letter from Paul Lee Sweeny regarding the American Legion Post Home in McLean, in which Mr. Sweeny stated that he hoped the Board of Zoning Appeals would allow the Springfield Post to build the American Legion home.

"October 27, 1958

Hardee Chambliss, Jr.
Attorney at law
Fairfax, Virginia

Dear Mr. Chambliss:

I understand you are representing an American Legion Post that desires to build a Post Home in Springfield, Virginia.

A number of years ago, not long after the close of World War II McLean Post 270 of the American Legion was granted a permit by the Board of Supervisors of Fairfax County to construct a Post Home on Balls Hill Road in the McLean area. I represented the McLean Post at the hearing on its application for a permit. At the time of the hearing there was some opposition from a few of the nearby property owners, most of whom had an erroneous impression concerning the activities to be carried on at the Post Home. Some of the opponents thought the Post Home would become a hangout for drunks and that other undesirable activities would be carried on there.

However, since the McLean Legion Post Home has been in existence it has been an asset in every respect to the community. Many community groups, such as the Boy Scouts, make use of the facilities.

Through the cooperation and financial support of members of the community who are not members of the Legion, as well as from the

1-Ctd. Legionaires themselves, the facilities have been greatly expanded over the years so that there is now an athletic field where the boys from the area come to play baseball, football and other sports. A private school has been opened immediately adjacent to the McLean Legion Post Home, and there is a development of fine homes, "Elmwood Estates", in close proximity thereto.

To my knowledge no one has ever complained of the presence of the Post Home or any of the activities carried on there since it has been in existence.

Some of the people who initially opposed the building of the Post Home, largely because they were misinformed concerning the matter, subsequently applied for and were granted membership in the Post.

I sincerely hope that the Board of Zoning Appeals of Fairfax County will see fit to allow the Springfield Post of the American Legion to build a Post Home in that Community.

With kind personal regards, I am

Yours very sincerely,
(s) Paul Lee Sweeny "

Murray B. York, property owner in the Springfield area, 6116 Brandon Avenue, appeared in favor stating he had belonged to the American Legion since 1946. He was a charter member of Springfield Post 176. He stated that he would like to think of membership in the American Legion as possibly making America a little bit better place in which to live. He stated he would like to confirm the remarks made by Mr. Chambliss about accomplishments in the past and aims of the American Legion. He thinks that if the Board sees fit to grant this permit that by the erection of this building it will make Springfield a better place in which to live and asked that the Board consider this application favorably.

Edwin J. Dentz, Government Attorney, 1st Commander of Springfield Post, said the type of structure which was agreed upon was simply to be in conformity with architecture in the neighborhood which would be conservative and of colonial nature; the building would be two levels but only one level would be above ground. It has a furnace room, boys' locker room, a committee room, office space for equipment, women's and men's lounges and a club supply room. On the ground level would be the main hall or ball room. Meetings would be held in either one or the other, or both. A stage would be provided. Overall size of the building would be 36 by 125 feet. He understands that the front would be brick facing, and the outside walls would be painted cinder block. He thinks this home would be an asset to the community.

Mrs. Carpenter asked how wide the access road is and Mr. Chambliss said 12.83 feet. He stated they had discussed the possibility of having another access road so that there would be one way traffic going into the parcel and one coming out.

Mrs. Henderson stated that she had received nine communications and one telegram in favor of this application.

NEW CASES - Ctd.

1-Ctd. Mr. John Napley appeared in opposition; he is president of Springvale Civic Association. He read the following statement: (He lives on Lot 243)

"MEMBERS OF THE BOARD:

The Springvale Civic Association, as represented by the residents here assembled and many others here in spirit though not in person, wishes to voice its unanimous opposition to the zoning exception being considered here today. The proposed exception would allow the Springfield American Legion Post to purchase the acreage in question and erect thereon a 50' X 100' building to be used as a Post home.

We oppose this exception because we feel it will have certain undesirable effects upon the Springvale community. In spite of what may have been said in support of this exception, we do not intend to stand idly by while land speculators contrive to alter what we consider to be a fair and adequate balance between residential and commercial property.

1. We believe the past ruling, which allows commercial activity up to 300 feet west of Back Lick Road, provided sufficient area for commercial activity in our immediate neighborhood and that any further extension will seriously affect our home and property values. Historically, the resale value of homes immediately adjacent to or in the proximity of commercial activity has lowered.

2. We believe the terminology used by the proponents in describing the proposed activity is a misnomer. One must be incredibly naive to assume that the use of this building by various groups for community and social activities is anything but a license to indulge alcoholically and noisily during the evening and night hours. Our feelings are borne out by first-hand experience in other areas--areas from which some of us have recently moved in order to escape just this sort of thing.

3. We ask that the members of this Board put themselves in our position. Or better yet, assume this same activity is about to open next door to you. Would you enjoy raising your children in an atmosphere that promises wholesome recreational activities by day, and in Jekyll-Hyde fashion, reverts to boisterous and alcoholic revelry in the evening? We think not.

4. We were recently surprised by the appearance of a 13 acre commercial plot which extends into our community between Oriole and Calamo Streets. Here is an instance where many of us were assured by the builder and the county, that one acre, and not thirteen, was involved. We do not intend to permit similar inroads to go uncontested.

5. We feel that this land has been a pawn of speculative activities. We have been asked what we would do with this property. We feel it is not our responsibility to assure profitable return on speculative investments. Nor is it incumbent upon us to suggest to the speculator just what to do with this land.

6. In summary, we oppose the exception to zoning regulations being considered here today on the grounds that it will (a) diminish property values, (b) thrust upon our neighborhood a noisy and undesirable activity and (c) serve as a springboard for similar exceptions in the future.

(S) The Springvale Civic Association"

Arthur Mitchell, property owner adjoining this property, lives on Lot 249. He would like to say that he goes along with Legion activities and devotes much time to boys' activities, but as a father and landowner in this area he is against this particular application. He was not against the athletic field but is against the dance hall. He expressed surprise at the number of names on the petition.

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1- Ctd. Robert J. McVickers lives on Lot 248 directly behind the proposed building site. He objects to the Legion Home for purely economic reasons. He formerly played in a dance band in Legion homes and knows what these parties are like. He believes this will depreciate value of his property; he expects to leave the area in about a year; he does not care to see this application granted.

William Burnett lives directly across the street from Mr. McVickers on Lot 251. He recently purchased property because of its homey atmosphere. He stated that a Home of this size would probably accommodate 500 people and that there will be many cars that will cause considerable confusion. He is also interested in the economic aspect. He said people in favor of this application are not having their property depreciated.

Donald E. Perry lives on Lot 233, not immediately adjacent, but in close proximity. He is a new resident in the Springfield area and checked into the background of the community before purchasing. He stated he had no objection to the Legion at all, however, he did not want a Legion Home erected in the vicinity of his property because (1) it will provide unwholesome atmosphere at night; (2) will seriously alter property value of his home; and (3) thinks there are many other areas already zoned commercial which the Legion could consider.

Mr. Robert McArtor, 15 Oriole Avenue, lives a distance from the proposed site; he is a veteran and not a stranger to Legion homes and like the others, he wanted to live in a residential area, but now finds a shopping center behind him and that a VFW Hall is proposed to be next door to him in the first two blocks of Oriole Avenue.

Mr. Vernon Lynch said he was not appearing in opposition to the Legion home but is objecting to the narrow outlet of less than 13 feet along the side of his property; that Mr. Gordon has built a garage on the property line and he could not give any more land for additional right of way. He stated that he thought Mr. Gordon should give right of way for wider entrance.

Mr. Napley asked how this property is proposed to be sewered and Mr. Chambliss stated that this was a problem that would have to be resolved to satisfaction and that they were aware of it.

Mr. Julius E. Shultz, resident of Bren Mar Park, stated that he would like to say he is in favor of this application.

Mr. Mitchell stated that he objected to the serving of liquor and the lack of control of liquor. On Columbia Pike and Backlick Road adjoining this property there is a restaurant and they have a permit to serve beer with meals, but he said anybody can go in there and drink all the beer they want. Mr. Lamond stated that he thought the ABC Board would be glad to hear about this because the license could be lifted for this violation.

NEW CASES - Ctd.

1-Ctd. On rebuttal Mr. Chambliss said Mr. Napley had stated that there are a number of undesirable features to this home, but that he thinks that the so-called undesirable features are largely speculative, and that the fact has been overlooked that there are wives who belong to the auxiliary. He stated that he thinks argument over drinking is something that is quite aside from this application and depends on one's individual feeling about the consumption of alcohol. He said that they do wish to promote the welfare of the neighborhood and to provide recreational facilities. He stated there are better than 228 families who will be participating in this venture while the testimony of Mr. Napley was that there were 56 members of the civic association that he represents. Mr. Lynch raised the question of right of way; he said that was his sole objection. Mr. Chambliss said that Mr. Gordon had assured them that he will give additional right of way for ingress and egress. He asked the Board to grant this exception.

Mrs. Napley said she objected to this because she lives on the adjoining property and there would be too much traffic and there is no way that the noise and liquor can be controlled at the parties given here.

Mr. Arthur L. Carroll stated that he was speaking for the application. He said he lived in Lynbrook and had been a charter member of the Legion since its inception. He said this Home would be an ideal place for his wife to hold junior auxiliary meetings and majorette groups which she is in charge of and which now use his basement.

Mrs. Henderson stated that she thought the Board needed a plat to show the exact location of the building. She said they had nothing to indicate setbacks. Mr. Lamond stated that he felt that this is important and also that they should have a much wider road getting into this property. Mrs. Henderson said she also thought that access roads should be so located that dangerous conditions will not be created.

Mr. Lamond stated that it appears that there are several things that need to be considered in connection with this matter and moved that the application be deferred until November 10 at which time the Post can present plans along the line of what has just been discussed.

Mrs. Henderson said she thought location of parking should be indicated and the number of cars to be located there.

Mr. Schumann was called upon by Mrs. Henderson to state whether or not he had any comment and he stated that the Planning Commission had instructed the Planning Staff to prepare a plan to show how the area in the southwest corner of Keene Mill and Backlick Roads may be developed in consideration of the commercial frontage which exists on the south side of Keene Mill Road and the west side of Backlick Rd. and that they have examined this plan and find that the American Legion Post can make use of the property as they propose to do without having any

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1-Ctd. serious effect on the plan as it has been prepared to date. He said it would be their thought that the Post consider the location of the building which they propose to build close to the east boundary of the property on Backlick Road. If that is done, the remainder of the property in the future would dictate how it should be used or at least with some modification. The point is that the use of the property as presently proposed by the American Legion Post will not have any adverse effect on the plan.

Mr. Lamond amended his motion to say that the plat to be submitted also indicate setback from side lines; also parking space and showing ingress and egress to the property greater than the 12.83 feet as on the present plan.

Seconded, Mrs. Carpenter.

Carried unanimously.

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3- ROBERT R. RICHMOND, to permit erection of a dwelling closer to Street lines than allowed by the Ordinance, Lot 24, Resub. Lot 1, Poplar Hill, Falls Church District. (Rural Residence Class 1)

Mr. Richmond said he formerly resided at Luttrell and Gallows Road and that a prayer of relief is directed to this Board and predicated on arbitrary action of the Highway Department in which they acquired part of his property. He stated that he would like to say for the record that he is not against progress by the local community, the State or the federal government, but asked the Board if they would examine the plat before them and note that the State arbitrarily slashed through this property leaving a frontage of 310 feet on Luttrell Road and as little as 90 ft. depth. He said this road would parallel curve across the plat, and as a result the zoning now existing prohibits a structure less than 50 feet from a street. He went on to say that the curved line will be an elevated road which will permit traffic to go into the new circumferential highway. He stated that as a result of this action by the State he has sustained a personal loss of $3500 by this action of cutting the adjoining lot in the manner which the State has done. He said he did not even have a receipt in hand that he has sold this piece of property and prayed that the Board will permit this variance.

Mr. Barnes asked if the State Highway Department did reimburse Mr. Richmond for this and Mr. Richmond replied that he had over $28,000 invested and that they only paid him $21,900 and there is an alleged amount of money for damages in that figure of $1700.

After some discussion, during which it was brought out that Mr. Richmond wanted to erect a dwelling on the property now remaining with a setback from the line in the back of 15 feet and 48 feet in the front and there

3- Ctd. being no opposition to this exception, Mrs. Carpenter moved that this variance be granted as this is a definite case of hardship and a really exceptional situation.
Seconded, Mr. Lamond.
Carried unanimously.
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4- R. E. RITTMAN, to permit existing dwelling to remain within 14.9 feet of the side property line, Lot 65, Section 4, Pine Ridge, (723 Woodhill Place), Falls Church District. (Rural Residence Class 2)
Mr. Rittman presented the required notices, and said he resided in Pine Ridge in a residence erected 10 or 12 years ago when zoning restrictions were not as rigid as they are now. He said he desired to put rooms on one side of his house and to clear up infringement on the other side. Mr. Mooreland stated at this point that the plat was not certified at the time the building was erected and he thought this should be granted. There was no opposition and Mr. Barnes moved that variance be granted according to the plat dated July 3, 1956 certified by Frank A. Carpenter, due to circumstances which Mr. Rittman did not create himself.
Seconded, Mr. Smith.
Carried unanimously.
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5- RAYMOND AND MATTIE EDWARDS, to permit erection of an addition to existing store within 10 feet of the side property line, Lot 6, Glendale Subdivision Mason District. (Rural Business)
Mr. William Hansbarger represented the applicants, and presented required notices. He explained that Mr. Edwards now has the store (called Glendale Market) which is not a country store, nor is it a modern super market. He stated that the purpose of this application is to allow Mr. Edwards to expand what he already has. He said Mr. Edwards can come within 20 feet on the west side by virtue of the fact that it is zoned rural business and the property adjacent is zoned Rural Residence 2. He said he would like to explain that the only property that this application could affect would be the property now in the name of Biller. They have estimated the distance of a frame dwelling which is adjacent to the Edwards property to be approximately 20 feet from the Little River Turnpike and would estimate that there was somewhere in the neighborhood of 15 feet on its sideyard; this would be the easterly sideyard of that particular house. He stated that it might be said that the Biller property would be more properly zoned commercial than residential. He said that property on the opposite side of the Little River Pike is zoned business. Mr. Hansbarger presented pictures of this property. He said the house that is

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5- located adjacent to this property would not be affected insofar as the land is concerned because the house is in front of the already existing store. Some of the people in that area have not only been notified of this particular application but have given letters to the effect that they have no objection to it. Justification for this request is that this would enable Mr. Edwards to compete as a small businessman and as a small businessman, he must be provided the facilities which will enable him to compete with super markets and general stores, and so they are asking that he be permitted to come within 10 feet in the rear so far as this building is concerned.

Mrs. Sally Mudd appeared in opposition. She and her two sisters own the Biller property and they just do not want this store that close to their property.

Mr. Hansbarger stated that the area adjacent to Route 236 and adjacent to this property would never be developed as residential. He said also that Mr. Edwards felt that he needed this size store to compete as a small businessman and requested that this size be granted because of the side yard in this instance serves really no useful purpose insofar as zoning is concerned.

Mrs. Henderson said that this property was zoned after the zoning ordinance went into effect, but by the same token she thinks that 10 foot sideyard is sufficient and that what Mr. Edwards wants does not seem to be unreasonable.

Mr. Lamond said it seemed to him that Mr. Hansbarger has not covered one point as to the actual need of why this building has to be 45 feet instead of 35 feet; that he did not see why 35 feet would not be enough.

After more discussion, Mr. Hansbarger asked Mr. Edwards if he would be in favor of withdrawing his application and Mr. Edwards said yes. The case was withdrawn and no action was taken.

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15- SPRINGFIELD MART, INC., to permit erection and operation of a sewage pumping station on west side of Route 617 approximately 28 feet south of Calamo Street, Mason District. (Rural Business)

At this point Mr. Bernard Fagelson asked if his case, which is the matter of Springfield Mart, Inc., to permit the erection and operation of a sewage pumping station could be heard now, (It was scheduled for 12:30) in view of the fact that his son was playing his first football game and Mr. Fagelson had given his word of honor that he would be there. The Board agreed to hear Mr. Fagelson's case and after presenting the required notices, Mr. Fagelson stated that this was to be a private plant but that they did not need State Water Control Board approval; that they are going to extend the line 1000 feet and build a pumping station to

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15-Ctd. carry sewage to the sewer; he said the Post Office is pushing his client to get this opened before the Christmas rush. Mr. Lamond stated that this is just beyond the property that the American Legion is seeking application today and he thinks it would be the means for these folks having sewer. Mr. Lamond assured the Board that the Planning Commission last night acted favorably on this application and there being no opposition, he moved that this application of Springfield Mart, Inc. and referring to the plat submitted by Springfield Surveys of January 17, 1957 for permission to erect and operate sewage pumping station on the west side of Route 617 approximately 280 ft. south of Calamo Street be approved.

Seconded, Mr. Barnes.

Carried unanimously.

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The Board adjourned from 1 o'clock to 2 o'clock for lunch.

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6- W. T. SHEALY ENTERPRISES, INC., to permit erection and operation of an amusement park with accessory structures thereto, Part Lot 147, Section 2, Annandale, Falls Church District. (General Business)

Mr. John A. Everhart represented the applicant and presented the required notices. Mr. Everhart said he would like to state that this is a special use permit for a kiddieland recreation area, something which Fairfax County is presently lacking to a considerable extent. This is now a general business district and he would attempt to show this use is consistent with land in the area. He called Mr. W. T. Shealy to the stand and he stated that this was a proposed operation of a kiddie park of the highest caliber; he plans to develop this into a recreation facility that parents would want to bring their children to. He is convinced that this park would be a community service. His rides will be purchased from reputable manufacturers and there would be no gaming or carnival type facilities; it would be supervised at all times. He plans to have a concession stand in addition to the rides.

It was brought out that this property line is about 50 to 60 feet from the Annandale Baptist Church building.

Mrs. Henderson asked what the full capacity of the operations would be if they were all in use and Mr. Shealy said 120 with parking for 30 cars.

Appearing in opposition was Mr. K. E. Griffith, member of the Annandale Baptist Church, who said on the 15th of this month in a congregation meeting the Church voted unanimously to oppose this application. He said he had three or four people from the Church to speak in behalf of the Church and the first one would be an architect; the second the chairman of the Board of Deacons to outline practical reasons why the Church

6=Ctd. opposes this application and the third person would be the pastor of the Church.

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Mr. G. T. Ward, registered architect, member of the firm of Vosbeck and Ward, appeared and said he is a member of this Church and a deacon of this Church and would like first to explain the location and the relationship of the land to that of the Church. He said the extent of the property of the Church is indicated on the plat; the land of the Church is approximately 2½ acres plus residential property owned and used by the Church directly adjacent on Chatelain Road. The land in question is between the Church and the Annandale Fire Department. It is presently occupied and used as an auditorium and education building; what they are planning at this time is an auditorium and educational unit that will be built and will be ready early in 1959. He said he would like to relate that last Sunday morning there were 588 in the Sunday School and approximately 450 at two worship services; that they conduct Sunday evening services running from approximately 6:00 to 9:00 p.m. with as many as 150 in attendance on an average night. He further stated that the building is used about every night in the week and that the parking there is critical now. He stated that he would like to be put on record that the Church would not be in any position to allow the use of any of its land for parking for this adjacent land use. He has examined a copy of the layout and would like to make mention of several matters; first the noise will be obvious and will be objectionable to the Church Sunday evenings and other evenings in the week; the lights at night would be entirely incompatible with a religious atmosphere; he notices that there are no toilet provisions and he would question the advisability of ponies. He said in his capacity both as a member of the Church and as a professional advisor that the use of this adjacent land is incompatible both with the Church and with the other high caliber mercantile operations in operation or under construction. The Chairman of the Board of Deacons of the Annandale Baptist Church, Mr. B.G.L. Pettit stated that the primary and foremost objection is that this would interfere with the regularly scheduled worship and the activities of the Church. He said a carnival atmosphere would be created and that the music would be distracting; that the present sanctuary borders 50 feet from this property; that the church is not air conditioned and in summer the windows would be open; it was his understanding that amusement park would be open from 2 to 9 p.m. daily including Sunday and that he has been informed by Mr. Shealy that his target date for opening the park would be April 15 and that this coincides with already scheduled revival services which will meet each evening that week and in conclusion, it is his opinion that the operation here proposed within 50 feet of their facilities would seriously hinder their activities.

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6-Ctd. Dr. B. W. Sears, Pastor, Annandale Baptist Church expressed the policy of the church with regard to the development of the area and realizing that they are a repidly growing community. He certainly does not have any objection to the use of the adjacent property for commercial business; that immediately adjacent on the opposite side of the property is a Topps Drive In; directly across Columbia Pike from the church is a Cities Service gas station and next to that, a plumbing contractor's business place, none of which they have objected to and that they do not oppose this business perse.

Mr. Pettit read a letter to the Board of Zoning Appeals from the Annandale Volunteer Fire Department opposing this application:

"October 28, 1958

Board of Zoning Appeals
Fairfax, Virginia

Gentlemen:

At our regular meeting of the Annandale Voluntary Fire Department and its Board of Directors, on October 27, 1958 it was brought to the attention of this department that Shealey's Engerprises was applying for a use permit, for a kiddie land amusement park on the property adjoining the fire department. October 27 was the first time we had notice of this proposal. At this time a discussion of the proposal was put on the floor and the department and its Board of Directors unanimously opposed this application.

It would cause congestion and hazards, not only to the children and patrons of the park, but to our own men in responding to calls as well. We have any number of ambulance and fire calls daily which necessitates quick access through this area in order to render the service which the community needs. In addition to emergency calls we have a number of activities which necessitates the use of our parking lot at all times.

The congestion that is likely to be caused by the amusement park patrons hamper our activities.

Very truly yours,
(S)John G. Fox, Director
Annandale Fire Department"

Mr. Floyd Harris owns the property across the street and he read a statement that he opposed this application.

Mrs. Van Evera also expressed her opposition for reasons already stated.

Mr. Everhart said this is a general business district area and there is a large shopping center under construction in this area. It was not their intent or policy to operate this park in such a way as to interfere with worship services; he did not think there would be too many children at one time in the park; that noise and lights would have to be coped with but there are already traffic lights in the area; that parking facilities have been provided.

Mrs. Carpenter asked if this would be a year-round operation and Mr. Everhart said it would not be; they plan to operate during the months that school is out from 2 until 9 p.m. and during the fall after school begins they would be open on Friday afternoons, Saturdays and Sunday afternoons.

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6- Ctd. Mr. Lamond asked why this particular location was chosen and Mr. Everhart said this area was pointed out to them when they surveyed the County as the center of the most rapidly growing area in the County and it would be best suited from the point of service to the community.

After more general discussion Mr. Lamond moved that this application for amusement park be denied on the grounds that it will adversely affect the health, safety and welfare of the people in the community and that it is not in keeping with the proper development of the area.

Seconded, Mr. Barnes.

Carried unanimously.

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7- THOMAS M. HAWKINS, to permit existing shed to remain within 2 1/2 feet of the side property line, Lot 117, Section 2, Chesterbrook, (5314 MacArthur Drive), Dranesville District. (Rural Residence Class 1)

Mr. Hawkins presented the required notices and said that he applied for a building permit in 1956 but that the location the building inspector's office gave him could not be used; it would interfere with his septic tank fields. He said they suggested an isolated spot in his property and on a slope where the distribution box comes out from the septic tank and for that reason he could not use the location for fear of breaking up his drain fields.

During the discussion it was brought out that Mr. Hawkins could use this building as a garage with some changes being made in the same and be within the ordinance; Mr. Hawkins did not seem to want to do this.

After more discussion Mrs. Carpenter moved that this application be denied as the shed could be put on the other side of the lot and would not be in violation, or it could be turned into a garage. Seconded, Mr. Lamond.

Carried unanimously.

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8- MARTIN-LEPPERT SIPES POST #9274, Veterans of Foreign Wars, to permit existing building to be used as a Post Home and club house on west side of Shreve Road, approx. 500 feet south of Route 7, (113 Shreve Road), Providence District. (Suburban Residence Class 1)

Mr. Franklin Carroll, Post Advocate, appeared on behalf of this Post and presented the required notices, stating that this property is just beyond the Falls Church line and south of Route 7. He said the VFW as an organization does not differ greatly from the American Legion and inasmuch as Mr. Chambliss presented objectives of that organization and the community services it renders, that he would like to just incorporate Mr. Chambliss' remarks as a framework for the presentation of his case. In their situation they are trying to buy this piece of property which has a house already existing thereon and presented a map indicating adjacent areas. He stated that this property is located at 113 Shreve Road which is approximately opposite Top's Drive In and Falls Church Inn which is a general

8-Ctd. business and industrial area. He said this application is for a special exception for this property to be used as a Post Home and club house and he would like to point out that the VFW is a much smaller organization than the American Legion. He went on to say that this Post is 11 years old, chartered in Falls Church and previously had held meetings in private homes. He said in the past they had conducted themselves in a most gentlemanly fashion and have always conducted their meetings to minimize any objections that might arise. He said it is their feeling that the money spent in rent could be put into a Post Home and this particular piece of property most nearly meets their needs.

Mr. Robert Reiner, presently Senior Vice Commander of the Department of Virginia, stated that they are perhaps different from any other veteran's organization in that they do have continuing inspection service of all their Post activities. They check on operation of club rooms and see that regulations are adhered to and that the Board could be assured that the Post will never become a public nuisance; he hoped this Board would give this application serious consideration.

Mr. Gene D. Smith, present Post Commander of this Post and also present Department Inspector for the Department of Virginia said he knows full well the requirements of their organization with reference to controls and inspection. In his presentation Mr. Smith brought out that this would be available at any time for any organization that would care to use it and that adjacent to his property is quite a large area which in due course of time they would hope to take over and use for a park area.

William Romeck, vice president of the Berens of Northern Virginia, next spoke, expressing gratitude for the use of this Home and thinks it would be an asset to be able to use this space. He said their club is an automobile club which is dedicated to promoting safety, promoting better understanding of teen-age drivers, and to try to help motorists on the road; they also have a courtesy program and they use this space once a week for weekly meetings and sometimes for dances for the members.

Mr. Randolph Bishop, speaking individually and as vice president of the Falls Hill Citizens Association, spoke in opposition and said that he was representing approximately 125 member families who live in the area immediately to the rear of the proposed location of the club. A number of their members are veterans and they do not oppose the Veterans of Foreign Wars but do have to go on record as opposing the location of this proposed club.

Mr. Norman Jones, who lives nearby, said that their area represented about $4 million in investment and that their property in the Falls Hills area extends to and includes Chestnut Street. He wishes to object to the proposed zoning alteration as follows: He feels that it is undesirable to the development of the area to have late social gatherings; that he feels

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8- Ctd. this group should choose another location because this will probably be inadequate; he feels that the house itself is not up to health standards; there is a traffic problem involved here because Shreve Road is not an improved road; the neighborhood does not need the traffic hazard entailed in Beren type activities; most important to the people there is the realization that this type of structure, if allowed, will put an end to the orderly development that is taking place in this area; and pointed out the lack of publicity given to this particular matter.

Mr. L. M. Adcock said he knew the property was advertised well and that all of his neighbors agreed that this is an acceptable enterprise in the neighborhood. He is convinced himself that this Home would be an addition to the community.

Mr. Carroll said he would like to rebut the objections by saying the Falls Hills development does not extend near enough to this particular piece of property to be involved. He also would like to point out that one of the purposes of acquiring this property is to establish and dedicate a memorial to the dead of all wars.

After further discussion, Mr. Barnes moved that this application be granted according to the plat dated September 29, 1958 certified by Walter A. Phillips. Seconded, Mr. Lamond. Carried unanimously.

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9- D. S. WOOLSEY and J. C. FRANKLIN, to permit dwellings to remain as built, Lots 120 and 121, Section 3, McLean Manor, Dranesville District (Suburban Residence Class 2)

Mr. Mooreland stated that something should be cleared up before presenting this case as permits were granted for building some homes here, the builder went broke and this was then taken over by Mr. Walters. He said they had no certified plans on this for quite some time after they had been occupied and then they found violations on them. He further stated there was no possible way that the violation can be pinned on any particular person and these persons are innocent purchasers and would suggest that this be granted.

Mr. D. S. Woolsey appeared and said he was representing Mr. J. C. Franklin by power of attorney. Mr. Woolsey presented the required notices. He thought Mr. Mooreland had summarized this situation but he would like to say that the variance is for a carport which is in violation of 10 foot zoning requirements and the southeast corner is 8.2 feet from the property line and the northeast is 8.3 from the corner line that the distances are approximately 20.4 and 21.6 inches in violation. This is the only violation as now exists on his property. On Lot 120 (Mr. Franklin's lot) the violation is on the same property line with carport

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9- Ctd. approximately 2.7 ft. too close to the 10 foot requirement. He said there is also one other violation here which is on the east side and is closer by approximately 4 inches to the property line of Lot 119.

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There being no opposition Mr. Barnes moved that this variance be granted as there is such a slight variance on Lot 121 as shown on the plat dated May 19, 1957, certified by Albrecht Patterson Associates and on Lot 120 shown on the plat dated August 13, 1957 - C. Calvin Burns, Certified Land Surveyor, the main reason for this being that the current owners and purchasers were innocent victims.

Seconded, Mr. Smith. Carried unanimously.

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10- PHYLLIS M. PAKENHAM, to permit operation of a dancing school in private dwelling, Lot 13, Row's Addition to Lee Boulevard Heights, (425 Row Place), Mason District. (Suburban Residence Class 2)

Mr. Pakenham presented the required notices and stated that they are requesting exception so his wife can conduct dancing classes in their recreation room. He read a letter from the owner of the property indicating that he has no objection to the classes being conducted in the residence and presented a statement from the County Fire Marshal indicating changes that must be made to bring it in conformity with the Fairfax County Fire Prevention Code. She expects to have 36 to 40 pupils a day, two days a week, three classes a day. He said the parents would not be present during the instruction, thus eliminating the parking problem. At least 10 of the 35 or 40 students would be from the immediate area. He said the room is about 8 feet high and 35 x 25 feet in size. He said his wife had been in this business for about 15 years.

There being no opposition, Mr. Lamond moved that this application be granted for one year. Seconded, Mrs. Carpenter. Carried unanimously.

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11- HARLAN M. TETRICK, to permit erection of an addition to dwelling within 10 feet of the side property line, Lot 10, Sherry Heights, (7221 Landess Street) Mason District. (Suburban Residence Class 2.)

Mr. Tetrick stated that he appeared before this Board on October 21, 1952, requesting permission to make an addition to his home within 10 feet of the side property line but was denied, and was allowed to build within 12 feet. He said because of this and the existing unsightly drainage easement by his property and adjoining property he decided to delay the addition, but he is again requesting privilege to build to the 10 foot line. He is the purchasing agent for Hot Shoppes and although it would be more convenient for him to relocate in Maryland where his headquarters are, they would rather live in Fairfax County. Mr. Tetrick

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11-Ctd. said that this application is identical with the 1952 application but about two feet longer from front to back.

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Mrs. Henderson said she did not think this Board had the power to grant the request, that it seemed to be a matter for the Board of Supervisors. Mr. Lamond asked just where this property is located and Mr. Tetrick replied that it is in the Parklawn area.

There was no opposition to this and Mrs. Carpenter moved that this case be denied as she did not see evidence of hardship as the addition desired could be put on this lot without violating the ordinance. Seconded, Mr. Lamond. Carried unanimously.

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

Mr. Kohlhaas presented the case in behalf of Mr. Zirkle and said this home was built in 1950 and at that time Mr. Zirkle lived in the basement about 6 months to a year and immediately upon completing the upstairs, moved in around 1951. He read a statement secured by Mr. Zirkle, signed by home owners on the street stating that they do not object to this two family dwelling. Mr. Jeffreys whose name appears on the petition was present until about 3:00 today and he was going to speak in behalf of Mr. Zirkle, stated Mr. Kohlhaas. He said the size of the building is approximately 32 feet long and 28 feet wide.

Mr. Lamond asked if there were any other two family dwellings in the neighborhood and Mr. Zirkle said he did not know.

Mr. Kohlhaas said he would like to reiterate the fact that at the time this was built, the septic fields were built under the supervision of the Health Department and built to take care of a two family dwelling, but Mr. and Mrs. Zirkle did not realize that they had to make special application at that time.

After discussion, Mr. Lamond moved that this application be deferred to November 10 and sent to the Planning Commission and County Health Department for recommendation. Seconded, Mrs. Carpenter. Carried unanimously.

13- LEWIS H. C. JOHNSON, to permit erection and operation of a service station with pump islands within 25 feet of the Street property line, Part Parcel 1A, Forestville Heights, Dranesville District. (Rural Business)

Mr. Thomas E. Kuhn presented the required notices and stated that he resided in Falls Church at 1943 Hileman Road and that he was presenting to this Board consideration of granting a use permit to be used for the erection and operation of a service station to be built according to the specifications of the Standard Oil Company and that it would be a modern station of stucco, operating from 8:00 A.M. to 9:00 P.M. He said it was

13-Ctd. not their intention, or in keeping with their practice, to have fuel trucks on the premises except to make normal deliveries. The type of operation would be primarily a gas station and the service rendered there will be in keeping with the operations of a sound financial operation. He called attention to the fact that the lot to the rear of this property is vacant and that to the northwest of the property is a building which houses the Chesapeake and Potomac Telephone Company substation equipment. There is a real estate office located at the intersection to the rear of the old Forestville School and he would assume that the property is about 1/4 mile from the new school.

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Mr. William A. Rogers appeared in opposition stating that he lives on the property which is adjacent to the telephone house. He purchased this property in 1956 with the idea of providing his family with rural living. He felt that primarily this would be a hazard to the school which is located 150 yards from this site. Furthermore the road passing in front of this is very narrow and children walk to and from school and ride bicycles. He said regardless of the appearance of the station he is opposed to it. He presented five letters from residents living in the immediate vicinity and stated that he had contacted eight residents in the vicinity, all of whom are opposed to the construction of this station. Among them are Mr. and Mrs. Ted Boxley, Mrs. Harry Rollinson, Mrs. Charles Peters, Robert Single, president of the PTA, Mr. and Mrs. Edward Boothe, Mr. and Mrs. Dove and Charles Webb, who feel that this would increase the traffic along this road and would be an undesirable hangout for teenagers.

Mr. Lamond asked Mr. Rogers what he thought should be located and Mr. Rogers replied that he did not think he would object to a medical center or doctor's office in this particular location.

An unidentified person said he opposed this for many of the reasons given and in addition would like to emphasize the safety factor. He felt that the increased use of this road would create a hazardous condition and every time he walked out his front door he would be confronted with this sight.

Mr. George W. Wise, who lives in Forestville within about 2/10 mile of this property said he was opposed to this application as he had measured the blacktop of the road and it is only 15 feet wide which, with increased traffic, would add to the traffic hazard. He did not feel that there would be any public service rendered by having this station at this location because there is gas available within less than 2/10 mile at a public service station where repair services are also available.

Mr. George Pope of the School Board office appeared at this time and stated that they had just been contacted this morning that this matter was coming up and said if the Board of Zoning Appeals felt there is sufficient reason for the School Board to make a recommendation in this

13-Ctd. matter, they will be glad to do so. It was not their normal practice, he said, to oppose a filling station close to a school unless it is right adjacent to a school.

After more discussion Mr. Lamond moved that this application be granted because it has not been brought out that this will be anything to affect the health and safety of the people in the neighborhood and will not be detrimental to public welfare. The motion was lost for lack of a second. After further discussion Mr. Lamond moved that action on this application be deferred to November 10 pending a report from the School Board office. Seconded, Mr. Barnes. Carried unanimously.

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14- DONALD L. DITTBERNER, to permit operation of a picnic area in conjunction with a riding school on north side Routes 29 and 211, easterly adjacent to Hunter's Lodge, Centreville District. (Agriculture)

Mr. Sprinkle appeared to ask the Board to consider his transferring his business license to Mr. Dittberner and subleasing the property.

Mrs. Henderson asked Mr. Sprinkle if he had a letter from the owner of the property stating that this could be subleased and also a statement as to what is to go on the property. Mr. Sprinkle said he planned to put in a miniature golf course and a lake.

Mr. Lamond stated that he had seen this property and Mr. Sprinkle had done a good job, but he felt reluctant, not knowing the feeling of Mr. Garwood, the owner of the property, regarding the lease. He thought a letter from Mr. Garwood would enable them to act intelligently. Mr. Sprinkle said he had such a letter, but his wife is now ill and he was not sure where to find the letter, but he could get a duplicate.

There was no opposition to this. Mr. Lamond moved that this application to transfer operation to Mr. Dittberner be approved subject to a letter from Mr. Garwood stating that he has the right to sublease this property for this particular use. Seconded, Mr. Barnes. Carried unanimously.

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16- RALPH D. FEATHERSTONE, to permit existing carport to remain within 9 feet of the side property line, Lot 6, Block E, Fairfax Homes (1905 LaVista Drive) Lee District. (Suburban Residence Class 2)

Mr. Featherstone stated that one corner of his carport is at an angle due to an error in the plat and that it would be impractical to move the post as suggested as it is embedded in 18 inches of concrete. There being no opposition, Mr. Barnes moved that this be granted due to the fact that it is only out on one corner and that the applicant has stated that his nearest neighbor is approximately 25 feet away. Seconded, Mr. J. B. Smith. Carried unanimously.

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NEW CASES - Ctd.

17- HARRY F. GRANDINETT, to permit erection of a workshop within 5 feet of the side property line, Lot 16, Block 9, Parcel 7, Section 4, Bucknell Manor, (1030 Columbia Drive), Mt. Vernon District. (Suburban Residence Class 1)

Mr. Grandinett said seven years ago he constructed a carport adjacent to his home and since then his family has grown and with it the equipment he needs around his home and that he has no attic and no cellar in which to store the same. At the rear of his carport is a small workshop about 4½ by 8½ feet. He would like to extend this workshop and make it parallel to the carport. He had this approved and got a building permit to come within ~~the~~ 5 foot ~~building restriction~~ OF THE PROPERTY LINE and read a letter from Mr. Joe Montgomery who is the adjacent property owner, stating that he had no objection to this workshop coming within 5 feet of his line.

Mr. Smith suggested that this workshop could be moved back the length of a proposed kitchen in the future and then this would be ready when Mr. Grandinett decided to enlarge his kitchen.

There was no opposition to this matter and after some discussion Mr. Smith moved that the application be denied. Seconded, Mr. Barnes. Everyone voted for the motion except Mrs. Carpenter and Mrs. Henderson who refrained from voting.

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DEFERRED CASES:

1- MORRIS L. KRAFT AND SOLOMAN STICHMAN - Board would discuss clarification of their motion passed June 10, 1958 with regard to architectural design. Property at S.E. side #123, adjoining Oakton Methodist Church.

Mr. Beckner represented Messrs. Kraft and Stichman, and presented the required notices. He said the original request for the use permit was heard before this Board and at the Board's request he had consulted with the owners to ascertain whether they would have any objection to the permit being granted with a restriction or a condition on the permit that they would construct a gasoline filling station architectually in keeping with the neighborhood and not a standard type Sinclair filling station.

Mrs. Henderson asked Mr. Beckner if they intend to build something in conformity with the neighborhood, why do they want this restriction lifted? Mr. Beckner said he could not answer this. He did know that at the instance of the local Sinclair representative that the New York office would not go along with this. He said this would put Mr. Moore and in a position that when plans are submitted that he would have to ascertain whether or not the plan is architectually in keeping with the neighborhood.

DEFERRED CASES - Ctd.

1- Ctd. Mr. Clifford Ramsey, Pastor, Oakton Methodist Church, appeared and said there is just one courtesy which he would like to get across to the oil company and that is that every consideration possible be given to erecting a filling station that will architectually be in keeping with the church. After considerable discussion Mr. Lamond moved that "we eliminate that part of the resolution specifying that this filling station not be of the white and green tile standard Sinclair filling station." Seconded, Mr. J. B. Smith. Motion carried, Mrs. Henderson not voting.

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2- CASA BLANCA, INC., to permit dwelling to remain as erected 6.9 feet of the side property line, Lot 9, Pomponio's Addition to Bel Air (1203 Annandale Road), Falls Church District. (Suburban Residence Class 2)
Mr. Carson Carlisle appeared and said this house was unintentionally staked before construction. Mrs. Henderson asked for his notices which he did not have, and on the motion of Mr. Smith, seconded by Mr. Barnes, this case was deferred because of lack of said notices.

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3- ROBERT C. COTHRAN, to permit erection of a carport and tool shed within 8 feet of side property line, Lot 221, Section 4, Loisdale. (6218 Lois Drive) Lee District (Suburban Residence Class 2)
Mr. Cothran showed pictures of the existing house and carport from across the street which he desires to build one like. He said the neighbor did not object to this. He further stated that at the last hearing the shed was in variance but with 2 feet could be brought into conformity. He said the architect advised him that for appearance and practicability he should request variance of from 1 to 2 feet. He is not interested in erecting the carport at the back of the house due to the fact that he expects to expand his house in the back and secondly that none of the other houses in the area have carports to the back; they are all erected on the side.
After some discussion Mr. Lamond moved that they grant variance on this carport by pulling the tool shed back so that it would be 8 x 6 instead of 10 x 6. Seconded, Mrs. Carpenter. Carried unanimously.

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The meeting adjourned.

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held Monday, November 10, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse. All members were present at the call of the meeting. Mrs. M. K. Henderson, Chairman, presiding.

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

Mr. Barnes asked to be excused for two hours.

NEW CASES

1- ALFRED J. SURACI, to permit erection of 2 signs with an area larger than allowed by the Ordinance, (Total area 78.5 sq. ft.) on south side Route 236, approximately 6/10 mile west of Annandale, Falls Church District. (Suburban Residence Class 2)

Mr. S. K. Kessler represented the applicant. He presented his proof of notification of this hearing to adjoining and nearby property owners. They are asking for the directional sign in order to slow down traffic before customers make the turn into the drugstore, Mr. Kessler explained. It is a necessary safety measure. Three accidents have occurred in front of this building since the opening of the drugstore, caused because people approaching the store saw their location too late to give adequate turn signals. This is a 45 miles per hour zone and without directional notification of the drugstore, sufficiently in advance, this spot has become a definite traffic hazard. Mr. Kessler said these wrecks had weighed on his conscience, therefore he determined to try to remedy the situation. This would appear to be the solution.

This is the first pharmacy of this type in the County, catering primarily to pharmaceutical needs and people come from all parts of the County, many of whom are not familiar with the neighborhood. Therefore, very clear identification is necessary. The sign on the building is for identification and the sign on the road for safety.

This is the type of operation which should be in a business district, Mr. Lamond observed. In a business district the applicant would be allowed adequate sign area. Mr. Lamond asked Mr. Kessler if his permit allowed him to sell things other than drugs.

This is an ethical pharmacy, Mr. Kessler answered, they sell only the things in that category.

This is not strictly pharmaceutical in the true sense, Mr. Mooreland told the Board. The operators also carry doctors' supplies, cosmetics, and a few other things.

Mr. Kessler explained his stock, other than drugs, saying that they carry a limited amount of candy. That has become a necessity, especially for doctors who handle children. They do not sell food, pots and pans, nor parakeets and lawn mowers. At least sixty per cent of the business is devoted to drugs and doctors' supplies, such as sickbeds, cots and sick room needs. Regarding the candy, it has become very necessary as doctors sometimes prescribe it for children. People ask for it along

1-Ctd.

with their prescriptions. Candy is often added to antibiotics which are used in reducing temperature.

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Mr. Mooreland read the motion granting this medical clinic which was passed by this Board in September 1954 and July 11, 1956.

> "Judge Hamel restated his motion and moved that the Board grant the use permit and the variance as requested and this is approved with the understanding that there will be no variance on the front setback line and this will include uses incidental to a medical center, granted because there appears to be a demand for an institution of this kind in the area and the people in the community approve and desire it."
>
> (September 21, 1954)

> "Mr. V. Smith moved that an application for a medical center be granted to "Medical Center, Inc.", substantially as shown on preliminary plans submitted with the application byJohn M. Walton & Associates, dated March 31, 1955 and April 18, 1956. Sheet No. 1 of 5 sheets shows the proposed building location to be 100 feet from Little River Turnpike and 40 feet from the side property lines and also it is shown on the plat plan, entitled "Part of Parcel D, Property of Albert Suraci" but it is understood that that is the property formerly owned by Alfred J. Suraci and is now owned by Medical Center, Inc. The area contains 2.63 acres.
>
> This plat plan shows future addition which is not covered in this permit. The application dated July 11, 1956 was signed by "Virginia Medical Center" by E. B. Rauth, Agent. It is understood that subsequent to that date the applicant learned that there is another corporation under this name in Virginia and the Board has full knowledge that this application is granted to "Medical Center, Inc.", Annandale, Virginia which is a non-profit organization. It is agreed that a copy of the Charter will be submitted to the Board prior to the issuance of the permit.
>
> This use is granted subject to the applicant operating a pharmacy as shown on Sheet 2 of the preliminary plans to be operated solely as an ethical pharmacy.
>
> This application is granted under Section 6-4-a-15-f and Section 6-12-2 a and b, and is subject to the approval of the State Highway Department for means of ingress and egress and to the applicant furnishing adequate parking space for all users of the use.
>
> *It is understood that the Snack Bar shown on Sheet 1 of 5 sheets of the preliminary plans may be moved to the area shown as unassigned on Sheet 1 of 2 sheets by John M. Walton and Associates, Architects dated August 10, 1956.
>
> This snack bar is to be used only by the doctors, the personnel and patrons of the Medical Center."
>
> (August 28, 1956)

There were no objections from the area.

Mr. Taylor, from the Annandale Businessmen's Association, and Chairman of the Safety Committee was present, stating that they were making an earnest effort in Annandale to eliminate accidents. They have had so many that they have asked the State Highway Department to make a study on how to reduce the hazards along Route 236. Mr. Taylor thought the identification asked by Mr. Kessler would help until such time as the dual highway is completed. There is a considerable amount of confusion in Annandale, because aside from the clinic, there is a medical building and people say they cannot find the clinic. They want these medical men in their businessmen's association, Mr. Taylor continued, and in their community and they wish to help them in any way they can.

NEW CASES - Ctd.

1-Ctd. (It was noted that the building was originally set back 100 feet from the right of way of Route 236 but the Highway taking has lessened that setback considerably.)

The Board agreed that this is the type of commercial enterprize which should be in a business district where adequate signs would be allowed and since this is a business operating in a residential district the applicant should conform to sign areas allowed in residence zoning. Mrs. Henderson suggested that the sign "Kessler Brothers" was not necessary. She agreed that the directional sign may be needed.

It is hardly fair competition to people operating in a business district, Mr. Lamond suggested, to allow a business zign in a residential area.

Mr. Kessler thought the name of the drugstore should be on the building as many people are directed here for prescriptions by the physician who gives directions mainly by the trade name.

It was noted that the Ordinance would allow an 18 sq.ftsign in a residential area. It was suggested that the sign be made 18 sq. ft.

Mr. Kessler objected, calling attention to an old house down the street which would obstruct vision of a small sign on the building. He called attention to the fact that the sign is not large nor is it flashy, but rather it has dignity and simplicity. It is especially designed to fit the use.

Mr. Lamond moved that the application to erect two signs with a 78.5 sq.ft. area be denied because it does not conform to a Suburban Residence Class II zoning but that it approaches more nearly a sign which would be asked for one in a business zone. Seconded, Mr. J. B. Smith.

It was noted that in this residential district the Board can allow no more than 18 sq. ft. and it was the opinion of the members that that area would be sufficient to serve both for direction and identification.

Motion carried: for the motion - Mr. Landrith, Mr. Smith, Mrs. Henderson. Mrs. Carpenter refrained from voting.

The Board is saying that the applicant may have 18 sq. ft.? Mr. Mooreland asked. The aggregate of sign area must be worked out with the Medical Center. This was only one of the uses granted, he noted.

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2- JAMES E. ROBERTS, to permit existing barbecue shelter to remain as erected directly on side and rear property lines, Lot 2A, Block 11, Section 7, Jefferson Manor, (602 Edgehill Drive), Lee District. (Urban Residence Class II)

Mr. Roberts presented his proof of notification to nearby and adjoining property owners. Originally, an open barbecue was located in this corner of his property, Mr. Roberts told the Board. It was used as the family picnic area; the only place they had for storage of the barbecue equipment was in the basement. They started out to construct a shelter

NEW CASES - Ctd.

2-Ctd. for the barbecue pit, but before they realized it, it had grown into a little shed. It makes an excellent storage place for equipment but it is no longer a patio nor just a barbecue pit. The building was put up without a permit. It measures approximately 10.8 ft. by 10.8 ft. The pictures presented with the case showed the building to be practically a house with roof, sides, windows and front door.

There were no objections from the area.

Mr. Roberts was sorry for having gone so far with this structure; he had no intention to violate the Ordinance;while he has lived in the County for ten years, he had never heard of the Zoning Ordinance.

Mr. Lamond moved to deny the request as there is no indication of hardship. Had Mr. Rogers obtained a building permit, he would have known he could not construct this building. Seconded, Mr. J. B. Smith. Carried, unanimously.

The Board agreed that the roof and sides of this building must be removed within thirty days from this date. It was noted, however, that Mr. Roberts could move the building to a conforming location.

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12- L. R. BROYHILL, to permit fencing and operation of a property yard on property to be subdivided later, southwesterly side of Great Falls Street across from the Christian Church Property, Dranesville District. (Suburban Residence Class 1)

Mr. Mooreland told the Board that Mr. Broyhill had notified him that he could not get the signatures of the five people in the area, therefore would like his case scheduled at 11:30 to be deferred to November 25. Mr. Lamond so moved. Seconded, Mrs. Carpenter. Carried, unanimously.

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3- PEOPLE'S SERVICE DRUG STORES, INC., to permit erection of 2 signs with a larger area than allowed by the Ordinance, (Total area 720 sq. ft.), between Routes 236 and 244, 1/4 mile east of intersection at Annandale (Mason District,General Business)

Mr. Tinsley from the Regal Sign Company represented the applicant. After presenting proof of notification he showed pictures of the drug store with relation to the highway, indicating how visibility was cut off by the liquor store; coming up Route 244 the traveling public cannot see the front of the building, Mr. Tinsley pointed out, until they have passed on or at least not until they are directly opposite the building. The letters are large (12 sq. ft.) because this is a "cut-out" sign. If each letter were computed separately the total area would be 384 sq. ft. for the two signs.

Mr. Tinsley noted that the "Super Giant" next door has a sign with letters five feet high, while these are four feet.

Mrs. Henderson called attention to the Peoples Drug Store at Seven Corners

NEW CASES - Ctd.

3-Ctd. (This is a smaller sign which is adequate); she thought these letters much too large. It is far larger than the Ordinance will allow, she noted.

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On the Super Giant sign the individual letters were computed, Mr. Tinsley recalled. This sign is computed with the background. He also noted that there is only one short distance on Springfield Pk. from which this store would be visible.

Mr. Lamond thought that shopping centers should work out some means of individual identification for their stores which would do away with continual requests for oversized signs for each store. One asks for a large sign; then all the other stores bring in requests which in the end are too far in excess of the Ordinance. The Board has granted some oversized signs, it was agreed, and it is difficult to reverse the position taken. However, it has been suggested many times, Mrs. Henderson recalled, that the Seven Corners method of identification be worked out in other shopping centers. There must be the point of bringing these signs under control. An oversized sign can be reduced, Mrs. Henderson suggested and still be effective. She suggested taking out the word "store" in the "People's Drug Store" sign. That would bring the sign down to 264 sq. ft. Mr. Tinsley stated.

If the letters are cut to 3 by 2 feet, the sign would almost meet the Ordinance, Mrs. Henderson observed.

But, will you count the individual letters on one sign, Mr. Mooreland asked and compute another sign on the rectangle basis? The Board has been counting the individual letters Mrs. Henderson answered, if the sign is free-standing. This could be made up in 3 by 2 foot letters totaling 66 sq. ft. for each sign.

Mr. Tinsley still objected, saying the building is too far back from the road; that size sign would be practically invisible.

Mrs. Henderson suggested that the case be deferred for the applicant to present a new drawing of the sign.

Mr. Lamond moved to defer the case for the applicant and the sign company to get together and come up with a sign area of not more than 200 sq. ft. total area for both signs. Seconded, Mrs. Carpenter.

They are scheduled to open before the next meeting on the 17th, Mr. Tinsley told the Board. They will need their finished sign for the opening. They must start work on the sign immediately to finish it by that time.

Delay in making the application in order that they have time to make up the sign is the responsibility of the applicant, Mrs. Henderson noted.

Again the sign was compared to that granted to Giant, however, it was recalled that Giant has a much larger building and the Giant was cut from a requested 644 sq. ft. to 390 sq. ft.

NEW CASES - Ctd.

3-Ctd. Mr. Lamond moved to grant the applicant not more than 200 sq. ft. aggregate of sign area to be placed on top of the building. This is granted for two signs. If, however, the applicant choses to use this 200 sq. ft. area in one sign, such change in the design should come back to the Board. It is noted that the area of this sign as granted is computed on the size of the individual letters. Seconded, Mrs. Carpenter. For the motion: Mr. Lamond, Mr. Smith and Mrs. Carpenter. Mrs. Henderson voted no. Motion carried.

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4- JACK H. MERRITT, to permit operation of a kindergarten and nursery in a private dwelling, Lot 37, Clearfield, (7705 Edsall Road), Mason District (Rural Residence Class 1)

Mr. and Mrs. Merrit appeared before the Board and presented their proof of notification.

Mr. Merritt gave a resume of their educational background, stating that both he and Mrs. Merritt had attended the University of Oklahoma. He gave a list of their church and civic activities. Mr. Merritt has a business degree and is employed by the Agriculture Department. They have lived in this area for eight years.

They have discussed this school and its requirements with the State offices, the fire marshal and Mr. Bowman of the State Health Department. This building, in a subdivision, was chosen purposely so that very few of the children would have to be brought to school in cars, thereby reducing a parking nuisance. They have public sewer and water.

They discussed their plans with the Clearfield Citizens Association and the Association at Indian Springs telling them how they plan to operate the school. They also talked with surrounding property owners and no one objected.

They will fence the yard and make the place attractive. The school will be well supplied with playground equipment. All play will be well supervised. This is planned as a service to the community. They hope to join the Civic Association and become a part of the community life.

They ask not to have a time limit on this permit as it is expensive to equip the school and they will want to make other improvements as they go along.

The fire marshal and Mr. Bowman will no doubt suggest changes to conform to their regulations after this is granted. They will meet all requirements. The house has three bedrooms, dining and living room, utility room and a basement. They will rearrange some of the rooms and add one bath. The first floor will be equipped for 40 children. That will allow more than 20 sq. ft. per child, as required by the Welfare Department.

4- Ctd. This school will be for kindergarten and nursery school. They plan to have 60 children in kindergarten. They will use the basement. This will be for day care and will therefore come under the State regulations. This is a service planned particularly for working mothers. They will cater to the needs as far as transportation is concerned. If transportation is necessary they will furnish it. The Merritts will not live in the house, but will live in the area. This property has about 9/10 acre. It was noted that area requirements per child will be under State supervision, as the County has no regulations on this. It was agreed that the Board was considering the location on this school only. The applicant must meet local conditions, health and fire, etc.
Not all the children will be in the yard at one time, Mr. Merritt said.
There were no objections.
Mr. Lamond moved to grant a use permit for a kindergarten and nursery school with the understanding that the applicant meet all requirements of the State Health Department and other County and State agencies who have control over this type of operation. This is granted to the applicant only. Seconded, Mrs. Carpenter.
Carried, unanimously.
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5- DR. HENRY BIELSKI, to permit operation of a medical and dental clinic in a private dwelling, Lot 43, Masonville Heights, (2303 Annandale Road), Falls Church District. (Suburban Residence Class 2)
Dr. Bielski told the Board that he is a dentist operating his offices in his home where he is now living. His request is to abandon this house as a residence and operate it as a medical and dental clinic. He would like to use the building with one or two doctors. The letters of notification of this hearing indicate that no nearby nor adjoining property owners object.
Dr. Bielski said he had been living here for about one year operating his dental office and he has heard many complaints about the lack of medical facilities in the area. This would appear to be an ideal place for doctors; it is not far from the new County hospital and about one mile from Annandale.
Both Mrs. Henderson and Mr. Lamond questioned what hardship exists. They cannot see any reason for this except that Dr. Bielski wishes to take in doctors.
Dr. Bielski's brother-in-law, Jerome Snefaski, made an appeal for the granting of this clinic, saying that he had come here in 1939 and had convinced Dr. Bielski to settle here hoping to get their families together and thinking this would be the kind of community in which Dr. Bielski could build up a good practice; many doctors in the County are operating

NEW CASES - Ctd.

5-Ctd. in homes. The community is growing and needs medical men. There are homes now used for doctors and dentists that will grow into small medical office buildings. It is a good way for new professional people to get their start in a community where rents are high. Dr. Bielski has outgrown this building as a home and an office. No change will be made in the outside of the structure. Parking space is adequate. When he outgrows this building he will build an office structure on business property in Annandale; he is not now financially able to do that. This has been discussed with not only the neighbors, but many others in the County who favor such a use.

If this is granted, they will comply with all health regulations, both State and County. The plumbing office has inspected the house and says it is adequate from that standpoint.

Is it true that you have sufficient room to take care of your own patients? Mr. Lamond asked. Dr. Bielski answered yes. Then, Mr. Lamond continued, this move would simply be to make room for the doctors. This use would be changing the character of the neighborhood entirely.

Mrs. Henderson called attention to the fact that this building used as a clinic could meet none of the required setbacks.

Mr. Lamond pointed out that the new zoning ordinance will set up a new business district (C-O) which will be entirely restricted to offices. In the meantime, granting so many of these cases is in effect creating a Business district, while it is the wish of the Board to help these professional people get a start in the County as they usually open practice in their homes, then as business grows, move into a business district, which works very well, but to create a clinic in a residential area where no hardship exists is questionable.

Mr. Mooreland called attention to the fact that there is no section in the Ordinance under which this can be granted. Sec. 6-4-15-f is the only part of the Ordinance under which this might be granted, but the applicant cannot meet the setback requirements.

Refusal of this request would create a severe hardship, Dr. Bielski told the Board.

Mr. Lamond moved to deny the case because it does not conform with the residential district in which this building is located.

Seconded, Mr. J.B. Smith.

Carried, unanimously.

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6- ALFRED PRITCHARD, to permit existing covered patio to remain within 3.65 feet of the side property line, Lot 8, Block 14, Section 5, Virginia Hills (11 Logan Court), Lee District. (Suburban Residence Class 1)

Mrs. Pritchard appeared before the Board. They have owned this house for a number of years, Mrs. Pritchard told the Board. They left for a few years on a tour of duty in Europe and when they returned their family had increased and the house was too small. They contracted to have the patio put on, not realizing that it was too close to the line until they were so advised by the Zoning Inspector. It gives them outdoor living space in summer and is used for storage in winter. It is a good looking structure, Mrs. Pritchard pointed out, as evidenced by the pictures she showed; it is of aluminum construction. The neighbors have all signified that they have no objections and it is the general opinion that it is an asset to the neighborhood.

Mrs. Henderson suggested moving the posts in from the side line, since this is a very small violation. Mrs. Pritchard pointed out that it could be done, but it would cut down the room area and she was afraid it would give the patio an unbalanced appearance. She also noted that the neighboring lot is much higher than theirs and that a high terrace is immediately beyond the patio, precluding the relocation of the structure. This is a hilly section with banks and terraces all over the place. It would be difficult to move the posts as this is a prefabricated job, all fitted for construction. New holes would have to be bored if the posts are moved.

Mrs. Carpenter moved to deny the case because no evidence of hardship has been shown. Seconded, Mr. Lamond.

Carried, unanimously.

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7- REYNOLDS CONSTRUCTION CO., to permit erection of a dwelling within 22 feet of the rear property line, Lot 125, Section 3, McLean Manor, Dranesville District. (Suburban Residence Class 2)

Mr. Karr represented the applicant. He stated that the fifth property owner, whom he had notified of this hearing refused to sign the receipt. He had been notified by telephone. All the others signed and indicated that they have no objection to this variance.

They bought several lots from Barcroft Terrace Development Corporation for building purposes, with the plan to put up 50' by 36.6' houses. Mr. Karr showed a plat of the lots and indicated the home owners whom they had notified of the hearing. They poured the footings on all the houses they are building, but discovered that the angle line on the rear of this lot would make it impossible to put this house on the lot and meet setbacks without a small variance on one rear corner. That comes 22 feet from the rear line instead of 25 feet.

NEW CASES - Ctd.

7-Ctd. Mr. Woolsey, the man who refused to sign the notification receipt objects; however, he was notified and he was not present. Mr. Lamond asked why not cut the building down so it would conform to setbacks.

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The footings are in, Mr. Karr answered, but more than that, this type of house would enhance the area. It is a four bedroom, 2½ bath, with recreation basement which is very attractive. They do not want to shrink the size of the house if possible. As it is, it conforms to the neighborhood; they do not wish to detract from the other houses they are building. They cannot move the house in any direction on the lot and meet the setbacks. They thought it would be better to keep the setback in front and that the three feet on only one corner on the rear would not adversely affect anyone. It is a large lot with a very wide frontage. The house would look very attractive well set off with the large yard. It would not crowd anyone and it would be in keeping with the neighborhood in price and appearance. They have pretty well canvassed the area and find no objections except Mr. Woolsey.

Mr. Mooreland told the Board that Mr. Woolsey had called him and stated that he would not object to this if the applicant would build a fence along the back line. (It was noted that Mr. Woolsey had been granted a carport variance by this Board)

Mr. Lamond moved to grant this application due to the irregular shape of the lot and due to the fact that there are two sewer easements running through the property and granting this will not substantially impair the public good nor will it violate the intent of the Ordinance. Seconded, Mr. J. B. Smith. Carried unanimously.

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8- FRANK J. LUCHS AND JULIUS GOLDSTEIN, to permit erection and operation of a service station and to permit pump islands within 25 feet of the street right of way lines, property located at N.W. corner of Route 7 and Thorne Road opposite Castle Road, Mason District. (General Business)

Mr. Dan Hall represented the applicants. Mr. Hall explained his plat pointing out that this business will share the driveway with the business on the adjoining property.

Mrs. Henderson called attention to the fact that this street will undoubtedly be widened, therefore she thought any variance in setback should not be considered.

Mr. Hall pointed out that there is a steep grade along the highway. The grade runs about 13 feet from Route 7 to the back of the property. They will necessarily do a considerable amount of grading and filling. The pump island will be approximately 3 feet below the road at the 25 foot setback.

Grading problems are not unusual, Mr. Lamond observed; grading and filling are often necessary.

It was noted that the station would have two entrances; one on Thorne Street

NEW CASES - Ctd.

8-Ctd. and one on Route 7.

Mr. Stephenson objected, saying there are twenty filling stations within 1½ miles of the Seven Corners intersection and there is no public demand for more. Mr. Stephenson said he owns the Esso Station at Seven Corners. Mr. Hall stated that they would necessarily have approval from the Highway Department for ingress and egress from both Thorne Street and Route 7. They cannot go ahead until that approval is granted.

Mrs. Carpenter asked what the objection was to moving the pump islands back to 35 feet. They would not be in fair competition with other filling stations in the area, most of which are closer to the right of way, but if the road is widened they will move the islands back.

In this location the Board would be exceeding its authority to grant a variance in setback, Mrs. Henderson stated. In many other cases, such a variance is reasonable, but not here. Down Route 7 farther, access roads have been put in and the highway is divided, she pointed out, but at this corner the access road may not be continued, however it will be widened and the setback should allow for that widening.

Mr. Hall noted that if the pump islands must conform to the 35 foot setback the building also would have to be pushed back, as they must have 23 feet between the building and the pump islands.

Mr. Lamond moved to defer the case to November 25 for the applicant to come back to the Board with a plat showing the pump islands 35 feet from the property lines; however, after further discussion Mr. Lamond restated his motion, granting the applicant the use permit but denying the variance on the pump islands, saying that the pump island setbacks must conform to the required 35 foot setback. Seconded, Mrs. Carpenter. Carried unanimously.

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9- EVERETT EASTER, to permit division of lot with less area than allowed by the Ordinance, Lot 1, Three M's Subdivision at the end of Morris Street, Providence District. (Suburban Residence Class 2)

Mr. Easter presented a plat of the subdivision indicating the traveled road nearest this lot and the distance of the sewer line from this lot (approximately 500 feet) explaining that it would cost about $1500 to bring the sewer to the property, therefore in order to make it economically practical to sewer the lots he has filed this request for division of lot 1 into two lots, one with 12,465 sq. ft. and the other to contain 12,466 sq. ft.

Mr. Mooreland read the following letter from the Director of Public Works:

NEW CASES - Ctd.

9- Ctd.

"November 10, 1958

Mr. William T. Mooreland
Zoning Administrator
County of Fairfax
Fairfax, Virginia

Re: Lot 1--Three M Subdivision
Variance to Zoning Ordinance
(Case 23622)

Dear Mr. Mooreland:

This matter came to our attention on the Agenda of the November 10 meeting of the Board of Zoning Appeals.

This is to inform you that the street on which Lot 1 fronts is not in the Virginia Department of Highways Secondary System for operation and maintenance. As a matter of fact, no construction exists in front of this lot. We have a policy in this Department which would not allow the approval of the subject plat. The policy is that no re-subdivision will be approved where the lots being resub-divided front a street or road that is not in the State System for maintenance. This policy has the approval of the Commonwealth's Attorney.

Recently the County was granted a judgment against the subdivider in the amount necessary to construct these streets.

Further you are informed that Lot 1 is not served by sanitary sewer, which is required by the Zoning Ordinance. There is, however, sanitary sewer in the vicinity of Lot 1; but the Sanitation Division could not approve the subject plat until they had redeived plans and assurances that the existing sewer would be extended to serve Lot 1.

The attached sketch indicates the limits of the existing traveled way and sanitary sewer.

(S) C. W. Porter
Director of Public Works"

It would appear from the letter from Captain Porter that the applicant cannot do anything with this lot, even if the Board grants the division Mrs. Henderson observed.

He would be subject to complying with all these things, Mr. Mooreland said, the lots would have to be sewered and would necessarily front on a public street, which has been accepted by the Highway Department. The Board could grant this and it would naturally follow that he is subject to all the necessary County approvals.

Mr. Lamond moved to grant this application subject to Subdivision Control approval. This is granted in accordance with the plat presented with the case for the reason that this is a slight variance from the County requirements. Mr. Lamond noted that the plat had not been signed by the Certified surveyor.

Seconded, Mrs. Carpenter.

Carried unanimously.

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10- ATLANTIC REFINING COMPANY, to permit erection and operation of a service station and to permit pump islands within 25 feet of the Street right of way lines, S.W. Corner of Arlington Blvd, and Route 649, Falls Church District. (General Business)

NEW CASES - Ctd.

10 - Ctd. Mr. Dan Hall represented the applicant. He called attention to the fact that this station is located on Route 50 behind the Service Drive. They plan to build a two bay station. He showed a picture of the station they would copy.

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Mrs. Henderson asked if the setback reflected the widening of the Annandale Road. Mr. Hall answered that it did not. He was under the impression that the right of way taking at this point had already been accomplished. The right of way here is 50 feet. They have checked with the Highway Department and they indicated that they have no plans at the present time for further widening.

Mr. Schumann volunteered the statement also that he knew of no planned widening beyond the 50 feet. However, he agreed to contact the Highway Department if the Board wished for the most recent information from them.

The Board asked that he do so and adjourned for lunch.

Upon reconvening, Mr. Schumann stated that he had discussed the widening of Route 649 with the Resident Engineer, the District Engineer at Culpeper, and with the Richmond office; all stated that there are no plans to widen beyond the 50 feet.

There were no objections from the area.

Mrs. Carpenter moved to grant a permit to the Atlantic Refining Company to erect and operate a filling station only at the southwest corner of Arlington Boulevard and Route 649 as shown on the plat presented with the case prepared by Lawrence Ostermount, C.E. dated 10-10-58 however, it is also understood that the applicant is not granted the 25 foot setback for the pump island as requested. This is granted under Sec. 6-16 of the Zoning Ordinance. Seconded, Mr. T. Barnes. Carried unanimously.

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11- CALVARY BAPTIST CHURCH AND CONGREGATION, to permit operation of a recreation and camp area with accessory structures thereto, property 1/2 mile north of Route 603 on east side of Route 755, Dranesville District. (Agriculture)

Mr. Paul Robins, Director of Community Services, of Calvary Baptist Church came before the Board.

Mr. Mooreland made an explanation statement before Mr. Robins started: Several years ago a permit was granted on the back of this property for a Baptist Retreat. A stream runs through the middle of that part of the land; it is hilly and not too practical for that use. Now they are asking the same use, they wish to occupy the front of the property. This land is off the main highway by about ½ mile Mr. Mooreland pointed out, it is located at the dead end of Route 755.

To put a building at the rear of this property would be expensive, Mr. Robins explained and inexcessible. They are badly in need of a retreat

NEW CASES - Ctd.

11-Ctd. within the metropolitan area. Up to now they have had to ask other churches or organizations to use their ground for retreat purposes and it has sometimes been difficult and inconvenient to find a place. This was the Fraser property and Mrs. Fraser is pleased to have the Church use it for this purpose. Part of the land has been purchased from Mrs. Fraser. Mr. Robins pointed to the plat explaining which land is retained by Mrs. Fraser.

There is now a 30 foot right of way from Route 603 to this tract, only about 15 feet of which are used. Application has been made and accepted to widen that road to the full use of the 30 feet.

Mrs. Henderson noted that the structures shown on the plat and numbered from 1 to 6 have no dimensions nor setbacks. That should be indicated by the Board Mr. Robins answered, in order that they may know what will comply with the Code; they will maintain a 100 foot setback or more from the road.

This retreat will be used by two groups, Mr. Robins went on, by the Churches and by groups sponsored by the Churches. While it is developed primarily for the Baptists it is intended that other Churches will use it also.

They plan to clear up the lake which is in a little valley and make a safe approach to it. They do not think it necessary to fence the lake, but will do so if the Board thinks it should be done.

Mr. Lamond thought that an open lake was a serious hazard for children who might wander off. Mr. Mooreland suggested that it was hardly practical to request the applicant to fence the lake; it is large and the place will be used only two or three months in the year.

Mrs. Henderson noted that a fence could not be required unless it is within a certain distance of a dwelling.

It was said by a gentleman in the audience who did not give his name, that the lake would not be used except under supervision of a lifeguard.

Mr. Mooreland told the Board that it has the jurisdiction to determine the setback on these buildings as there are no dwellings involved. Accessory buildings can be located 10 feet from the lines, Mr. Mooreland noted, but these are not accessory buildings. No dwellings are near the property.

Mr. T. Barnes moved to grant the application of Calvary Baptist Church to permit the operation of a recreation and camp area on property located at the dead end of Route 755 as recorded in Liber Q3, page 210, shown on plat by Fred S. Lawless, dated October 10, 1958. This is granted to the applicant only. Seconded, J. B. Smith.

Carried, unanimously.

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NEW CASES - Ctd.

13- MINNIE B. SAUVEUR, to permit erection and operation of a motel (11 units) on south side of Lee Highway, just west of the City Limits of Falls Church, Falls Church District. (General Business)

Mr. William Hansbarger represented the applicant.

He showed the location of this property and indicated with pictures that a modern motel constructed at this location would be a distinct improvement to the neighborhood. He pointed out its various businesses operating in the area, which is predominately commercially zoned.

Originally (before the zoning ordinance was adopted) this area was occupied by a motel. The new ordinance in 1941 zoned this for business use. Therefore, the motel which is still existing, is a non-conforming use, which cannot be remodeled. If this case is granted, the present structures will be torn down and a modern motel erected. They will put up an eleven unit structure.

Mr. Hansbarger told the Board that Mr. Patton, the engineer; Mr. Williams, the builder and Mrs. Sauveur were present if the Board had further questions.

There were no objections from the area.

Mr. Lamond moved to grant the application as requested as this would appear to fit into the General Business scheme of the neighborhood and would be an improvement to the area. Seconded, Mrs. Carpenter. Carried, unanimously.

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14- MURRAY DeBOIS, to permit erection of two signs on building with larger area than allowed by the ordinance, (Total area 248 sq. ft.) Lots 22, 23 and 24, Annandale Subdivision, Falls Church District (Gen. Business)

The building is now under construction, Mr. DeBois told the Board. The architect has left a space on the building for this sign to be put on the two sides, one sign facing Columbia Pike and the other facing Route 649. The white plastic sign will be on top of the building, with a background built above the roof level.

Mrs. Henderson thought some of the text of the sign could be taken off thereby reducing the overall size.

There were no objections from the area.

The building is set back so far from both roads it would be difficult to see a smaller sign, Mr. DeBois stated.

Mrs. Henderson noted that this is very little less sign area than the Board granted to Giant which is a 300 foot building. She objected to the fact that the plats and drawings presented with the case do not show the background area to be used for the sign. If that were shown, she continued, it could be determined what size sign could go into that space.

Mr. Lamond suggested that the applicant revise his sign using a height of no more than three feet instead of the four feet indicated on the

NEW CASES - Ctd.

14-Ctd. drawing and no more than 30 feet in length, which would give a sign area of 90 sq. ft. However it was noted that there are two signs. Mr. Lamond moved that the applicant be allowed not more than 75 square ft. of sign area for each sign on the building; each sign shall be allowed a depth of not more than 3 ft.

Mrs. Henderson thought the Board should have a new drawing of the sign.

Mr. Lamond changed his motion to read as follows: That the case be deferred for the applicant to present a drawing of a sign which will have no more than 75 sq. ft. in area for each sign and no deeper than 3 ft.

Deferral would prevent them from having their sign by opening day, Mr. DeBois objected.

Mrs. Henderson noted that too many delay in making their sign variance applications; she cautioned that people should make application far enough in advance to take care of opening day.

Mr. DeBois agreed to cut the sign and bring the revised drawing to Mr. Mooreland.

Mr. Lamond changed his motion as follows: to grant the applicant sign area not to exceed 75 sq. ft. for each of the two sides of the building each sign not to exceed 3 feet deep. (3' x 25')

Seconded, Mr. T. Barnes.

Carried unanimously.

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

Mrs. Crim stated that this house was built 16 years ago with two complete dwelling units (2 kitchens). She bought it, arranged as it is for two families. She wishes now to rent it temporarily, as her son is away on army duty. She is living in the rear, just for the period of the absence of her son. Mrs. Crim said she has no kitchen facilities.

Mrs. Henderson read from Page 95 - 6-12-6-c of the Zoning Ordinance, stating that in accordance with the Ordinance the Board should have a recommendation from the Planning Commission on this before giving a decision. There were no objections from the area.

Mr. Lamond moved to defer the case until December 9 pending recommendation from the Planning Commission.

Seconded, Mr. T. Barnes.

Carried unanimously

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NEW CASES - Ctd.

16- MISS ANNA LEE HUMMER, to permit division of lot, on east side of Route 617, adjacent to south end of Merriam's Store, Mason District. (Rural Residence Class 1)

Mr. Mooreland recalled that Miss Hummer had been granted permission to build a duplex on this entire 1½ acre in August 1955. The back part of the ground is wooded, she is not using it for anything and Miss Hummer wishes to sell that. If she does so she will not have enough land left to cover the area requirements for the duplex. The lot she would sell would meet the ½ acre required for this zone.

Mr. Lamond made several suggestions involving doing away with the duplex use but Miss Hummer said she could not do that as she needs to rent the duplex. The people in the duplex care nothing for the back wooded land, Miss Hummer explained; the land is of no use to anyone except to someone who would care to build upon it.

Miss Hummer said she would never rent the duplex to families with many children. On one side only one person is there renting now. She would never crowd the house with more people than would normally live in a single family dwelling.

Mr. Lamond moved to allow Miss Hummer to sell ½ acre of ground in the back of her property and to continue renting the duplex on the front of this tract. Seconded, Mrs. Carpenter.

Mr. Mooreland agreed to contact Mr. Paciulli (Engineer for Miss Hummer) and explain to him how the Board wishes the property divided. Motion carried unanimously.

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DEFERRED CASES

1- SLEEPY HOLLOW RECREATION ASSOCIATION, INC., to permit erection and operation of a swimming pool, bath house, tennis courts and appurtenant recreational facilities thereto, property on west side of Sleepy Hollow Road, Route 613, adjoins Holmes Run, Falls Church District. (Rural Residence Class 1)

Mr. James Whittock represented the applicant.

Mr. Whittock located the property on the map with relation to the surrounding area, with relation to the homes of those notified of this hearing, and showed the location of people who are members of the club.

This is a non-profit club, Mr. Whittock explained with a membership of not more than 400. In their by-laws they say a membership of 300 with $250 fee for each two adults and $5 for each child. They now have 250 applicants. Nine directors will serve for three years. This is planned to be open from 10 A.M. to 8:30 P.M; Sunday 1 to 8:30 P.M. The activities and facilities shown on the plat will cost about

DEFERRED CASES

1-Ctd. $68,200, Mr. Whittock continued; they will occupy about 5½ acres. Evergreen tree screening is planned on Sleepy Hollow Road for a 30 foot depth. They plan a parking area sufficient to take care of 1/3 of their membership. (150 cars = 50,000 sq. ft. of parking)

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Access will be at the southeast corner of the property off Sleepy Hollow Road. At this point Sleepy Hollow Road is clear for from 500 to 1000 feet in both directions, therefore visibility is good.

The pool will be 25 meters long, 42½ feet wide with a 33 x 32 foot diving el, two diving boards. The wading pool will be 10 x 20 feet. This is designed to take care of 400 families.

Mr. Whittock presented Mr. John Breen, President of the corporation and Rev. W. H. Smith of the Sleepy Hollow Community Church. (Rev. Smith was not representing the Church as a group; he was present as an interested citizen and because he understands this type of recreational project.)

Mr. Breen expressed the following opinions: that people in this area came to realize that this facility is needed after a survey was made. No such facilities are planned and the school grounds are not adequate for community use. Others have talked of this need and some (Peace Valley for example) have tried to go ahead but have failed. This group has gotten together and with a great deal of time and effort now have a good start, having grown from 35 interested people to 205 families. The Board of Supervisors realize the recreational need in the County; this will be operated with no expense to the County.

Rev. Smith again stated that he was representing himself only, not his Church. He stressed the need for a recreational community center, something with a wide appeal to the entire area which would bring greater strength in the unity of families. This could do that, he continued. It could help to wipe out juvenile boredom and thereby reduce juvenile problems. He urged the Board to grant this use for the good of the community.

Mr. Whittock showed the location of the Fenwick Pool with relation to this property and to the area. He noted that the developers of the Small and Greenberg tract to the south endorse this club saying it would be an asset to them in selling their homes.

Approximately 75 people were present favoring this project. Mr. Whittock presented to the Board a list of 15 people who had found it necessary to leave before the hearing was called.

The Chairman asked for opposition.

Mr. Guy Emery appeared representing those opposed. He showed the locations of homes of those whom he represented, indicating that they would be adversely affected by this project because of their nearness to it. He read the following statement detailing the opposition of his

1-Ctd. neighbors:

"Falls Church, Virginia
October 13, 1958

To: The Board of Zoning Appeals, Fairfax County

Re: The Sleepy Hollow Recreation Association

Gentlemen:

We, the undersigned residents of Sleepy Hollow Road and/or the Sleepy Hollow area, Falls Church, advise you herewith of our opposition to the application of the Sleepy Hollow Recreation Association for permission to build a swimming pool at the conjunction of Holmes Run and Sleepy Hollow Road, Fairfax County.

We join with fellow residents of the area in our sincere feeling that this activity, if approved by you, will seriously interfere with our peaceful enjoyment of our residential property by reason of noise, dust, litter, increased traffic hazard and depreciation of value. We subscribe to the arguments in support of our position which will be advanced in person by several of our fellow residents at the hearing on this matter, and add to theirs our request that the application of the Sleepy Hollow Recreation Association for a permit to construct its pool at the aforesaid location be denied.

Respectfully,

Signed	Address
W. D. Kelly	1309 Sleepy Hollow Road
Robb G. Ballance	2024 Sleepy Hollow Road
William E. Murray	2100 Sleepy Hollow Road
Robert H. J. McKay	2028 Sleepy Hollow Road
James E. Milks	2012 Sleepy Hollow Road
Elwood J. Dean	1740 Sleepy Hollow Road
Ann M. Wood	1630 Sleepy Hollow Road
Oleg H. Kor	1422 Georges Lane
Wesley A. Bernhart	1998 Sleepy Hollow Road
Guy Emery	1407 Sleepy Hollow Road"

These people are not objecting to this pool as such, Mr. Emery stated, they object to the location. When the people who proposed the site were asked at an open meeting of the citizens association if there might be an alternate site the answer was yes. Where is this alternate site and why have they not used it, Mr. Emery asked?

Mr. Emery said he had three children and would like to see this facility developed in some more likely area than in the midst of homes. These people in opposition are the ones who will be affected by the noise, dust, litter and depreciation of property values, While those enjoying the use of the project, those who have signed up for membership will have only the advantages. He again pointed to the location of the interested families and compared them to those who oppose the project. There is one swimming pool club in the area, Mr. Emery continued, this may be one too many.

Mr. Emery discussed the traffic hazard and the fact that there is no plan to widen Sleepy Hollow Road which is winding and narrow. He read figures taken from a traffic count on Sleepy Hollow Road on a week day rush hour, and Sunday, all indicating that it is not capable of

1- Ctd.

taking this additional load. He mentioned the hazard to young bicycle riders. He thought the traffic situation alone was sufficient to declare this location unfit.

He asked the Board to take an objective view of this and consider if two swimming pools in this area are necessary, if that is good planning, or Mr. Emery suggested turning this over to the Planning Commission for their decision on whether this is in keeping with the general plan of recreation for the County. (It was noted that the Fenwick pool is practically across the street from this site)

Mr. Barnes asked about the traffic from Fenwick, if it had created a hazard. Mr. Emery said he had bought here after the Fenwick pool was in use and therefore had no means of comparison.

Mrs. Carpenter asked about the alternate site, where it is located and if it could be used.

Mr. Heimlich submitted an opposing petition. He added his opposition to Mr. Emery's, concurring in his statements. Mr. Heimlich emphasized the fact that the members of this club are on the fringe of the area and will not be adversely affected.

Mr. Heimlich said a canvas had been made of pools within a 5 mile radius and many were found to have membership vacancies. He questioned the reasonableness of two pools serving the same area.

The petition filed contained 19 signatures.

Mr. Whittock, in rebuttal, stated that while the granting of this would create two pools across the stream from each other, they are entirely different types of operations. One is an exclusive club type of commercial operation while this club is purely non-profit with the rates low enough to fit the area which is not wealthy and which needs these cooperative facilities. This club would cost an average of $35.00 a year and the $250 membership fee is salable upon permission of the cooperation.

Mr. Whittock said he had seen the County Park plan and this use in the area would be in keeping with the County plan for parks. It would keep this stream-bed property out of residential use. The County Park plan, Mr. Whittock continued, will go before the Board of Supervisors in December for approval.

Mr. Whittock again pointed to the Small and Greenberg development whose owners endorse thisproject.

The 50 foot setback from Sleepy Hollow Road with the 30 foot tree screen and with tree screening on the south, Mr. Whittock said will serve to set this property apart from the area.

Two sites were considered in the beginning, Mr. Whittock told the Board, the Taynton site and this. Mr. Taynton withdrew from negotiations.

DEFERRED CASES - Ctd.

1-Ctd. Only this site was left. It is the only economically feasible place they have found in this entire area.

The interest in this is all to the northwest because that is the populated area. There is also interest toward Malbrook and to the southwest. Small and Greenberg wish them to reserve memberships for their home purchasers. This will, as a matter of fact, Mr. Whittock continued, be very central for the people they serve. They hope to serve the very best interests of the County in putting in this project.

In discussing the entrance from the southeast corner of the road, Mrs. Carpenter suggested two way traffic at either end of the property onto Sleepy Hollow Road.

Mr. Whittock answered that there is a bridge at the other end of the parking lot which would make it too dangerous for the exit or entrance traffic.

Mrs. Carpenter asked if they would have a snack bar. Only machines, Mr. Whittock answered, nothing prepared on the ground.

Dr. Van Evera spoke favoring the project, stating that while this will be personally inconvenient for them, he thought it good for the County and for the community.

Mrs. Carpenter suggested that the access road be widened. However, Mr. Mooreland noted that 30 feet is the required paved area on State roads. He thought 30 feet should be sufficient.

Mrs. Carpenter moved that a permit be granted to the Sleepy Hollow Recreation Association to operate a swimming club as shown on the plat prepared by Rodgers Brothers and Associates, dated August 13, 1958 with the provision that the access road leading into the parking lot be 30 feet wide. This is granted under Section 6-4-15-c of the Ordinance and is granted to the applicant only. Seconded, Mr. Barnes.

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

Mrs. Henderson disqualified herself to vote since she is a member of the Fenwick Club.

Motion carried.

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2- SPRINGFIELD AMERICAN LEGION POST 176, INC., to permit erection and operation of a building 50 by 100 feet to be used as an American Legion home and community purposes, property located 312 feet west of Backlick Road on an access Road and south of Route 644, Mason District. (Rural Residence Class 2).

Mr. Hardee Chambliss represented the applicant. This was deferred, Mr. Chambliss recalled for plats showing location of the building and distances from the side lines. Mr. Chambliss had discussed the parking area which was in question at the last hearing with Mr. Schumann who also agreed that more parking should be available. This they can provide,

DEFERRED CASES - Ctd.

2-Ctd. Mr. Chambliss stated. He showed on his revised plat how this could be provided. The parking area will be black top.

Mr. Chambliss pointed out that they would also like to use the rear property for an athletic field. If the Board does not agree with that they will be willing to withdraw it, Mr. Chambliss stated and they could use the high school property. If the Board does grant the back land for the athletic field they will screen with evergreens to protect adjoining property.

Mrs. Henderson asked about access. Mr. Chambliss said they have changed to two road way easements; one for ingress and the other egress to relieve traffic congestion - one way traffic.

Mrs. Henderson asked if anyone from the Legion had talked with people from Springfield regarding screening against their subdivision. They had not.

Mr. Napley said they had tried to get together with the Legion but had had no success. He insisted that something definite be done to provide adequate screening.

Mr. Chambliss objected to screening saying it would be unreasonable to require it; he had thought of the screening only if the large rear area is used.

But if the back land is cleared anything could go on there, Mrs. Napley suggested. She thought nearby property owners should be protected.

Mr. Dentz from the Legion said they would agree to screening and would get together with the people to decide upon something equitable.

Mr. Chambliss suggested a granting contingent upon putting in the small trees now.

Mr. Napley also called attention to a drainage situation which should be corrected.

Mr. Lamond moved to grant the application to Springfield American Legion Post 176 with the provision that proper screening be provided along this property which borders Springfield Subdivision; this is the area which will border the proposed athletic field. Planting shall be of at least 3 foot evergreens planted on 8 foot centers. It is also understood that this planting will be accomplished by May 1, 1959. This is granted in accordance with the map dated November 4, 1958 presented with the case.

Seconded, Mr. Barnes.

Carried unanimously.

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DEFERRED CASES - Ctd.

3- CAROLINE M. MATTHEWS, to permit extension of dance studio, Lot 8, Block 11, Section 5A, Springfield, (7018 Essex Avenue), Mason District. (Suburban Residence Class 1)

The applicant requested that this be deferred until December 9. The Board agreed.

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4- PAUL J. ZIRKLE, to permit two family dwelling to remain as erected, Lot 3A, Resub. Lots 2, 3 and 4, Block 2, Pimmit Park Addition to El Nido, corner of Hitt and Seventh Streets, Dranesville District. (Rural Business)

Deferred for recommendation from the Planning Commission. The motion to defer to December 9 was made by Mr. Lamond and seconded by Mrs. Carpenter.

Carried unanimously.

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5- LEWIS H. C. JOHNSON, to permit erection and operation of a service station with pump islands within 25 feet of the street property line, Part Parcel 1A, Forestville Heights, Dranesville District. (Rural Business)

Mr. Mooreland stated that it was thought that the School Board had objection to this filling station and had expected to present their opposition at this time. Mr. Pope had mistaken the day of the hearing, thinking it was Tuesday the 11th, therefore no one was present on their behalf. Mr. Pope will be in later, however. He has sent a letter to the Board which has not been received.

Mr. Johnson said he would like an opportunity to offer his suggestions for eliminating some of the objectionable features. The road is narrow but they will widen it and supply curb and gutters.

Mr. Lamond moved to defer the case to November 25. Seconded Mr. Barnes.

Mr. Johnson said he would like a copy of Mr. Pope's letter of objection. The opposition also asked for a copy. Motion carried.

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6- CASA BLANCA, INC. to permit dwelling to remain as erected 6.9 feet of the side property line, Lot 9, Pomponio's Addition to Bel Air (1203 Annandale Road) Falls Church District. (Suburban Residence Class 2)

No one was present to support the case. It was deferred to November 25 by the motion of Mr. Lamond, seconded, Mr. Barnes. Motion carried,

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Mr. Mooreland stated that one year ago April, the Board granted a permit to an Esso filling station at Kings Highway and Telegraph Road. They came in on October 17, making application for a permit which was approved. They did not go ahead with the building until after the year had expired.

Mr. Mooreland asked if the permit was good. The Board said it was good for one year from the date of granting the use, since this is granted under Section 6-16.

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Mr. Woodson came into the room and the Johnson filling station case was taken up again, since all parties concerned were present.

Mr. Woodson apologized for their misunderstanding of this date of hearing.

The School Board would recommend against the granting of this application Mr. Woodson said, because of the narrow curving road. Children walk on this road and with a filling station at this location it would cause a serious hazard to them coming to school in the mornings. This hazard was also the cause of considerable amount of objection from people in the area, Mr. Woodson continued. Many of them appeared before the School Board opposing this use.

Since this property is zoned for rural business uses then the normal conclusion would be Mr. Kuhn stated, that any business here would be objectionable. It was therefore impractical to zone this land for business.

You are possibly right, Mrs. Henderson answered. There are many businesses over which this Board has no control but if the Board does have control, as in the case here the Board should exercise that authority.

Mr. Lamond withdrew his previous motion to defer the case. This was agreed to by Mr. Barnes.

Because of the narrowness of the road and the close proximity of the school, Mrs. Carpenter moved to deny the application for a filling station at this location. Seconded, Mr. Barnes. Carried unanimously.

Mr. Pope's letter came to the Board later and is quoted below:

"November 11, 1958

Chairman, Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Mrs. Henderson:

The Fairfax County School Board on November 4, by appropriate action, asked that you be advised of its opposition to the requested use permit for a gasoline service station on Route 681 near the Forestville School.

Our Board feels that the objections submitted to you by citizens of the area are valid and justifiable and urges rejection of the application by your Board.

Very truly yours,

(S) George H. Pope, Assistant Superintendent"

Mr. Mooreland stated as follows: There is a garage with a utility room on the back which has been built under the Ordinance. The angle of the side line is such that the garage is 15 feet off the property line but the storage area is 10 feet from the property line. May these people use the

garage as part of the house? The Board agreed yes. Mr. Lamond thought that the Board needed the advice of the Commonwealth's Attorney on these borderline cases. However, Mr. Mooreland recalled that the Commonwealth's Attorney would throw such a question back to the Board asking them to interpret the Ordinance, which is within the Board's jurisdiction.

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Johnson's Restaurant:

Mr. Mooreland stated that Mr. Johnson has obtained his permit on his restaurant but has not gone ahead with construction. He asked if this permit is still good.

Mrs. Henderson thought not; she read from page 91 of the Ordinance indicating that he must "proceed to completion" the work on the building. It was brought out that Mr. Johnson has proceeded no farther than digging a hole.

The Board suggested that Mr. Johnson appear before the Board to show cause why the exception granted is not used.

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Dr. Wineland indicated to Mr. Mooreland that he felt discriminated against since the Board had granted Dr. Choi an unlimited permit to operate in a home and had limited the time on his permit. The two cases, Dr. Wineland considered practically identical.

Mr. Lamond moved that Dr. Wineland be notified that the three year restriction on his case has been lifted by the Board and that his permit is unlimited. Seconded, Mr. Barnes.

For the motion: Messrs. Lamond, Barnes, and Smith and Mrs. Henderson. Mrs. Carpenter did not vote. Motion carried.

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Mr. Lamond moved that the Board send a contribution to the Heart Association in memory of Mr. O. A. Lawson. It was agreed.

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The following letter from Mr. William T. Shealy was read:

"November 4, 1958

Chairman, Zoning Board of Appeals
Fairfax County
Fairfax, Virginia

Dear Mrs. Henderson:

I am writing to thank you and the members of your Board for the manner in which you considered my request for a use permit to open a Kiddieland in Fairfax County.

Several members of the Annandale Baptist Church Board had received my plan enthusiastically and I was quite surprised when it was opposed so vehemently at the hearing on October 27.

In spite of the fact that I believe the churchmen over-emphasized the possible interference from our kiddieland, I submit that without their cooperation it would have been foolish to open on that property had the permit been granted. As we mentioned at the hearing, it is part of our promotional plan to cooperate with and assist youth and community activities.

"Our real estate broker is attempting to find a more suitable location in the immediate area and should it be within the confines of Fairfax County, perhaps a similar request may receive consideration.

Sincerely yours,
(S) William T. Shealy, President
W. T. Shealy Enterprises, Inc."

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The meeting adjourned.

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 25, 1958 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse. All members were present at the call of the meeting except Mr. J. B. Smith. Mrs. M.K. Henderson, Chairman, presiding.

NEW CASES

1- HAROLD F. KENNY, to appeal a decision of the Zoning Administrator or other administrative official in denying approval of building permit, Lot 66, Section 1, Kent Gardens. Dranesville District. (Rural Residence Class 2)

Mr. Kenny appeared before the Board stating that he was appealing from the decision of the Zoning Administrator and other County officials who have refused him a building permit on Lot 66.

Mr. Mooreland asked to make a background statement to the Board: Mr. Kenny made application to his office for a building permit on Lot 66 Section I, Kent Gardens. Lot 66 is shown on the subdivision plat as a "reserved area". Mr. Kenny came to his office with this request showing his proposed location site, knowing the status of this parcel of ground. Mr. Mooreland said he discussed this proposal with Mr. Kenny at length, telling him that he could not grant the request for a building permit, but suggested that it be turned over to the Department of Public Works. Mr. Kenny was told in that office that his proposed location was in the flood plain area. Mr. Kenny was not satisfied with the statements of either Mr. Mooreland or the Department of Public Works. He then talked with Mr. Massey, who in turn wrote Mr. Kenny a letter which was in agreement with the information Mr. Kenny had received from the Department of Public Works and from Mr. Mooreland.

Mr. Mooreland said he had checked the preliminary plat of this subdivision dated in 1952 on file in the Subdivision Control office and found that that plat had been approved. It did not show this area (Lot 66) as a lot. But, when the final plat came through, it showed this area as Lot 66. It did show as a reserved area. It was evident that there was a question of drainage at that time and the developer did not include that parcel in the subdivision. How it received the number 66 is not known.

Mr. Lamond asked if this area had "flood plain" marked on the plat when it came from the Department of Public Works. The County did not have a Department of Public Works at that time, Mr. Mooreland answered, but it showed the flood plain location.

At this time Mr. Kenny read the letter he had received from Mr. Massey.

"16 October 1958

Mr. Harold F. Kenny
1022 N. Kentucky Street
Arlington, Virginia

Dear Mr. Kenny:

In connection with your application of October 2, 1958 for permit to build one dwelling on area designated as 66 (reserved

1-Ctd.

area) in Section 1 of Kent Gardens Subdivision, I wish to advise you as follows:

In accordance with my several telephone conversations with you I have reviewed this application with our Zoning Office and Department of Public Works and have concluded that this application should not be granted.

The sub-division plat, as recorded, designates this parcel of ground through which Pimmit Run drains as (reserved area) but with the number 66 which is the next lot number in sequence. None of the other lots bear any notation relative to being reserved or being available for building sites and it would, therefore, seem obvious that this reserved area was not in the same category as the other 65 lots.

Since no drainage easement or drainage facility was shown along Pimmit Run on this recorded plat or on the construction plans, it appears that this was not considered a building lot at the time our Planning Staff reviewed this proposed subdivision and approved the street and drainage improvements therefor.

Your proposed grading plan submitted in connection with the application for building permit would result in completely blocking the natural drainage area on that side of Pimmit Run thereby substantially decreasing the flood plain cross-section resulting in raising the flood elevation upstream from this proposed fill and on the opposite side of Pimmit Run.

The entire proposed fill area, including the dwelling location, would be within the high water area and would be subject to erosion and flood damage.

(S) Carlton C. Massey, County Executive "

Mr. Kenny's answer to Mr. Massey is also quoted:

"19 October 1958

Mr. Carlton C. Massey, County Executive
Court House Building
Fairfax, Virginia

Dear Mr. Massey:

I have your letter of 16 October 1958 and do not see in it any legal reason why a permit to build should not be granted.

May I again state to you my position. I am merely making application for a permit to build on Lot 66 in Kent Gardens, Section 1, in accordance with Section 1-4 of the Fairfax County Code.

I heartily protest such arbitrary interpretations of the Code as evidenced by your third and fourth paragraph. In the third paragraph you completely ignore the fact that Section 5-10g of the Code requires that a record plat must show "the number and area of all building sites", Lot 66 is such a site containing 54,811 sq. ft. In your fourth paragraph you state that no drainage easement or drainage facility along Pimmit Run was shown. I submit that Section 5-10g also requires that "The accurate location and dimensions.... of.....boundaries of all easements....."be shown. If it is your contention that a drainage easement should have been shown, I would like to remind you that you have accepted and approved the final plat and as no such easement was shown it must follow that none was required.

May I again point out that the improvement I intend to place upon Lot 66 does not have a basement to flood and is sufficiently above the high water mark as experienced by the property owners fronting on the same street. (Somerville Dr.)

I cannot agree with your contention that the grading plan I have submitted would have any appreciable effect upon the flood elevation of Pimmit Run as the existing average grade in the area of the building is at least 6 feet above the normal level of Pimmit Run.

1-Ctd. I again ask that Zoning release my application for permit so that I may continue with the balance of the check list and obtain my permit.

(S) Harold F. Kenny"

Mr. Kenny showed photographs of the area which led Mrs. Henderson to question how anyone could expect to build on such a generally low area.

Mr. Kenny said he had asked many people in the County offices what this "reserved area" means. He has not yet received a satisfactory answer, but he got the impression that this designation ("reserved area") would not constitute a valid reason to reject a permit if other County requirements are met.

Mr. Mooreland said that those words on the plat were a "flag" and therefore he could not approve the permit. Public Works could do nothing about it because they claim it is flood plain land. Still, Mr. Kenny continued, he does not know what this area is to be used for. The deed of dedication does not say. The Engineer had suggested that this reserved area might have been instigated by him and not by the County.

Mr. Kenny noted that there are four houses across the street from this site.

Mr. Kenny said he realized that from time to time water has been in Somerville Drive.

Legally, Mr. Kenny insisted, there is no reason why a permit should not be granted by the Zoning Administrator. This is a recorded plat; it is a building site, subject to County regulations which he can meet. He does not plan to have a basement; the house will be entirely above the high water level. It is said that this is in the flood plain, but this was a recorded lot prior to the modern flood plain regulations, which regulations would not allow recordation of a lot in flood plain area. There was nothing in the Ordinance at the time this lot was recorded which would preclude its inclusion as a lot.

Did these words "reserved area" mean in 1952 what an impressed easement means today? Mr. Kenny asked. That it is restricted ground and no improvement can be made without permission from the Board of Supervisors? Mr. Massey does not say this is restricted ground; he calls it reserved area, but not restricted.

Mrs. Carpenter asked what would be the difference between "reserved" and "restricted".

This is a recorded lot, Mr. Kenny answered, with that statement which has no pertinency to the Ordinance. If it does have pertinency it should be shown to him how it is pertinent. Mr. Massey says this is reserved, but does not say he would not grant a permit. Mr. Kenny quoted the fourth paragraph from Mr. Massey's letter, saying he disagreed with that. The Code says all easements must be shown on the plat, Mr. Kenny contended.

NEW CASES - Ctd.

1-Ctd. Mr. Mooreland recalled that there are actually two codes, that used in 1952 and now.

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If this were to come under subdivision today, Mr. Kenny stated, Mr. Massey would be correct; the County could put an easement on this ground as a flood plain and make it restricted area, but in 1952 there were no effective flood plain provisions as are contained in the code today. Therefore, this is a building site; requirements of today cannot be applied to a lot recorded in 1952.

Plats now show a restricted area which cannot be improved without permission from the Board of Supervisors. That land cannot even be filled without permission. This is not such ground as would be reserved today. If there are regulations which specify the reason "reserved area" was put on plats before 1952 and the Board of Supervisors does not want improvements then he should be shown how and why this land is held out of use. This is merely an assumption, Mr. Kenny charged. It is taking land without due process of law.

Mr. Kenny said he bought this land in April 1958. He bought it, knowing that this is Lot 66 with the designation"reserved area" but with knowledge of the Code. He knows that this is a recorded lot; it is a buildable site as long as certain modifications are made. He will make those modifications for his own protection.

On subdivision plats filed today, Mr. Kenny continued, areas are often held out for one reason or another, designated either an out-lot or reserved area that is on the final plat which makes that particular area not buildable. The County may need a dedication of easement for road or for some other purpose and this is shown on the final plat. Property held out is for a specific reason and it is so specified on the plat or on the deed of dedication.

In this case, the engineer realized that there was something of a problem because of the lake. They reclaimed four lots across the street but they did nothing about Lot 66 by the way it was platted.

It is the function of the County, Mr. Kenny insisted, to tell him what this land is reserved for. Mr. Massey made no mention of why this lot cannot be used. The final plat not only shows the number in sequence but it shows the area. If this was meant to have been restricted it would have been designated Number 1 or (a) but not have been numbered consecutively with the other lots. Therefore it is a lot. Nowhere can any reason be found explaining why this is not a lot, except the statement of the County that it should not be used. If this Zoning Office says this is a "reserved area" they must impress an easement on this ground; obviously there is no easement.

1- Ctd.

But "reserved area" means reserved, Mrs. Henderson observed. That means flood plain and the County does not want that area to be used as it would damage the surrounding area.

The boundaries of all easements should be mentioned, Mr. Kenny answered. If this comes under Subdivision Control their regulations are that they must preserve the drainage area. They are required to show the boundary of that easement or the flood area not to be used.

The front of the lot is satisfactory to be used, Mrs. Henderson pointed out, it is the back part of the lot that is in the flood plain.

Mr. Kenny said he had also talked with the Commonwealth's Attorney who gave him no opinion, saying it was up to this Board to make a decision on this.

Mr. Lamond moved that this case be deferred to give the Board the opportunity of consulting with the Commonwealth's Attorney - deferred until December 9.

Mr. Price, from the audience, stated that the land across from him floods and he had seen the water 45 inches deep in Somerville Drive. It floods from Kirkley going north. All the low ground floods badly.

Mr. Kenny said there are mounds on this lot which are five or six feet above the water line which do not flood.

Mr. Price asked how the creek would be protected. He stated that he was not present to object to Mr. Kenny but he wanted to know how the low land will be cared for. His interest was in keeping the water from coming down the road.

Mr. Barnes seconded the motion to defer.

This is a simple legal problem, Mr. Kenny suggested, however, he would take a rejection if the Board wished as he had already had that answer from both the Zoning Administrator and from Mr. Massey. His purpose in coming to this Board was simply to exhaust his administrative remedies. There has been time to investigate this, Mr. Kenny insisted; he could see no reason to continue the case. He asked a decision today so he could carry it onto the court.

This is a legal question, as you have pointed out, Mrs. Henderson reminded Mr. Kenny. This Board has access to the Commonwealth's Attorney on legal matters and in fairness to this Board and to the County the Board should have the advantage of an opinion from the Commonwealth's Attorney. The Board has had no opportunity of investigating this case prior to this hearing, Mrs. Henderson continued, it is an expense to the County to go to court and every effort should be made to give this full consideration before giving a decision.

The legality of the taking of the land is the question, Mr. Kenny stated and since his full evidence has been given he asked the Board to notify

1-Ctd. him of its decision.
That decision will be given at the next meeting on December 9, Mrs. Henderson stated, which is the regular procedure of the Board.
The motion carried unanimously.
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2- ANNIE E. MUCH, to permit conversion of existing single family dwelling to two family on lot with less frontage and area than allowed by the Ordinance, on west side of Route 712, 1/4 mile north of Route 236, Mason District. (Suburban Residence Class 3)
It was noted that this case had not been before the Planning Commission for recommendation as required by the Ordinance. Mrs. Henderson recalled that similar cases have been handled by the Board without reference to the Planning Commission. However, in this case the applicant has a lot with less frontage and less area than required for a duplex dwelling. That would appear to be more variance than the Board could grant.
Mr. Mooreland suggested hearing the case and referring it to the Planning Commission before the final decision is made.
Mrs. Much told the Board that she had lost her husband and is living on social security and hopes to have the rent from her apartment in this house. She would like to have a couple or two school teachers in the house. She now has roomers but it would be better to have less people in the house and by constructing the duplex arrangement, the renters could be to themselves. She would put in a small kitchen and would not rent to people with children. She has a ten year old child, Mrs. Much continued, and she thinks it better to be home, which she can do by renting the apartment, than to be away working.
It was noted that Mrs. Much had not presented floor plans of the proposed duplex. She was told that would be necessary before going before the Planning Commission.
Mr. Lamond moved to defer the case until December 9 and refer it to the Planning Commission for recommendation. Seconded, Mr. Barnes.
Motion carried.
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3- HOT SHOPPES, INC. to permit erection of three signs with total area larger than allowed by the Ordinance (Total area 294 sq. ft.) N.E. corner of Route 7 and Route 244, Mason District. (General Business)
Mr. Jack Stone represented the applicant. This is the new location of the Rosslyn Hot Shoppe, Mr. Stone told the Board. The signs requested are the same as those granted on Route 50. The apparent difference in the square footage is the result of difference in computations of the area.
Mrs. Henderson asked why have both "eat in your car" and "car service"?

NEW CASES - Ctd.

3-Ctd. It would appear that these signs could be reduced, Mrs. Henderson suggested, without substantial loss of advertising to the business. Mrs. Carpenter moved to grant a permit to Hot Shoppes, Inc. for erection of signs to aggregate 194 sq. ft. in area, granted in accordance with the plat presented with the case, dated 10-9-57 showing building location and granted according to drawing presented dated 5-2-55. #P-626. Seconded, Mr. Lamond.
For the motion: Mr. Lamond, Mr. Barnes and Mrs. Carpenter.
Mrs. Henderson voted no as in her opinion the pylon is too big.
Motion carried.
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4- MRS. REGINA B. WALKER, to permit operation of a day nursery in a private dwelling, Lot 237, Section 4, Springvale, Mason District. (Rural Residence Class 2)
This school would be conducted in a half-day session for children from three to five years old, Mrs. Walker told the Board. She would have about twelve children (for three or four days a week). She has not yet contacted the Fire Marshal nor the Health Department, but would do so if this use is granted. This is a seven-room brick house with a basement. Mrs. Walker said she also owns the adjoining lot. This will be purely a neighborhood project. She has taught school before this. The house has public water and a septic tank designed to handle two baths.
Mr. Lamond made it plain that if this is granted it would be subject to approval of the fire marshal and the Health Department.
Mrs. Carpenter asked, what about the traffic situation and fencing the property? This is a dead-end street, Mrs. Walker answered, where very little traffic is generated. She has already fenced the back yard. She will use the back yard for play.
There were no objections from the area.
Mrs. Walker said she would conduct this school only during the winter months.
Mr. Lamond moved that Mrs. Regina Walker be allowed to operate a day nursery in her home located on Lot 237, Section 4, Springvale provided she meets regulations of the fire marshal and the Health Department and that the lot shall be fenced to provide ample protection for the children. This is granted to the applicant only. This is granted also subject to any other County or State regulations applying to this type of operation. Seconded, Mr. Barnes. Carried, unanimously.
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5- AMERICAN STORES CO., INC., to permit erection of two signs with larger area than allowed by the Ordinance (Total area 262 sq. ft.) Part Block 1, Section 3, Hollin Hall Village, Mt. Vernon District. (General Business)

NEW CASES - Ctd.

5-Ctd. Mr. Roseman from the Triangle Sign Company represented the applicant. Mr. Roseman noted in the beginning that these are smaller signs than those requested in Annandale, the pylon having an area of 80 sq. ft. (double faced) not counting the poles, whereas the sign at Hybla Valley contains 132 sq. ft. If the Board wishes they would cut the height of the poles. The sign will be controlled by an astronomical clock, Mr. Roseman stated, which will close if off after store hours.

Mr. Lamond suggested that the Acme Store go in with the Hollin Hall Village on a package sign deal, rather than for each company to come before the Board on its own. If a certain sign area is allotted to the entire development with one large identification sign indicating the shopping center, each store would need only a small individual identification. Such an arrangement has been worked out very successfully, Mr. Lamond continued and the overall effect is pleasing but here, you have one big store taking up all the sign area. If they had the one large sign identifying the Hollin Hall Village Shopping Center, then with a simple sign indicating cleaners, drugs, hardware, etc. over each particular type of business it would have dignity and style and would be more in keeping with the area than a blaze of large signs. These individual names could be placed on a canopy encircling the entire shopping area.

They are actually working it like that, Mr. Roseman answered. It is their plan to put a large sign at two corners of the shopping center-- Hollin Hall Village Shopping Center at one end and Acme at the other. The other signs will be small. Acme is the drawing card for the whole shopping center, Mr. Roseman continued; it is logical that it should have special recognition. It is necessary that Acme be successful in order that the other stores will prosper, since a large percentage of the people coming to the shopping center do so because of Acme.

A gentleman representing Acme said they were very conscious of the fact that this is an attractive shopping center with its Colonial theme in architecture and they do not wish to detract from the good development. They have spent a great deal here in order to keep this development in conformity with the community.

Mr. Lamond contended that the one entrance sign "Hollin Hall Village, etc." was appropriate but that the center would be cheapened with an equally large Acme sign at one entrance.

Each Acme store has its own particular type of advertising the gentleman from Acme continued, they make a serious effort to cooperate in whatever locality they enter and in this case they have deviated from their usual plan in order to carry out the colonial theme and make the store conform to this location. This is a simple sign which will blend well with the

5-Ctd. conservative colonial architecture. Under no circumstances will they get the advertising from Fort Hunt Road that they need. It is narrow and unless a sign is near the highway, the store will not be seen at all. This sign is for the driving public; they must have those people as the immediate area cannot support a store like this entirely. The investment is too large for any one area, it must attract people from other developments who are passing this way.

Mr. Lamond called attention to the fact that the Planning Commission wishes to concentrate on such shopping centers as Hybla Valley and Belleview, rather than stringing large signs along the highway. He thought the Board should go along with that idea.

Mrs. Henderson asked what hardship would require this sign. Competition, Mr. Roseman answered, with the large super markets. They compete with all the other large food stores.

Super markets have become identified with doing big things, the Acme representative explained. They are the only market in the area and this sign is their way of letting people know they are in business. They are not inclined to hide their light under a bushel, he continued. They cannot; they have too much at stake.

Mr. Stoll asked who was notified of this hearing. Mrs. Henderson read the names submitted by the applicant. The notification requirements were shown to have been met.

Mr. Stoll said the people in this community welcome Acme but they do not like the flood of lights and they fear this will encourage large signs on the other business yet to be developed to the north. He thought this sign would impair property values in the vicinity.

Visibility of the sign was discussed, with relation to topography. Again the size of these signs was discussed and the suggestion that the square footage be reduced.

Mr. Lamond moved to grant the sign to be placed on the building but to deny the pylon. The area to be allowed on the building shall be 132 sq. ft. as shown on the plat "Acme Markets". This will be placed on the canopy of the building. Seconded, Mrs. Carpenter. Motion carried.

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6- DAVID S. BOGER, to permit erection and operation of a motel (84 units) on south side of Lee Highway adjacent to Ancient Oaks Trailer Court, Falls Church District. (Rural Business).

Mr. Boger appeared before the Board. Identifying this property as the large commercial area on Lee Highway on which a number of trailers are now located, Mr. Boger said they would retain the 80 trailers. The

6-Ctd. motel would be located immediately west and adjoining the trailer property.

Mrs. Henderson recalled that Mr. Boger's application for extension of the trailer park is still pending, that it was deferred indefinitely because of a drainage problem and inadequate sewerage.

That was on the other side of the property, Mr. Boger answered; there is a problem there and they could not put this building on that part of the property. There is no problem here. The people in the area want this, Mr. Boger told the Board. They have encountered no opposition.

Mr. Mooreland called attention to the fact that if this is granted, the applicant cannot go ahead with the project unless he can assure the County that adequate drainage and sewerage are provided.

Mr. Boger said they would widen the road for ingress and egress to at least 30 feet. There is no through circulation from this project to any other sheet.

Mr. Yaremchuk stated that the future widening of the highway in front of this property will go to 80 feet. The Planning Commission would like to see a setback here of 40 feet beyond the future taking point.

Mr. Boger said they could move the swimming pool back to meet this requirement.

Mrs. Henderson questioned if 30 feet was enough for ingress and egress.

Mr. Mooreland said the state asks for a 50 foot maximum entrance and recommends at least 30 feet. He thought this entrance as planned is better than having separate ingress and egress, two break-ins to the highway.

There were no objections from the area.

Mrs. Carpenter moved to grant the application of Mr. David Boger for an 84 unit motel with the exception on the plat of moving the swimming pool back from its present location to not closer than 40 feet from the front property line. Seconded, Mr. Lamond. Carried, unanimously.

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7- MRS. AUDREY H. YOUNG, to permit operation of a riding school, Lot 17, Lake Hills Subdivision, (N.W. corner of Lake Hills Drive and Route 123) Lee District. (Agriculture)

This would be a riding school designed particularly to give lessons to children in the neighborhood, Mrs. Young told the Board. She has five acres. She will have no more than one breeder, one mare and two ponies.

There were no objections from the area, in fact this has come about, Mrs. Young stated, by request of the neighbors. Mr. Barnes moved to grant Mrs. Young a permit for a riding school on her property, Lot 17, Lake Hills Subdivision. This is granted to the applicant only, granted in accordance with the plat presented with the case. Seconded, Mr. Lamond. Carried unanimously.

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NEW CASES - Ctd.

8- JOSEPH S. GORDIN AND HARRY S. MENSH, to permit erection of a store building directly on side line adjoining Rural Residential property, on west side of Route 617, 492 feet south of Route 644, Mason District. (General Business and Rural Business).

Mr. Gordin appeared before the Board; he pointed out that this property which is commercially zoned is joined on one side by a lot which is zoned Rural Residence. It is the only lot on the entire block that has a residential zoning. There is no doubt but what that one parcel will be zoned and developed for commercial use, as it is impractical, surrounded as it is with business zoning, that it could have any practical residential use. The Board of Supervisors have stated that when and if that property is brought before them for a rezoning to business it would be granted. It is also scheduled for business zoning on the commercial plan of the County, therefore it is not unreasonable that the building which Mr. Gordin will erect on his business property be located on the property line.

The building will be set back 142 feet from Backlick Road to provide parking in front of the building. The house now on the property will be torn down.

There were no objections from the area.

Mr. Lamond moved to grant the permit to erect a store building directly on the side line adjoining the Rural Residence propert located on the west side of Route 617 approximately 492 feet south of Route 644, because this property in question is joined by residential property which is only 70 feet wide, located between commercially zoned property and in time it too will be zoned commercial. Seconded, Mrs. Carpenter. Carried, unanimously.

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9- STATESMAN MOTEL, INC., to permit erection and operation of a motel (50 units) on southerly side of U.S.#1 Highway, approximately 350 feet west of Bellefield Road, Mt. Vernon District. (General Business)

No one was present to present the case. Mr. Lamond moved to put the case at the bottom of the list. Seconded, Mrs. Carpenter. Carried unanimously.

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10- LLOYD L. RUTLEDGE, to permit dwelling to remain as erected 14.8 feet of the side property line, Lot 9, Popkins Heights, Mt. Vernon District. (Suburban Residence Class 2)

Mr. Jack Clay represented the applicant. Mr. Rutledge was forced to move the location of this house several times, Mr. Clay told the Board, in order to get into the sewer. When they finally got it successfully located the slip occurred. After the building was started he decided to brick veneer it. The 2 inch width of the brick was not taken into

NEW CASES - Ctd.

10-Ctd. account.

The lot is far in excess of the required area, Mr. Clay noted, and had it not been for the need to shift around to avoid a gully and to reach the sewer the building would not have been located so near the side line. The violation is very small; it is merely the width of 1/2 brick.

There were no objections from the area.

Mr. Lamond moved to grant the application because this is a very small variance which would not adversely affect anyone and because of topography. Seconded, Mrs. Carpenter.

Carried, unanimously.

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DEFERRED CASES

2- CASA BLANCA, INC., to permit dwelling to remain as erected 6.9 feet of the side property line, Lot 9, Pomponio's Addition to Bel Air, (1203 Annandale Road), Falls Church District. (Suburban Residence Class 2)

Mr. Carson Carlisle represented the applicant. This is just an error. Mr. Carlisle stated he had no explanation how it happened. The porch could have been put on the other end, but it was staked out this way. It is not difficult to make an error in staking out a large number of houses in a subdivision, Mr. Carlisle stated. They work fast, a great deal of grading and work is going on. Errors creep in even when one is very careful.

Mrs. Henderson noticed that the plat was dated 1955. She asked why the applicant was so late in applying for the variance.

The original plat was submitted before the porch was put on, Mr. Carlisle answered. The original location of the house was all right. The porch was put on later, after the basement was put in. The house has been occupied. It is for sale now.

Mr. DuBois, President of Casa Blanca, showed the original plat which was approved. The house location check was made on the basement. They had room for the porch but the mistake was made. They had room enough on the lot for a porch on either side of the house.

The company owns the house now; since they have found this error, they wish to clear up this violation in order to put the title in shape for a resale.

Mrs. Henderson noted that the roof of the house and the porch are continuous. She asked if that would have been shown on the original permit.

Mr. Mooreland thought the original plat was made from the walls before the roof was on. Mr. Mooreland said he had had difficulty in getting these plats in.

It was suggested that the porch could be removed. That is true, Mr. Carlisle answered, but it would be reflected in the resale value of the house.

2-Ctd. One of the neighbors to this lot appeared before the Board stating that he had never been sure of the location of his side line. When his property was surveyed he found that he had more land than he had thought. Now he would like to know what effect this will have on the value of his property in case he wants to sell. He has approximately 18 feet on this side.

It was suggested that Casa Blanca buy a strip of ground to make this lot conform, or that the property be re-subdivided. Mr. Carlisle said he did not know if there was enough land between these houses for a resurvey and to create adequate lots. He felt that re-subdividing would be expensive and a long and complicated affair. He would like to go ahead with his application for an FHA loan as soon as possible. Mrs. Carpenter said that she would like to see the property before voting; she therefore moved to defer the case until December 9 to view the property. Seconded, Mr. Lamond. Carried unanimously.

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3- LEONARD JOHNSON, to show cause why permit issued July 9, 1957 for Tea Room located on the east side of Patrick Henry Drive, 570 feet south of Route 7, has not been used in accordance with the terms of the Zoning Ordinance.

Mr. Johnson read the following prepared statement of his case:

"November 25, 1958

Chairman and Members of the Board of Zoning Appeals, Fairfax County, Virginia:

The following statement relates to the permit for a Tea House at Leesburg Pike and Patrick Henry Drive, granted to me by the Board of Zoning Appeals on July 9, 1957.

It was not possible to do any work under the permit during the first six months because of pending litigation. During the second six months it was not possible to do any outside work because of the bad weather.

During the year, our expenses went on and a great deal of the money we had planned for the Tea House went into those expenses.

During the period and up to the present time we have had several offers of help and to incorporate but we were obliged to decline them because we felt that under the terms of the permit, it was necessary that I operate as an individual, rather than a partnership or corporation.

In our application for the permit we pledged ourselves to set up a nice, refined place and we would like to stay with that proposal.

The monies that we have invested in the endeavor to date have gone for the following:

Landscaping; transplanting trees and shrubbery, spraying, watering and care of the American and English boxwood, elimination of dense honeysuckle and the repair of damage to shrubbery from the heavy snows of last winter.

Architect and engineers fees; plans revised to the satisfaction of the building inspector's office.

Excavation for the new addition to the building.

Grading and cutting for the new entrance and driveway as required by the State Department of Highways.
Cut entrance and exit to parking area. Grade and fill parking area.

Paving new entrance.

Brick walls lining entrance and turn around circle.

Painting of exterior and interior of building.

Maintenance and utility expenses.

Purchase of fixtures and equipment.

Purchase of antiques and materials for decor.

At the present time, I have contracts or commitments for the following: Grading and gravel; brick retaining walls; building materials; construction work; electrical work; painting; 15 year lease on the property; telephone company (ad in Virginia and Washington directories); equipment; personnel; menu and art work; private parties booked from December 16 on; and a Christmas party for needy children.

I sincerely hope that my efforts meet with the approval of the Board and that you will bear with me for a few additional weeks.

Respectfully yours,
(s) Leonard Johnson
102 Leesburg Pike
Falls Church, Va. (JE. 4-4200)"

They will operate for private parties, Mr. Johnson continued, until such time as they are able to complete their plans and carry out the original scheme. Mr. Johnson said he did not know how long that would be. It is difficult to get work done, but as soon as he could get his financing firmed up and can line up the workmen, it will go forward.

In answer to Mrs. Henderson's question about ingress and egress and the turn around driving circle, Mr. Johnson explained his plans for the entrance to the parking lot and stated that he plans to have a light put in which will give them clear visibility.

Mr. Mooreland questioned the part of the Ordinance which says work must "proceed to completion" which he claimed Mr. Johnson had not done. He has dug a hole and the work has stopped, Mr. Mooreland pointed out. Mr. Johnson renewed the permit in July, Mr. Mooreland told the Board, it should not have been renewed in case of a granting under the Board of Zoning Appeals unless the applicant gets that extension from this Board. However, through a slip in his office the permit was extended.

It was noted that this hearing was not posted, since this is a hearing for the purpose of determining if the permit issued to Mr. Johnson should be revoked.

The question remained, is Mr. Johnson complying with the terms of his permit? Mr. Johnson said he had taken care of a considerable amount of interior remodeling and the other things listed in his statement read earlier in the hearing. He thought he was proceeding to completion, slowly perhaps, but through a chain of circumstances, the delays had been many. He hoped to be in full operation by spring.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Johnson has leased this property for 15 years with the intent to use it, Mr. Lamond stated. The reasons for the delay are obvious and reasonable. Mr. Lamond moved to defer the case to view the property in order that the Board might see just what improvements Mr. Johnson has made.

Seconded, Mr. Barnes. Carried unanimously.

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1- L. R. BROYHILL, to permit fencing and operation of a property yard on property to be subdivided later, southwesterly side of Great Falls Street across from the Christian Church property, Dranesville District. (Suburban Residence Class 1)

They plan to use about one acre for the purpose of locating this equipment property yard, Mr. Broyhill told the Board. At present they are developing property across the street from the property yard, but as soon as sewer is available, which will be in a short time, they will start on this tract. The property yard will remain only for the duration of the subdivision work.

Mr. Lamond suggested putting the yard farther back on the property. The owner of this ground has cattle on the back of his property and he does not wish to disturb them until such time as the subdivision really gets underway. That back area which is used for pasture is fenced for the cattle. If they moved it back they would have to put a road in to the yard. As they propose to locate it, it will also be accessible to the property across the road which is under construction.

This yard will take care of the trucks, lumber and other equipment they are using in the construction work. They need something of a protection for these things. A considerable amount of lumber and materials will be hauled in and it is not safe to leave them unfenced.

Asked about the accumulation of materials now on the property, Mr. Broyhill said that belongs to Mr. Rogers but they will clean that up.

Mrs. Henderson asked about the traffic back and forth across Great Falls Road. Mr. Broyhill said there would not be much traffic, crossings would amount to not more than two or three times a day. There would not be a constant flow of trucks.

Mr. Mooreland thought this reasonable. Sinee they are developing the two tracts, the yard would have to be across the road from one development or the other. He thought construction would not take longer than two years. He suggested that the Board require a picket fence as it would look good and would make an adequate shield. However, this will not be seen from the road.

Mr. Mooreland noted that if Mr. Broyhill were to develop only the one tract he could have his temporary property yard on that property but since he will be working on the two tracts, it was necessary to come

DEFERRED CASES - Ctd.

1-Ctd. before this Board.

Mrs. Henderson cautioned again that no traffic hazard be created.

Mrs. Carpenter moved to grant the operation of a property yard to Mr. L. R. Broyhill and to permit an eight foot high picket fence to surround the property yard as shown on the plat dated October 28, 1958. This is granted for a two year period and when Mr. Broyhill has completed the project the fence will be removed. Seconded, Mr. Lamond. Carried unanimously.

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It was recalled that the Board will request an opinion from the Commonwealth's Attorney on both the Leonard Johnson and Caroline Matthews cases.

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Mrs. Henderson asked about conducting a beauty shop in a residential area; what position will the Board take on a small operation which starts in a home; one woman working on a few friends; it spreads to a few more in the neighborhood and becomes a small one operator shop conducted solely for a limited walk-in trade.

Such an operation will not be allowed in the re-write of the Ordinance, Mr. Mooreland stated, however he recalled that that kind of operation has been granted, especially by the old Board. This Board has consistently turned these cases down. The Board made no change in this policy.

NEW CASES - Ctd.

9-Ctd. STATESMAN MOTEL, INC., to permit erection and operation of a motel (50 units) on southerly side of U.S. #1 Highway approximately 350 feet west of Bellefield Road, Mt. Vernon District. (General Business)

No one was present to discuss the case. Mr. Mooreland asked to make a statement. The owners of this property have divided this parcel into three separate pieces of ground and therefore it becomes a subdivision. This area on which the Statesman Motel is proposed to be located has been sold for a motel.

Mr. Mooreland read the following letter from Mr. John Yaremchuk:

"MEMORANDUM
TO H. F. Schumann, Jr.
FROM John Yaremchuk
RE: Statesman Motel, Inc.

This is to advise that in accordance with our records the proposed parcel containing 33,840 sq. ft. is now in violation of subdivision control ordinance. Therefore the parcel in question is subject to the requirements of the Subdivision Control Ordinance whether the same is conveyed to Statesman Motel, Inc. or retained by the present owner.

It is noted that since this parcel has frontage on a primary highway a service drive requirement must be complied with.

(S) John Yaremchuk"

NEW CASES - Ctd.

9-Ctd. This property would be in violation of the Subdivision Control Ordinance, Mr. Mooreland stated, with this sale it comes under subdivision control and therefore a service road would be required.

Mr. Schumann asked that this case not be approved before talking with the subdivision office.

Mrs. Henderson suggested that the applicant be contacted and advised of these things, that he is in violation and why. Mr. Mooreland agreed to do so.

It was agreed to defer this indefinitely; when the subdivision control ordinance is complied with, then Mr. Mooreland would schedule the case for the Board.

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The meeting adjourned.

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

December 9, 1958

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 9, 1958 at 10 o'clock A.M. in the Board Room of the Fairfax Courthouse with all members present. Mrs. M. K. Henderson, Chairman, presiding.

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NEW CASES:

1-- GEOFFREY WOODARD, to permit extension of a Pharmacology Laboratory on 20.1161 acres of land including Lots 60, 61 and 62, Mumford Park, property on Route 667, Centreville District. (Agriculture)

Dr. Woodard was present, represented by Mr. Justice, Attorney.

Mr. Justice located this area as being 2.2 miles from the corporate line of the Town of Herndon, six miles from Route 7 and five miles from Route 50, and 8.5 miles from the Town of Fairfax; it is purely an agricultural district wherein this use is permitted under control of the Board of Zoning Appeals, both in the present Ordinance and in the Pomeroy Ordinance. Mr. Justice also showed an aerial photograph indicating the rural character of the area.

Mr. Justice presented a brochure of this case, recalling the action taken by this Board on December 10, 1957 permitting this use with a variance as to setbacks. This permit was restricted to approximately 7.3 acres. Now they are asking the use of 20+ acres.

Dr. Woodard explained to the Board the need for this additional land. They had started the plans for a new building which they planned to erect in conformance with the original granting of the application. They cleared the land but when the percolation test was made, it developed that not any place within the 7.3 acres would be suitable for a septic field. The Sanitary Engineer's office worked with them on this for three weeks. At length they found a location which would be satisfactory for the system, however, it was on adjoining property. They therefore relocated the building where it could best be served by the newly located septic system and drew the boundary for a considerable amount of land around this location and now have asked for the use of this land for extension of the original laboratory. (It was noted that the Pomeroy Ordinance requires a minimum of twenty acres for this type of operation). The additional land incorporated in this application is also owned by Dr. Woodard.

The following quote is from the letter presented by Dr. Woodard detailing the operations of his laboratory:

"November 29, 1957

Mr. H. F. Schumann, Jr.
Director of Planning
Fairfax County
Fairfax, Virginia

Dear Mr. Schumann:

In connection with our request before the Board of Zoning Appeals for use of a parcel of land on State Road #667 comprised of Lots 60, 61 and 62 of Section One, Mumford Park Subdivision for the operation of a Pharmacology Laboratory, we wish to acquaint you with the details of our operation.

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1- Ctd.

"Our headquarters are located at 113 Station Street in the Town of Herndon where we maintain offices, biochemistry and small animal laboratories (white rats, mice and guina pigs). These animals are used in conducting tests on new drugs, cosmetic ingredients, food preservatives, agricultural chemicals and the like to see whether or not such products are safe for human use. The products tested are those developed by the pharmaceutical, cosmetic and chemical industries located throughout the United States. These tests are carried out under contract with those firms who wish to utilize the specialized training of the writer and the employed personnel in conducting such tests.

Our laboratories are not engaged in the manufacture of any products but only in testing the new products of others.

The information obtained from our tests will be submitted by the sponsor companies to various United States and State Governmental Agencies such as the Food and Drug Administration and Department of Agriculture, in support of the safety of marketing the product for human use.

These tests are conducted on normal disease free animals kept under controlled laboratory conditions and housed in cages which are accepted as standard throughout the country.

In order to conduct such tests also on larger animals, such as rabbits, chickens and dogss, we wish to utilize the property described in the first paragraph of this letter. At the present time, the proposed site would be used primarily as housing facilities for these larger animals in support of the main laboratory operation conducted in Herndon. In the future, should the volume of work warrant, we would like to build laboratory buildings on the site for additional testing on animals. We shall retain our headquarters in Herndon in any event. A new laboratory building would be of modern, fireproof construction, attractive in design, with adequate facilities for a laboratory of this type.

Sincerely yours,
(S)Geoffrey Woodard, Ph.D.
Pharmacologist"

Dr. Woodard presented a map showing the new location of the proposed building, the driveway and entrance, parking, landscaping, and woods now on the property. He showed his tentative layout of the building which is planned to be a 1½ story structure, modern in detail, and attractive. The existing building will be abandoned when the new structure is completed and acceptable, according to the restrictions of this Board, Dr. Woodard stated.

There were no objections from the area.

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

"December 9, 1958

RECOMMENDATION:
TO: Fairfax County Board of Zoning Appeals
FROM: Fairfax County Planning Commission
RE: GEOFFREY WOODARD, to permit extension of a Pharmacology Laboratory on 20.1161 acres of land including Lots 60, 61 and 62 Mumford Park, property on Route 667, Centreville District. (Agriculture)

This application for approval of a Pharmacology Laboratory is eligible for processing under provisions of the "Melpar Amendment" and the proposal appears to conform to requirements therein.

Section 6-12 (f), Paragraph 2, on page 36 of June 1958 codification of the Zoning Ordinance, specified conditions to be taken into account by this Board in its consideration of applications of this nature.

The Planning Commission has reviewed the application and has determined that the applicant can comply with conditions so specified.

1-Ctd. It is therefore recommended that the application be approved.

Very truly yours,
(S) H. F. Schumann, Jr.
Director of Planning and
Zoning Administrator"

Mrs. Carpenter moved to grant the extension of this use to Dr. Geoffrey Woodard as shown on plat dated 10-28-58 prepared by O. Pacuilli, and at the time this building is completed and accepted the existing buildings now used for this purpose will be removed.
Seconded Mr. J. B. Smith. Carried unanimously.

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2- CATON A. HALL, toppermit carport to be enclosed within 13 feet 6 inches of the side property line, Lot 23, Section 1, Fairfield, (5115 Russell Road), Lee District. (Suburban Residence Class 2)

Mr. Hall pointed to the angled position of the house on the lot which creates the small violation on one side of the carport if the carport is enclosed. Mr. Hall showed a detailed drawing of what he proposes to do, indicating the rear of the carport which is enclosed now for a utility shed.

In answer to Mrs. Henderson's question, Mr. Hall stated that there are about 200 or 300 houses in this subdivision, some with and others without carports.

About a block down the street is an enclosed carport, from which he got his idea to enclose this. He recalled that he had come before this Board last year for a varianceeon his shed, which was granted. This carport is an extension to the front of the shed.

Mr. Lamond suggested putting this enclosure at the other end of the house. Mr. Hall said he could not do that as the building is up and the roof of the carport is an extension of the roof of the house. This would make only a 1 foot 6 inch variance.

If this is granted, the one corner of the structure which is in effect, an extension of the house would come 9.26 feet from the sideline, Mrs. Henderson observed. That is the distance between the shed and the side line. While the shed variance was granted, that was when it was at the rear of the carport, now the enclosure of the carport would extend the house too close.

Mr. Hall said many in this subdivision had enclosed their carports to serve as a recreation room or for other purposes having the same effect as a permanent room. Some are as close as his, He pointed out. In fact, one place which was granted a variance from this Board is closer than Mr. Hall is requesting.

Mrs. Carpenter moved to deny the case as it does not appear that any evidence of hardship has been shown. It has already been shown that two variances have been granted on this land. Seconded, Mr. Smith. Carried unanimously.

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3- H. PAUL JUSTICE, to permit existing closed porch to remain within 33.4 feet of the street property line, Lot 41, Hansborough Subdivision, (41 Elizabeth Drive), Dranesville District. (Suburban Residence Class 2).

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When the contractor took this job, Mr. Justice told the Board, the sketches were drawn for an enclosed porch. He paid the contractor $35.00 to get the permit. When the job was completed he installed jalousies. Shortly after completion he was notified that he was in violation.

Teresa Ann Street (the street from which this variance is requested) was not put in until about two summers ago. The lines of the right of way were not clearly defined at the time this porch was enclosed. Elizabeth Drive which is in the State System has not been black topped for the first 115 feet.

Mr. Justice said the builder got a permit for an open porch; the plans showed jalousies, and the builder said the permit included jalousies. This wasn't true, but Mr. Justice said he had no reason to doubt his builder and was greatly surprised when he realized this porch was in violation.

Mr. Mooreland said that Teresa Ann Street was not constructed because the developer of the subdivision went bankrupt and there was no one to put the street through. Mr. Mooreland also stated that the building permit issued was for an open porch and a permit for a porch enclosed with jalousies would not have been issued in conformance with the policy established by the Board.

There were no objections from the area.

Mr. Justice said his house was on a slope and while there is room under the house for another room, he has no intention of using it in this manner. The ground is rather rugged.

Mr. Lamond suggested that this might be granted on the grounds of topography, therefore he moved to defer the case to view the property. Seconded, Mr. Barnes. Deferred until January 13. Carried unanimously.

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4- MR. AND MRS. LESLIE G. MONK, to permit erection of a garage closer to Shirley Highway than allowed by the Ordinance, Lot 9, Block 5, Section 6, Yates Village, (6107 Augusta Drive) Mason District. (Suburban Residence Class 2)

Mr. Andrew Clarke represented the applicant. Mr. Clarke, misunderstanding the policy established by the Board said he had not sent notices of this hearing to neighboring property owners because this case did not in any way involve any property owners other than the applicants. He noted that this concerns only the required 100 foot setback from Shirley Highway.

Mrs. Henderson asked if the Shirley Highway was not through before

4-Ctd. this house was built and Mr. Clarke said that it was; the applicants were aware of the setback requirement. However, he continued, they had tried every way possible to get a garage on this lot without crossing the 100 foot setback line, but they could not do it.
Since the Board has consistently held to its policy of deferring cases when proof of notification is not presented, Mr. Lamond moved to defer the case until January 13, 1959 pending receipt of letters of notification to adjoining and nearby property owners. Seconded, Mr. Barnes. Carried unanimously.

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5- ABRAHAM N. AND MORRIS S. SCHWARTZ, to permit erection and operation of a service station, part Lot 1, Unit 2, Fairfax Park (N.W. Corner of Route 644 and Route 638) Falls Church District. (Rural Business)
They purchased a tract of land in this location in 1916 with the plan to develop it when the proper time came. They have subdivided a portion of their property and had thought to develop a shopping center at this intersection. They found, however, when they checked with the Zoning office that this land was zoned for business to a depth of only 200 feet. At present they wish to put in a filling station which will render a community service to the fast developing West Springfield area and for Fairfax Park Subdivision particularly. They have other rural business property across the road on which they hope to develop other businesses.
This is an idea which has been planned and worked on since 1916, not something just thought up. They have worked slowly, using their own financing entirely, putting their own savings back into development. They have made a sincere effort to make this a good community. (There are approximately 200 homes in the area) and now they want to bring facilities to the community.
Both the Texaco and Esso people are interested in this location; however, they have made no commitments yet. The balance of the lots in their property (approximately 100) will be made available at a later date. They are asking no variance in setback as shown on the plot because of possible future widening of the road.
There were no objections from the area.
Mr. Schwartz said he had talked with many property owners in the area and none of them object; they are in favor of this station and other business development here. The nearest house is about 200 feet away, other homes are 600 feet away.
Mr. Lamond moved that the application be granted to Abraham and Morris Schwartz because this is a proper use for this piece of land and there are no objections from the neighboring property owners. This is

5-Ctd. granted as per plat presented with the case dated November 17, 1958 by Carpenter & Cobb. It is granted for a filling station only. Seconded, Mrs. Carpenter. Carried unanimously.

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6- EDWARD G. WILKIE, to permit existing shed to remain as erected within 2 feet 6 inches of the rear property line and 5 feet 4 inches of the side property line, Lot 2, Block 3, Section 3, Hollin Hall Village (206 Shenandoah Road), Mt. Vernon District (Suburban Residence Class 2)

This little shed (approximately 6 by 8 feet) was erected for the purpose of housing fertilizer, outboard motor, lawn mower, etc. Mr. Wilkie did not know it was necessary to have a building permit for such a small structure so he went ahead with the building, then discovered that he should have had a permit and also that he was too close to the line. He stopped construction immediately.

He put the structure on this location because it would be screened by trees and trellises. He did not think it objectionable to anyone.

It is constructed on a concrete foundation, wood framing covered with galvanized steel.

Mr. Mooreland noted that at the time the carport was put up this property was in the old Urban zoning and the setbacks are all right on the house and carport.

Since the structure would be difficult to move, Mrs. Henderson suggested that Mr. Wilkie relocate it in a conforming location. It could be replanted for screening and soon would be shielded.

Mr. Wilkie said that would put the shed practically in the middle of his back yard and there would be no trees around it. Mr. Wilkie said he could not attach this to the end of the carport as he has a patio there, however, he agreed that he could move the building, it is not yet completed, but he objected to bringing it out from the tree screening and setting it exposed in the middle of his yard.

Mrs. Henderson questioned what the Board should do about the pending shed cases, which are waiting for the Pomeroy Ordinance.

Mr. Lamond thought they should act under the present Ordinance. He saw no hardship in this case.

Mr. and Mrs. Ament who live on Lot 3 adjoining, objected to this case saying that the structure is an unsightly, ugly little sheet iron building which is a disgrace to the neighborhood. They suggested that putting in such structures with violating setbacks would depreciate the neighborhood and probably encourage others to do the same thing. The structure is too large to be hidden by trees, Mr. Ament contended.

Mrs. Henderson said that the Board has no control over the type of structure an applicant may produce.

Mrs. Ament suggested that this could be a harboring place for rodents from the nearby shopping center as it sits on concrete pillars, with

NEW CASES - Ctd.

6-Ctd. open spaces under the building.

Mr. Ament presented 3 letters in opposition from neighbors.

Mr. Wilkie's reaction to this opposition was that if these people feel that this shed will harm their property in any way he would tear it down. This is his permanent home and he has no wish to depreciate either his property nor that of his neighbors. He had not realized that people were in opposition to him nor that he was creating an eyesore. Mr. Wilkie withdrew his application, agreeing to tear down the shed within thirty days.

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7- 7-ELEVEN STORE, (Weissberg Brothers Realty), to permit erection of three signs with larger area than allowed by the Ordinance, (Total area 163 sq. ft.) on north side of Edsal Road at east side of junction of Edsal Road and Old Edsal Road Mason District. (General Business)

8- 7-ELEVEN STORE (William E. Matthews) to permit erection of three signs with larger area than allowed by the Ordinance, (Total area 163 sq. ft.) on north side of Route 644, adjacent to west side of Mobile Service Station, 1100 feet east of Shirley Highway,Lee District. (General Business)

9- JACK COOPERSMITH, (7-Eleven Store), to permit erection of three signs with larger area than allowed by the Ordinance (163 sq. ft.) part Lot 22, Section B, Alpine Subdivision. Mason District. (Rural Business)

Mr. Richard Kinder represented the applicant. This is the same sign the Board has granted in other locations for 7-Eleven Stores, Mr. Kinder pointed out. They have removed the illuminated tubing on the pylon as requested by the Board.

It was noted that all three 7-Eleven sign cases listed on the agenda requested the same size sign.

Mrs. Henderson questioned the adjoining zoning on the Jack Coopersmith case, however, it was found to be commercial which would clear the set-back.

Mr. Lamond moved to grant all three cases in accordance with plats presented:

#7 - 7-Eleven Store (Weissberg Brothers) in accordance with plat dated October 8, 1958, signed by W. L. Mayne;

#8 - 7-Eleven Store (William Matthews) in accordance with plat dated July 22, 1958 signed by W. L. Mayne, and

#9 - Jack Coopersmith (7-Eleven Store) in accordance with plat dated August 14, 1958 and October 13, 1958 signed by W. L. Mayne showing the location of the sign. Seconded, Mr. Barnes. For the motion: Messrs. Lamond, Barnes, Smith and Mrs. Carpenter.

Mrs. Henderson voted no.

Motion carried.

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10- J.M.V.CORP., (a Virginia Corp.) to permit erection of a warehouse and office with less setback from the street property line and less setback from the side property line, Lot 3, Section 1, Beech Park, Providence District. (Industrial)

Mr. James Berkey, president of the Corporation represented the applicant.

He told the Board that this property was zoned for industrial uses last year; they now have a tenant for 8000 sq. ft. of floor space on Lot 3 which contains 23,850 sq. ft. They came to the courthouse to make application for a building permit and found that apparently they had not read the Zoning Ordinance completely as they did not realize that it was required that a 100 foot setback be maintained from residential property. (This lot abutts residential property on the north, Lot 2) They cannot observe that setback, it would be impossible on this size lot. The fact is that Beech Drive is not now existing and probably never will be, Mr. Berkey explained, as this is within the area which will undoubtedly be annexed by the Town of Fairfax and the Town will never put Beech Drive through, so it will never assume the importance that it would were it to become a through street, or a street which would serve some practical ultimate purpose.

Mr. Berkey said he had discussed this thoroughly with Mr. Schumann, the Zoning Administrator, who had pointed out that while Lot 2 is a large lot with a house on it, all other occupants on the street are industrial users.

Mr. Schumann confirmed Mr. Berkey's statements also saying that when the Planning Commission sends its industrial plan to the Board of Supervisors, Lot 2 and other land in this immediate area will be recommended for industrial uses as the need arises. If the Board of Supervisors takes the recommendation of the Planning Commission, Lot 2 will no longer be zoned for residential use. If this happens it is logical, Mr. Schumann continued, that this property in question should have this industrial use and in such a case a 100 foot setback will not be required.

Mr. Berkey said they are in the middle of negotiations now with this firm.

Mrs. Henderson thought the Board should have a recommendation from the Planning Commission on this before acting.

Mr. Schumann said the Planning Commission had already made their recommendation on this area, substantially as he had stated. The Commission will recommend a large chunk of land for industrial zoning between this area and Route 66. Uses established in this vicinity indicate that this area should be zoned industrial, Mr. Schumann stated.

NEW CASES - Ctd.

10-Ctd. Mr. Schumann showed the future plan to be proposed for the large tract to be proposed for industrial uses.

By the strict application of the Ordinances, this would be a completely unusable lot, Mr. Berkey said. Mrs. Henderson thought that Beech Drive could very well be developed to serve the industrial area proposed. It could possibly serve one parcel, Mr. Schumann answered, but the other parcels would have more adequate access through another street.

Mr. Mooreland read the following letter in opposition:

"December 5, 1958

Board of Zoning Appeals
Fairfax County, Virginia

Re: J.M.V. Corp. applicant Bldg. Lot 3, Lot 3, Orr's Beech Park Subdivision Providence District. Hearing December 9, 1958, 11.30 ac.

Gentlemen:

My property lies along the north boundary line of Lot 3 and because of the width of Lot 3, I object to applicant's building nearer my line and believe they should be required to design a building which conforms to their lot area, rather than seek to violate the zoning ordinance and impose on adjoining property owners.

Secondly, proper culverts have not been installed at either the west side (Draper Drive) nor the East side of Lot 3 to carry off rain water; and my property is already flooded by their filling in of a natural drainage ditch at rear of their Lot 3.

In consequence of the above, we the undersigned owners of Lots 500 and 501 of the Resubdivision of Lot 2, Orr's Beech Park Subdivision strenuously object to any building permit which encroaches upon our line.

(S) Mary V. Draper
Helen E. Howard"

They have started some grading, Mr. Berkey stated, but assured the Board that the drainage would be taken care of.

Mrs. Henderson admitted that the applicant is in a difficult place but expressed the opinion that it is not up to this Board to get him off the hook. She thought the Board of Supervisors should not zone an unusable lot. She asked Mr. Schumann when the Planning Commission would make its recommendation on this to the Board of Supervisors. Mr. Schumann said not until next month.

Even if the Board of Supervisors adopts the industrial plan, this property would not be automatically zoned, Mrs. Henderson noted; it still must be zoned on application.

It was brought out also that the Draper and Howard property would not be zoned industrial if they did not wish it, but it would merely be shown potential industrial on the map.

No one was present in opposition.

Mrs. Henderson also objected to the 20 foot setback from Beech Drive which could be opened at some future time, and if another building were erected on Beech Drive it would also maintain the same setback.

Mr. Berkey stated that they could not put another building on Beech Drive, their lease which runs for fifteen years so states. This one

10-Ctd. building will require the use of the entire lot. He did not think this Board had the jurisdiction to grant this request. If the Board of Supervisors is in agreement with the proposal of the Planning Commission then this Board could grant the case subject to the future action of the Board of Supervisors.

That would be a long drawn out process Mr. Lamond advised, for both the Planning Commission and the Board of Supervisors to act.

Mr. Berkey is the victim of circumstances, Mrs. Henderson observed, but a thorough investigation of the Ordinance and this whole situation would have turned up these things and he would not have gone so far in his negotiations.

It was agreed that this is a logically industrial area and that the Board disliked the idea of holding up industry when the County is taking such positive steps to bring in industry; but the thought of placing an industrial use so close to residential zoning without maintaining the required setback was not agreeable to the Board.

Mr. Lamond objected to delay; he recalled the County losing the Ahloe Co. for that reason.

Mr. Schumann agreed that this situation, where an unusable lot has been created should be corrected by the Board of Supervisors; this was a mistake, Mr. Schumann stated.

This Board is set up to relieve hardship and to interpret the Ordinance, Mr. Lamond noted. This is most certainly a hardship. A hardship because of lack of investigation, Mrs. Henderson said.

Mr. Barnes lamented the fact that the County was practically begging industry to come here; he thought every effort should be made to make it possible for industry to come in without long delays and uncertainties.

Mr. Lamond moved to grant the application because it would fit into the proposed plans for this area as advanced up to this time by the Planning Commission and it does impose a hardship on the applicant as outlined at this hearing to conform to the setback required in the present Ordinance. Seconded, Mr. T. Barnes. For the motion: Mr. Lamond and Mr. Barnes. Against the motion: Mrs. Carpenter, Mrs. Henderson and Mr. Smith.

Motion lost.

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11 ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands within 25 feet of the new right of way lines, property at N.E. corner of Kings Highway, Route 633 and Telegraph Road, Route 611, Lee District.

Mr. Ed Gasson represented the applicant. This filling station was granted by the Board on this same location over a year ago, He

NEW CASES - Ctd.

11-Ctd. told the Board, but because of the difficulty in sewering the property they were unable to get started and the permit expired; they are asking the same permit. 300

Mr. Gasson located the property as being near the Coast Guard station and the undeveloped part of Rose Hill Farms. It is business zoned and has been so zoned for several years. It is a logical location for a filling station as it is a rapidly growing area and the community needs this facility. There are no stations on Telegraph Road for a considerable distance, none between this location and U.S. #1 Highway. This is the same request as was made in April of 1957, however, now they have sewer.

There were no objections.

Mr. Lamond moved to extend the granting of this permit to erect and operate a filling station at the northeast corner of Route 633 and Telegraph Road, Lee District. It is understood that the applicant will stay with his pump islands, at least twenty-five feet from the new rights of way of both Highways #633 and Telegraph Road. (It was noted on the plat that the setback shows 32 feet from both highways; this is to allow for future road widening.)

This is granted for a filling station only. Seconded, Mr. Barnes. Carried unanimously.

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12- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands within 30 feet of the street right of way lines, S.E. corner of Route 608 and Route 657, Centreville District. (Rural Business)

Mr. Gasson represented the applicant. Mr. Hanawalt was also present.

Mr. Gasson located the property as being at Floris at the junction of Routes 657 and 608. This is a business area which has been little developed up to this time, Mr. Gasson remarked, but with the coming of the Chantilly Airport and the expanding growth in this area, this is a logical place for a filling station. All four corners are zoned for business. The people in the area know of this proposal and they have heard of no objection. Mr. Scott, who is most affected, and Mr. Rogers who owns surrounding property have no objections.

It is difficult to arrive at a definite layout, Mr. Hanawalt said, as both these roads are narrow and will be no doubt widened as the need arises. Therefore they wish to provide the maximum road width. On Route 657 which runs from Chantilly north to Herndon, the State now has no plans for widening, but some widening is bound to come. They also feel that 608 will be in the widening program. In view of these predicted changes they are locating the building well back from either highway and will pull the pump islands back when the need is here. Mr. Hanawalt wished it to be understood that moving the pump islands would be done at

12-Ctd.

the expense of the Esso Oil Company.

The following letter from Mr. H. F. Schumann, Director of Planning was read:

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"December 9, 1958

TO: Fairfax County Board of Zoning Appeals

FROM: Fairfax County Planning Staff

RE: ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands within 30 feet of the street right of way lines, S.E. corner of Route 608 and 657, Centreville District. (Rural Business)

It is suggested by the Planning Staff that if the Board approves this application, that such approval be made subject to compliance by both the owner of the property and the applicant to all applicable County ordinances.

Very truly yours,
FAIRFAX COUNTY PLANNING OFFICE
(S)H. F. Schumann, Jr.
Director of Planning and
Zoning Administrator."

It was noted that the sale of this property to the Esso Company would create a subdivision and this tract would come under Subdivision Control. Mr. Schumann said the import of his letter was merely that it be assured that this property come under the requirements of the subdivision law.

Mr. Norman Sage, who stated that he lives on the northeast corner at this intersection said he did not know this corner was zoned for business uses, however, he registered an objection to this use although his property is also zoned for business use.

The applicant wants the variance on the pump islands because of the narrow road, Mr. Gasson explained; it would be difficult to see the islands if they were put back to their required distance.

Mr. Hanawalt told the Board that he would forward a letter to them stating that the pump islands will be moved back at the expense of the oil company when the roads are widened.

Mr. Fordham, who owns property near this tract said he thought the applicants had made an error in that they have not notified people in the area most affected by this filling station.

Mrs. Henderson explained that all requirements of the Board and the Ordinance have been met, since the applicant is not required to notify all the people in the area.

Mr. Lamond moved to grant the application on the basis of a 30 foot setback for the pump islands from both Routes #657 and #608 with the understanding that the Esso Standard Oil Company will send a letter stating that if and when the road is widened they will, at their own expense, set the pump islands back from the new right of way line. This is granted under Section 6-16 of the Zoning Ordinance. It is understood that the pump islands will not set closer than 25 feet from the new right of way line. It is also understood that the applicant and the owner of this property will comply with all other County Ordinances applicable. This is

12-Ctd. granted for a filling station only. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

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

The following letter from Mr. Schumann was read regarding deferral of duplex cases. This also applies to two other cases on the agenda:

3- PAUL J. ZIRKLE, to permit two family dwelling to remain as erected, Lot 3A Resub. Lots 2, 3 and 4, Block 2, Pimmit Park Addition to El Nido, corner of Hitt and Seventh Streets, Dranesville District. (Sub. Res. Class 1)

5- ANNIE E. MUCH, to permit conversion of existing single family dwelling to two family on lot with less frontage and area than allowed by Ordinance on west side of Route 712, ½ mile north Route 236, Mason District (Suburban Residence Class 3)

"December 9, 1958

RECOMMENDATION:
TO: Fairfax County Board of Zoning Appeals
FROM: Fairfax County Planning Staff
RE: MRS. C. L. CRIM, to permit duplex dwelling to remain as erected, Lots 25 & 27, Wellington Subdivision (35 Northdown Road) Mt. Vernon District. (Rur. Res. Class I)

This application has been referred to the Planning Commission for recommendation.

The Planning Staff recommends that action on this application be deferred until January 27, 1959 in order to permit a more complete report than is possible this date.

It is further recommended that the same action be taken on applications for approval of two family dwellings filed by PAUL J. ZIRKLE and ANNIE E. MUCH; which are set for hearing today at 12:20 and 12:40 p.m. respectively.

Applicants in each case have been notified that this recommendation would be made.

(S) H. F. Schumann, Jr."

Mr. Lamond moved to defer the above cases until January 27, 1959 in accordance with the Commission's request. Seconded, Mrs. Carpenter. Carried unanimously.

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2- CAROLINE M. MATTHEWS, to permit extension of dance studio, Lot 8, Block 11, Section 5A, Springfield (7018 Essex Avenue), Mason District. (Sub. Res. Class 1)

This was deferred for the Commonwealth's Attorney's opinion as to the legal use of the property, on whether the owner of the school would be required to operate the school. He said that a school may be operated by employed people; the granting of a permit does not necessarily imply that the owner will become a teacher or operator. Mr. Fitzgerald pointed to the Flint Hill School where the owner is not a teacher; this is not unusual and was not illegal. This school is in the same category. Mrs. Henderson talked with the Commonwealth's Attorney. Mr. Lamond thought the Board should have a written opinion which would give a legal background to Mr. Fitzgerald's opinion and suggested that the Kenny case involves a legal question and the Board

DEFERRED CASES cont. Ctd.

2- Ctd.

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has a written opinion on that, but this is a matter of interpretation of the Ordinance, which is in reality the function of this Board.

The original hearing on this was recalled, when it was stated that Mrs. Cannon would use the room for her dancing entirely free.

It was noted however, that Mrs. Matthews' daughter does have free dancing lessons.

It was recalled that the extension for this school was granted for one year and no objection was made at the time of the extension.

Mr. Lamond was not entirely satisfied with the opinion that the school could be run by someone other than the owner. Mr. Mooreland said in about seventy per cent of the cases, the school was run by someone rather than the applicant or owner.

Mrs. Matthews said she often acted as receptionist and helped with the children; it might be said that she did work in the school.

Mr. Bernhart, whose mother lives next door to this school, said he had not objected at the renewal of the permit as he did not know when the hearing was held. He said after the first hearing he had secured 41 names on an opposing petition but had never been allowed to file it. They tried to object to the granting of the application on the grounds that they did not know enough of the details of the school, to object, but were told that ignorance of the law was no reason for a rehearing.

Mr. Bernhart also brought out the fact that the original permit expired and was not renewed immediately; the school was operating for a time without a permit.

Mrs. Mains also objected, stating that she lives next door to this school; it is noisy in the day time and is not in keeping with a residential neighborhood. It was her understanding that Mrs. Matthews was asking this for one year only; that Mrs. Cannon would get a place in a business center after that time. This was just to get over the hump and become more firmly established before going into the expense of renting a larger place in a shopping center. Such a business place is now available within a very short distance.

Mr. Bernhart said he often finds it necessary to sleep during the day because of his work. He finds it impossible, because of the music blares, which they hear very plainly in summer weather, and the noise.

Mrs. Matthews said they have no school in the summer. They operate during the school months from October through May, Wednesday and Friday afternoons, making a total of seven hours per week. They have about four classes each day. The children leave immediately as their parents pick them up, and there is no playing around the yard nor do these children annoy any of the neighbors.

Mrs. Mains objected more to the commercializing of the neighborhood than to the school itself.

December 9, 1958

DEFERRED CASES - Ctd.

2-Ctd. Mrs. Cannon said they have run this school since 1955 without complaint. They have no sign; it is done in a quiet and dignified way; this school serves a great benefit to the community, a convenience to mothers, and it has served a great purpose in giving help to children recovering from polio and other crippling handicaps.

Mr. Lamond recalled that this application was granted to the applicant only. He questioned, who is the applicant? He asked how many children come in cars and Mrs. Matthews answered about half of them; the others walk.

Mr. Barnes recalled that it was brought out in the last hearing that Mrs. Cannon would teach the dancing. It would appear that Mrs. Matthews is responsible for the school, but that does not necessarily mean that she is teaching.

Mrs. Mains stated that this building is a fire hazard; there are not two exits as required. Mrs. Matthews said they have the approval of the fire marshal.

Mr. Lamond said he would withdraw any objection to this. Mrs. Carpenter moved to grant the extension of this application to the applicant only for an unlimited time with the understanding that the applicant meet all requirements of the original granting of this case. Seconded, Mr. Barnes. Carried unanimously.

It was brought out that if there are complaints they should be made to the Zoning office during the time of operation of the school.

At the previous hearings there were no complaints; while Mr. Bernhart did ask for a rehearing it did not appear that sufficient evidence for the rehearing was presented.

4- HAROLD F. KENNY, to appeal a decision of the Zoning Administrator or other Administrative Official in denying approval of building permit, Lot 66, Section 1, Kent Gardens, Dranesville District. (Rural Residence Class 2)

This case was deferred for a written opinion from the Commonwealth's Attorney. The secretary read the following letter from Mr. Robert Fitzgerald:

"December 9, 1958

MEMORANDUM:
TO: The Board of Zoning Appeals
FROM: Robert C. Fitzgerald, Commonwealth's Attorney
RE: "Reserved Area", Kent Gardens Subdivision

In response to your query concerning the status of the above described parcel of land, I advise that in my opinion this area was reserved from the Subdivision because it is within the flood plain of Pimmit Run and, therefore, does not provide adequate drainage for a building site. I do not believe the administrative officials of the County could do otherwise than to refuse a building permit.

Attached hereto are copies of correspondence between Mr. Kenny and Mr. Massey concerning the matter.

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

DEFERRED CASES - ctd.

4-Ctd. Mr. Lamond moved to sustain the decision of the Zoning Administrator and other Administrative officials in denying the building permit to Mr. Kenny on Lot 66, Kent Gardens. Seconded, Mr. Smith. Carried unanimously.

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The Board adjourned for lunch.

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Upon reconvening the Board resumed consideration of the agenda.

6- CASA BLANCA, INC., to permit dwelling to remain as erected 6.9 feet of the side property line, Lot 9, Pomponio's Addition to Bel Air, (1203 Annandale Road), Falls Church District. (Suburban Residence Class 2)

This case was deferred to view the property. Mr. Carlisle, engineer on the project, was present.

Mr. Lamond suggested that in viewing the property there appeared to be one or two other houses in the immediate neighborhood that are as close to the side line as this one and while they should not have overlooked this setback since this is not out of harmony with the neighborhood and this variance would not adversely affect other property, it did not appear illogical to consider it favorably.

Mr. Mooreland pointed out that the plat was incorrect. It did not show the porch. The certified plat comes in early in construction, he continued, but the developer knew some time before that that a variance would be necessary. They allowed it to go through for approval before the porch was put on.

Mr. DuBois, President of Casa Blanca, called attention to the fact that there was sufficient ground to locate the house with a porch. Had the porch been on the other side of the house there would have been no question of setback. Mr. DuBois said he could not explain why the porch was put on this side; there were no reasons to try to avoid meeting regulations.

They did not know of this violation, Mr. DuBois went on, until the last owner was there (Mr. Rice). He wanted to fence the place and it appeared that the adjoining driveway encroached on his yard. He had the lot surveyed and it was then that this discrepancy showed up.

Mr. Mooreland pointed out that the November 7, 1955 plat was certified and there was a violation on it. This plat was never sent to his office.

That plat was never used, for financing or for anything else, Mr. Carlisle answered.

When they built the house they got the construction drawings, located the house and put in the foundation. It was approved then for the construction drawings. Later they added the porch. It was in violation.

But the first plat was made in March 1955, Mr. Mooreland stated. This was put on file. That plat did not show the porch; the porch was not known to be a part of the house at that time.

DEFERRED CASES - Ctd.

6-Ctd.

The surveyor who made the second plat evidently knew it was in violation, Mr. Carlisle stated; why he did not call it to anyone's attention he did not know. The plat was filed away and no one checked on it. It was just a mistake.

Mr. Lamond suggested cutting the porch to a 9.3 foot overhang, then the violation would be only 3"+.

It is possible there is already an overhang on the porch, Mr. Mooreland said.

These houses originally sold for $16,900, Mr. DuBois noted; now they sell for over $17,000. Evidently this violation has not adversely affected the resale of other houses in the area.

The only structural change necessary would be to rearrange the roof line, Mrs. Henderson suggested, that would not be too difficult because this is on brick pillars and not a foundation.

But the arrangement of the house would be disrupted on the living room side, Mr. DuBois answered.

Mrs. Carpenter moved to deny the case as no evidence of undue hardship has been shown in this case. Seconded, Mr. Lamond. Carried unanimously.

This is hurting a little man who cannot afford the loss, Mr. DuBois stated. The burden would probably be on Mr. Carlisle. Mr. Carlisle said he could not make the changes in this house except by placing a mortgage on his own home.

Mrs. Henderson explained that there are no valid reasons in the Ordinance for granting this request. There is an alternate location for the porch; the error should have been detected three years ago. This is a request to legalize a mistake, for which there would seem to be little excuse. There were no complaints on this. It has not hurt the neighborhood in any way and this mistake could have gone on for an indefinite time, Mr. DuBois said. They are simply trying to clear this up to put the records straight. They knew of the porch from the beginning but they were sure it would go on the building without violation. They assumed the house was staked properly.

It was no doubt the mistake of the supervisor of construction, Mr. Mooreland suggested. He saw the second plat and must have known that the porch would not fit on that side of the house.

This house has been sold under a G.I. loan, Mr. DuBois said. He did not know what would happen now as they have not made an inspection of the house yet.

If you are getting a loan from FHA or VA you most certainly would have to show a certified plat which is correct. If that plat shows this in violation, the case would have to be cleared before the loan, Mrs. Henderson stated; it would not look as though this mistake could go on

6-Ctd. and on. No transfer of title could be made without this correction. The Board requested that this house be made to conform to requirements within 60 days.

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7- LEONARD JOHNSON, to show cause why permit issued July 9, 1957, for Tea Room located on west side of Patrick Henry Drive, 570 feet south of Route 7, has not been used in accordance with the terms of the Zoning Ordinance.

Mr. Frank Swart represented the applicant. This case was deferred to view the property to determine what progress has been made in working toward the completion of Mr. Johnson's permit.

In going over Mr. Johnson's property, Mr. Lamond stated, it would appear that more work has been done on the place than was shown in the letter presented by Mr. Johnson, both interior and exterior changes, including moving trees, work on the driveway, parking area and landscaping. He thought the work had progressed too far to stop Mr. Johnson at this time. This man got a permit and was held up in his plans because of litigation, the weather and other difficulties. He has spent a considerable amount of money; it would seem hardly fair to put him off now when he is in the midst of a season where he can realize some financial return from his project.

Mr. Lamond moved that Mr. Johnson be allowed to continue the remodeling of the Crewe property and that this permit shall not be revoked. Seconded, Mrs. Carpenter.

Mrs. Henderson asked what "proceed to completion" means in the Ordinance. And what about the large hole in the ground, will that stay there indefinitely?

He is waiting for the man from Maryland to come back and work on that, Mr. Lamond answered. Mr. Mooreland suggested that a date be set for some of this work to be completed.

The motion carried unanimously.

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The Board continued to discuss Mr. Johnson's situation, recognizing the fact that finances had played a part in the delay. The Court costs, delay in actually getting into business, the costs required in meeting requirements of the fire marshal and landscaping have all put him in a position of nothing but continued out-go. He is just now in a position where he can realize some return.

Mr. Mooreland asked what about some guide from the Board on the future of this work? This permit is good for only six months.

Mr. Swart came before the Board stating that after the Board granted this permit, Mr. Johnson was in court for many months, but within six

7-Ctd. months he applied for a building permit and started construction; while it was minor construction, Mr. Swart admitted, it was necessary work and he did make a start. The question is, if he proceeded with deligence since that time.

Mr. Lamond said the Board did not discuss with Mr. Johnson the matter of completion of this work, but now that Mr. Johnson has his financing it is the understanding that he will go ahead to completion. Mr. Lamond pointed to new timbers which Mr. Johnson had put in and the change in the heating plant; these things would show that his intention is to complete this as soon as possible. He is not making those long range improvements without intent to complete his plans.

Mrs. Henderson again objected to the hole which she thought should be taken care of without delay.

Mr. Swart said the work would go ahead with better momentum now, as Mr. Johnson has his loan and is working under control of the financing company. He thought the weather might hold him up to some extent.

However the Board thought they should know when the balance of the work will be completed.

Mr. Swart said he could make no definite statement on this but would discuss it with Mr. Johnson and report back to the Board on January 13. This was agreeable to the Board.

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Mr. Mooreland read the following letter from Mrs. R. L. Joyce regarding enclosure of the porch, the case heard September 9, 1958:

"237 Lawrence Drive,
Falls Church, Virginia.
November 21, 1958

Mrs. L.J. Henderson, Jr., Chairman,
Board of Zoning Appeals,
County of Fairfax,
Fairfax, Virginia. Re: Lot 132 - Fenwick Park

Dear Mrs. Henderson:

We have your notice of September 30 with reference to our September 9, 1958 application to the Board for a variance, and note that "the Board has ruled that this is not a violation--in that the porch is not entirely enclosed. However, if the applicant wishes to install jalousies on all four sides of the room--or to completely enclose the room--a variance would be necessary....".

I would like to draw to your attention that our application of August 15, 1958 (copy of which is enclosed) for a variance from Strict Application of Zoning Regulation (6-12)(g) was "to permit enclosed porch to remain within 26 feet of street property line".

We feel that the Board was in error in not ruling on our proper application when I appeared before the Board on September 23, 1958.

I am enclosing copy of Building Permit No. 23024, dated June 13, 1958 which certifies that we have "permission to build PORCH located on Lot 132....". No mention is made of any specific kind of porch.

Although we had intended at that time to only enlarge the present screened porch, no mention was made that this permit was being granted for a screened porch ONLY. We were not aware that we were in violation when we decided to install jalousies in lieu of screens, and we feel we should have been properly notified as to the regulations when the permit was granted. Had this been done we would not have gone ahead with the work had we known we could not eventually enclose the entire porch, our ultimate goal at a later date. I might add that we are not alone in our ignorance of the building code as since your notice of violation was received we have made a thorough canvass of all persons we have come into contact with in the District of Columbia, Maryland and other nearby counties and NOT ONE PERSON anywhere knew of such a ruling, especially as there are many properties in Fenwick Park, as well as nearby, in apparent violation of the building code. We feel we are being unjustly persecuted.

We consider the porch enclosed with neat jalousies a distinct asset to the community and property and in this we have the 100% concurrence of our neighbors. The enclosed porch in no way interferes with anyone, nor does it cut off anyone's view and all neighbors agree that neat jalousies add more to the appearance of a property than screens. If you would care to inspect our property you would readily ascertain that we are constantly improving it and that considerable money and effort has been spent on the premises in doing so. It is the general opinion that our property is one of the best kept in Fenwick Park.

We feel that if a permit were denied to entirely enclose our porch that it would be a decided blot on the value of our property, especially in view of the fact that we paid $350.00 for a corner lot in order to enhance the property and the mode of living of the occupants.

You will understand that we have been put to considerable inconvenience and expense through no fault of ours due firstly to an error of the Board in ticketing this property as "in apparent violation", and secondly, when I was called upon to appear before the Board on two occasions due to correspondence having been misplaced by the Board.

We also paid $12.00 for a "hearing" which never took place.

We, therefore, ask that in the light of the foregoing the Board consider favorably our application for a permit to enclose the entire porch.

Very truly yours,
(S) Mrs. R. L. Joyce

237 Lawrence Drive
Falls Church, Virginia."

Mrs. Henderson agreed to answer the letter. Her answer is quoted as follows:

"December 16, 1958

Mrs. R. L. Joyce
237 Lawrence Drive
Falls Church, Va.

Dear Mrs. Joyce:

Your letter of November 21 was considered by the Board of Zoning Appeals at its last regular meeting on December 9, 1958. You will understand that the Board members were somewhat astonished by your letter since they all recalled, and I quote from the official minutes of the meeting, "Mrs. Joyce stated that she has no intention of further enclosing this area. It will remain as it is, a porch."

A porch, for which you obtained a building permit, is considered an open addition to the house and, as such, may extend five feet into the restricted setback area. If a porch is enclosed, it is deemed a room and part of the house, which may not extend beyond the required setback line.

Sometime ago the Board ruled that jalousies constitute an enclosure. You were called to appear before the Board because

December 9, 1958

MRS. R. L. JOYCE - Ctd.

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Mr. Mooreland, the Zoning Administrator, felt from his inspection that your jalousies fell in this category. From the evidence presented us regarding the open half of your porch and in view of your testimony, quoted above, the Board liberally declared there was no violation, thus permitting you to keep the jalousies as now installed. A variance to enclose the entire porch would require proof of hardship which the Board does not feel is evident in this case.

I should like to comment on a few other points in your letter, if I may.

1. The very granting of a building permit indicates that the plan as presented conforms to the various regulations. I do not believe that the office staff should be expected to anticipate an applicant's subsequent change of mind and inform him in advance of any possible violations which might occur from altered plans.

2. Since a number of local residents are ignorant of the Fairfax County Zoning Code it is not surprising that your friends in "the District of Columbia, Maryland and other nearby counties" were unaware of the provisions therein.

3. Your appearance before the Board and presentation of the testimony upon which we based our decision constituted the hearing for which you paid $12.00. The fee covers advertising in local newspapers and posting of the premises, as required by law.

May I express again my apologies for the inconvenience you were caused by two appearances before the Board. The misplaced correspondence was a regrettable error.

Very truly yours,

(S) Mary K. Henderson"

The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

December 23, 1958

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 23, 1958 at 10:00 a.m. in the Board Room of the Fairfax Courthouse. All members were present except Mr. T. Barnes. Mrs. M.K. Henderson, Chairman, presided.

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

NEW CASES:

1- JOHN J. LUCAS, JR. to permit an addition to dwelling closer to Street line than allowed by the Ordinance, southern portions Lots 349 and 350, Mason Terrace, (387 E. Westmoreland Road), Falls Church District. (Suburban Residence Class 1)

Mr. Lucas read the following statement relative to his case:

"December 23, 1958

Board of Zoning Appeals
County of Fairfax
Fairfax, Virginia

Gentlemen:

The matter on which I have applied to your Board for a "variance from strict application of Zoning Regulation (6-12)(g) is a simple one:

I have been granted a building permit to build this addition to the rear of my house by keeping the wall on the Custis Parkway side of the addition parallel to the Custis Parkway streetline. This would mean that that end of the room would be out of square by about 3.44 feet, which we feel would make a very odd-looking room and also, since the house as well as the addition are to be beveled block, would make difficult and untidy joints where the Custis Parkway sidewall of the addition joins to the rear wall of the addition and to the rear corner of the existing house. I am therefore applying for this variance.

I feel this is a very small variance for you to grant inasmuch as the point of the addition closest to the Custis Parkway would be about 25.88 feet, instead of 29.32 feet, and the only other house on this side of the block is, according to the man at the zoning office who measured their plat at the zoning office, about 21 or 22 feet from this streetline. The house across Westmoreland Road from us and on the same side of Custis Parkway is, according to my reckoning, closer than I want to go.

Further, Custis Parkway in this block is not an ordinary street. Half of it, on the far side, is paved to the center. The half on the near side is occupied by a tributary of Tripps Run and cannot be used for ordinary street purposes. The location of the stream is indicated on the copies of the plat submitted with my application.

Further, I have shown the plat indicating the addition to all the closest available neighbors and explained it to them and they have all expressed to me their hope that you will grant this issue. These neighbors include the owners of both adjoining lots, the neighbor directly across Westmoreland Road from us, the neighbor directly across Custis Parkway from us, and, since the owner of the next house on Custis is in Texas, the owner of the house next to his is on Custis.

I therefore feel that you should grant approval for this addition and hope you will find it proper to do so.

(S) John J. Lucas, Jr."

Mr. Lucas noted particularly that E. Westmoreland Road and Custis Parkway do not form a right angle at their intersection. Custis Parkway cuts into his lot on a slant thereby reducing the side yard

in approximately the amount of this variance. Mr. Lucas also pointed out the fact that the house across Westmoreland Rd. is setting closer to the right of way than he is requesting. He also stressed the location of a tributary to Tripps Run which runs between his house and the Parkway and which precludes the use of Custis Parkway on his side for street purposes. Nothing would be served by his observing the setback from a right of way that cannot be used, he claimed. Mr. Lucas also presented a petition signed by five of his nearest neighbors, all of whom stated that they understood the requested variance and had no objection.

The only access he would have to Custis Parkway would be by entering Westmoreland and making a left turn into the Parkway. Part of that highway has not yet been accepted into the State System, therefore it is not well maintained.

Mr. Mooreland called attention to the fact that there are several other houses in the area located with less setback than Mr. Lucas is requesting. Mr. Mooreland thought the room would not only look strange to have the side wall parallel with the Parkway but would be impractical.

Mrs. Henderson suggested jutting the room in five feet, but Mr. Lucas answered that the location of the windows and doors across the back of his house would prevent proper access and it would not serve the purpose for which the addition is intended. It would cover the dining room windows, whereas the plan presented would give access through the utility room door.

Mr. Smith suggested turning the room around the long way of the lot and setting it in further from the side line to meet requirements. This would not cover so many rear windows. Mr. Smith suggested deferring this to work out a better arrangement with the architect.

Again the reduced setback of other houses in the area was discussed and it was noted that this setback requested would actually be in line with other houses across the street. It was noted that there were not two houses within the same block with the less setback, which, if there were, this could be granted without benefit of a variance. The other houses are strung out for a distance greater than one block.

Mr. Mooreland pointed out that the Parkway has no particular destination.

Mr. Lucas stated that it was necessary to retain the stream bed along Custis Parkway in order to carry off the storm water; the 3 foot pipe which is in place is not adequate.

Mr. Lamond moved to grant the requested variance because the creek is located between Mr. Lucas' property and the street and this variance would in fact not create an encroachment on the street right of way because of the existing creek bed. It appears that this problem

1-Ctd. with the stream will exist for a long time. This is granted also because it does not appear that it would adversely affect adjoining property nor property in the neighborhood. This is granted under Sec. 6-12-g of the Ordinance. Seconded, Mrs. Carpenter.

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

Mr. Smith refrained from voting, stating that he was of the opinion that this should be taken back to the builder for a revision of the plan.

Mrs. Henderson voted no. Motion carried.

2- MELPAR, INC., to permit buildings 4, 5 and 6 to be used for scientific laboratories, N.E. corner of Leesburg Pike and Hardin Street, Mason District. (General Business)

In the absence of Mr. Schumann, Mr. Burrage appeared before the Board in response to the Planning Commission's request that Mr. Schumann discuss this case with the Board at this presentation. Mr. Mitchell, from Melpar, was also present.

The question particularly discussed by the Planning Commission with regard to this case was how much parking could be provided and where, Mr. Burrage explained. It was found that sufficient parking could be provided for Building #4 which would employ 150 people. The applicant shows parking space in the ratio of 1½ persons to a space (100 spaces). The same ratio would obtain on the other two buildings but they are 33 spaces short on Building #5. Mr. Burrage stated that he would recommend granting building #4 at this time, and that later, when adequate parking could be provided on commercially zoned property, the Board should grant buildings #5 and #6. Mr. Burrage pointed out that the applicant will probably find it necessary to ask for parking on residential property. In case any parking is granted on residential property, screen-planting would be required. The layout was originally made to park on commercial property only, but that would probably not provide adequate space.

Mr. Burrage read excerpts from the Planning Commission Minutes dealing with this situation:

> "Mr. Mitchell from Melpar was present to represent the applicant.
>
> Mr. Schumann came before the Commission stating that he had discussed this case thoroughly with Mr. Mitchell and would make the recommendation to the Commission that they approve the use of Building #4 as requested. But that Buildings #5 and #6 be granted, effective for use only when the applicant can assure the County that they will be able to provide sufficient parking space which will comply with the requirements of the Ordinance. He also suggested that this be contingent upon approval of entrances to Route 7 by the Traffic Bureau. Mr. Schumann thought these things could be worked out on an administrative level.
>
> If the parking could be provided on commercially zoned property, Mrs. Wilkins agreed that it probably could be worked out with satisfaction, but it would appear, Mrs. Wilkins brought out, that parking in this case would necessarily have to be on residential property, which would present a different problem.

Where this parking will be provided, Mr. Schumann stated, will depend upon what arrangements the applicant can make. They would probably use property on Hardin Street, or the O'Shaughnessy property, but if the Board of Zoning Appeals approves this with the reservation suggested, no parking could take place that would conflict with good planning. The Board could require adequate screening if necessary and the full amount of parking required in the Ordinance (two parking spaces for every three employees) could be made a part of the granting.

Mrs. Wilkins questioned if granting this under these conditions would adequately protect residential property.

But the buildings cannot be used until parking arrangements are completely satisfactory to the Board. If it is necessary to have the land rezoned for this purpose the applicant would necessarily request that zoning. The County would be protected, Mr. Schumann continued.

Mrs. McCormick thought the entrances would create an additional traffic bottleneck on Route 7. She asked where the traffic light would be.

That, Mr. Schumann answered would be the problem of the Traffic Bureau. Their approval would be necessary.

Mr. Landrith recalled the policy of the Board of Supervisors to encourage business and development in the County and the fact that Melpar has consistently made every attempt to comply with all requirements of the County Ordinances. He was of the opinion that this could be worked out, therefore he moved that it be recommended to the Board of Zoning Appeals that this request be granted, incorporating in that recommendation, the suggestions made by Mr. Schumann.

Mrs. Wilkins asked that it be specifically pointed out that the Commission had questioned the parking particularly with relation to protection of adjoining residential property. She thought evergreen screening should be required."

Mr. Schumann also suggested a barrier strip along Route 7 to protect traffic coming out onto Route 7. The Planning Commission approved the recommendations of Mr. Schumann.

Mrs. Henderson pointed out the fact that an application for rezoning has been filed on the property behind the filling station. She questioned why the applicants have been parking on residential property, noting that such use of residential property is not permitted.

Mr. Mitchell stated that Building #2 is not now being occupied by Melpar, but rather by Mr. Payne's grocery store. Mr. Payne employs only eight people. They, Melpar, will gain a number of extra spaces in this area, as Mr. Payne is not using the two loading ramps which will provide more parking area. Also on the back of Mr. Payne's store which area is now available, they will pick up another 33 spaces.

Mr. Mitchell explained that at present, they will not need parking space for 150 people per building, as the personnel to use those buildings will come nowhere near that figure. They are, however, looking to future expansion. They are asking only that the use be granted for these buildings contingent upon their providing adequate parking. Such a permit would preclude the use of the buildings until proper parking is provided.

Mr. Mooreland called attention to the fact that Hardin Street is not dedicated. It is a right of way only which leads back to three houses. He also recalled that this property is joined by an old gravel pit.

December 23, 1958 - Ctd.

2-Ctd.

Mr. Mitchell said they had in mind to build a retaining wall and slope the property along the east boundary.

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It was agreed that no screening would be necessary along the boundary of the old gravel pit, but it should be screened against the residential lots that face the property Melpar is to occupy. The woods and gravel pit take care of two sides.

It was noted that the bank on the north boundary of the property is very high; this is the area which necessarily will be sloped.

Mr. Harold Bellows from Rock Springs Subdivision asked what effect this would have on property owners in the area. He answered his own question by saying, in his opinion it would cause a traffic hazard and that it was an encroachment on private rights. He pointed to the Melpar building across the road where 200 cars are parked. These cars come out onto Route 7 at the "Flying Saucer". It is a terrific impact upon traffic. Hardin Street is only about 700 feet long. During rush hour, this morning, Mr. Bellows said, 150 cars and 11 trucks came through Hardin Street. This creates a bottle neck with cars pouring out of Hardin Street and from the "Flying Saucer". It takes ten minutes to get to the intersection and is extremely hazardous.

They are not aware of what kind of work Melpar will be doing here, Mr. Bellows went on, but they have been informed that it may interfere with radio and television.

From his home, Mr. Bellows stated, he could see the cars parked on residential property. There are thirteen houses on Rock Springs Avenue facing this residential parking lot. He had noticed that 18 cars and 6 trucks park on the lot next to Melpar.

Mr. Mitchell pointed out that Mr. Payne owns property on three sides of this area. It is either commercially zoned, or is potential commercial. Mr. Mitchell noted that some of Mr. Payne's trucks come and go, and that many of the cars and trucks referred to by Mr. Bellows belong to the men engaged in the construction work going on, on this property. They are grading the property, and taking care of the drainage. It is bad now, Mr. Mitchell admitted, but it will be perfectly satisfactory when completed and before the buildings are used; they could assure the Board of that.

Sufficient parking is more important to Melpar than to the County, Mr. Mitchell insisted; their lease requirements are emphatic as to parking. For most of their existing buildings, they have an excess of parking--they have looked forward to expansion.

Mr. Mitchell said they would abandon use of the area shown in orange on the map for parking purposes. They will move all parking across Hardin Street. (It was agreed that parking would take place only on the commercially zoned land.)

2-Ctd. Mr. Lamond moved that the recommendation of the Planning Commission be adopted; that Building #4 be granted and that Buildings #5 and #6 shall be granted when adequate parking can be provided. (In short, Building #4 granted and Buildings #5 and #6 deferred for adequate parking.) Seconded, Mr. J.B. Smith. Carried unanimously.

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3- MRS. CHARLOTTE J. LEE, to permit division of lot with less frontage and less area than allowed by the Ordinance, on south side of Telegraph Rd., Route 611, approx. 1/10 mile west of Dogue Creek, Lee District. (Rural Residence Class 2)

Mr. Trotter represented the applicant. He presented the Board with a picture of the house on the front of the property.

Mr. Lee bought this property in 1955, Mr. Trotter told the Board with a house on the front area. By 1957 he had completed the second house on the lot which is located about 200 feet to the rear of the house on the front part of the property. Mr. Lee died in July 1958. It was discovered that he had not obtained a building permit for the second house. Mrs. Lee is left with this property with the two houses on the one large lot. She now wishes to divide the property into two parcels, (a and b). Each lot would contain considerably over 1/2 acre, but they would not meet the Ordinance either in area or frontage. She has a driveway running from Telegraph Road to give access to the rear house.

Granting this would not do violence to the Ordinance nor to the map, Mr. Trotter argued, the neighbors do not object and if this were not granted it would place an undue hardship on Mrs. Lee as it would prevent her from getting a retroactive building permit. It is obvious that the fact that no building permit was taken out is not her fault. This lot is located in the general area of two subdivisions (Dewey Park and Rose Hill Farms) both of which are zoned for 12,500 sq. ft. lots. These lots, if granted, would be considerably larger than 12,500 sq. ft. Therefore, Mr. Trotter contended, granting this could not be construed as being out of harmony with the area.

Mr. Lee built the house himself, Mr. Trotter continued. He probably was ignorant of the requirement to get a building permit. The little rear house would be valued at about $8,000. The entire property is encumbered with a loan.

The delayed request for a permit was denied on the grounds of the size of the lot, Mr. Mooreland stated. He was powerless to do anything about it. The house is completed. It is rented.

If a building permit is denied originally, does the Board have the jurisdiction later to grant that permit, Mrs. Henderson asked?

3-Ctd. Mr. Lamond suggested that allowing this would probably not adversely affect the neighborhood. He moved to defer the case until January 13 in order to view the property. Seconded, Mrs. Carpenter. Motion carried.

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4- SIDNEY B. SMITH, to permit erection of dwelling within 35 feet of the street property line, Lot 11, Section 3, Westmont, Dranesville District. (Suburban Residence Class 3).

This lot contains an area of almost one acre; it is valued at approximately $8,000; under the covenants the minimum size house allowed on the property is 15,00∅ sq. ft.

Mr. Smith called attention to the fact that easements for both the water main and storm drainage run the full length of the lot. The lot falls back from the street to a low level. Therefore, there is a very small buildable area left, not sufficient to erect a 15,00∅ sq. ft. house and meet setback requirements. Also there is no sewer, they must provide area for septic tank and field without running too close to the water line. They will necessarily have the septic at one end of the house. The house must be on a high spot in order to get the slope to the septic. They cannot go back more than 35 feet and meet the Health Department's distance requirement from the Water main, stay off the easements and at the same time get the proper slope into the septic. If the house moves back the septic must move back also, which would then encroach on the water and storm drain easements.

All the adjoining property owners had signed a statement, which Mr. Smith presented to the Board, saying they have no objection to this variance.

It was also noted that this property is located on a cul-de-sac, which serves as entrance for only five lots, two of which are in one ownership.

Mrs. Carpenter moved to grant the requested variance to Mr. Smith because of the easements on the property and because of the existing topographic conditions. Seconded, Mr. Lamond. Motion carried unanimously.

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5- M. T. BROYHILL AND SONS, to permit completion of dwelling on existing foundation within 39.23 feet of the street property line, Lot 155, Section 3, Broyhill McLean Estates, Dranesville District, (Suburban Residence Class 2)

Mr. Oren Lewis represented the applicant. This is a variance of approximately 8 inches caused by the 1½ foot bay window Mr. Lewis pointed out. It is not observable that this slight variation exists. There was no attempt to crowd the setback as the lot has sufficient depth. It was a mistake in location of the building in that the bay window was not taken into consideration. It could easily have been put back the required distance. They have built 168 or more houses and have about 30 more to complete. This is their first error.

5-Ctd. Mr. Lewis presented a statement from five adjoining and nearby property owners, all of whom had no objection to this small variance.

Mrs. Carpenter moved to grant the requested variance to the applicant because it would not be detrimental to the surrounding neighborhoods, and because this is such a small variance. Seconded, Mr. Lamond. Motion carried unanimously.

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6- HERMAN J. KOENIG, to permit enclosed porch to remain as erected 8.5 feet of the side property line, Lot 44, Section 2, Kent Gardens, (1701 Jerry Place), Dranesville District. (Rural Residence Class 2)

Mr. Ernest Hudgins represented the applicant. It was noted that the plat showing this violation was incorrect in that the dimensions did not scale nor did they agree with the 8.5 feet requested in the application. Mr. Hudgins thought the setback should have been 13.5 feet, however, since the Board was unable to determine what is on the ground and what the applicant wished to apply for, Mr. Lamond moved to defer the case until proper plats can be presented. Mr. Mooreland suggested that it might be necessary to survey the line in order to get accurate plats.

No date was put on the deferrment. It was left for Mr. Mooreland to schedule the case on the agenda whenever he receives corrected plats.

Motion seconded by Mrs. Carpenter and carried unanimously.

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7- WERNER KREBSER, to permit physician's offices in existing dwelling as non-residents, on westerly side of Ingleside Avenue, approximately 400 feet north of Old Dominion Drive, Dranesville District. (Suburban Residence Class 2)

Dr. Krebser explained to the Board that he and his partner wished to carry on their medical practice in this house which would be used exclusively for professional purposes. They wish to settle in this area permanently. They have searched for a very long time before they found this house. It is located within 50 feet of the proposed McLean by-pass which would render it practically useless for residential purposes. However, for their purpose it would be excellent. They will buy the property, if this permit is granted. It is their intention to landscape the grounds and keep it attractive. The lot affords sufficient parking area. The by-pass is planned for construction within the next two years.

Mrs. Henderson asked if no commercial building were available. Dr. Krebsdr answered, none that was within their price range. They have talked of having a medical building in McLean, but could not get enough doctors together to get it going.

They will have parking for nine cars--it would all be off-street parking. There is a drop from the house level to the parking area in the rear. The parked cars would not be visible from the street.

7-Ctd.

Mr. Lamond recalled that the Board had granted similar cases, but also recalled that both the Planning Commission and the Pomeroy Ordinance frown on granting medical buildings in homes in residential areas.

But where can doctors go? Dr. Krebser asked; there is nothing in McLean which could be used which is within reason. They have spent a great deal of time looking for a place in this area.

There is a need for doctors and this situation should be met by the County, Mr. Lamond stated. It probably will be taken care of in the new ordinance.

Dr. Krebser pointed out that Fairfax County is 50% understaffed as far as doctors are concerned. There is not room in this house for offices and dwelling use.

Mrs. Carpenter suggested that this might be allowed to operate for a limited time, pending availability of an office building in McLean.

It would be too expensive to go in to this on a short term, Mr. Lamond observed.

Mrs. Henderson thought the Board should have a statement of policy on this from the Planning Commission.

The Commission does not agree with what the Board of Zoning Appeals has done in granting these medical buildings, Mr. Lamond stated; they have already made that plain. Mr. Lamond recalled, however, that the only cases the Board has granted have been to those who have lived in the house and have outgrown it.

Dr. Krebser said they would prefer to be in a business area, but that is impossible at this time. This is the only way a new doctor can afford to come into the community, Dr. Krebser continued; as time goes on, they will surely be able to locate in a business area.

But that is up to the Board of Supervisors to rezone land and make it available for this purpose, Mrs. Henderson stated.

A gentleman from the audience who did not give his name supported the doctor in his request.

They could still buy the house and use ff for a dwelling and an office, Mr. Smith stated.

This case should be deferred for the Planning Commission to study, Mrs. Carpenter stated; it presents an unusual situation because of the by-pass which is only 50 feet away and because proposed commercial development is about 500 feet away. This is a situation vitally important to McLean, Mrs. Carpenter continued and it should be given full consideration.

Dr. Krebser said they have an option which must be taken up within 90 days from November 1958 and they wanted to be operating by summer. They have more than $30,000 invested in this. Dr. Krebser presented a petition of nearby residents (10) who have no objection to this use.

7-Ctd. Mrs. Carpenter moved to defer the case until January 27 for a report from the Planning Commission. Seconded, Mr. Smith. Carried unanimously.

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8- NORTH WASHINGTON PROPERTIES, INC., to permit erection of one sign with larger area than allowed by the Ordinance, (175 sq. ft.) north side of Arlington Boulevard, approximately 600 feet east of Route 649, Falls Church District. (General Business)

Mr. Jack Stone represented the applicant. This business will have only the one sign, Mr. Stone stated. All computations are made on a "boxed" letter basis.

Mrs. Henderson suggested that this 175 sq. ft. sign would dwarf Robert Hall and Kinney Shoes next door, which have 100 sq. ft. each of sign area. But this motel has a longer frontage, Mr. Lamond pointed out. He suggested that the sign was a good one. It would show up well; it is in good proportion add well spaced. This motel has about 470 ft. frontage, Mr. Lamond continued, which could very well accommodate this sign.

Mr. John Taylor said the sign would be located in the center of the property. There were no objections.

Mr. Lamond moved to grant the application as submitted. Seconded, Mrs. Carpenter. Motion carried.

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

Mrs. Henderson voted no. Motion carried.

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Mr. Lamond told the Board that he had stopped in at the Medical Center drug store after Mr. Kressler had stated that he was operating only an "ethical pharmacy" and was not selling there extra corricular articles commonly sold in drugstores. However, contrary to Mr. Kessler's statements, Mr. Lamond said he did find many articles other than drugs, which he considered prohibited by the permit, being sold in the drug store.

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9- JOHN R. SPIVEY, to permit erection of a carport within 13.8 feet of the side property line, Lot 23, Section 1, Doveville, Providence District. (Rural Residence Class 2)

Mr. Spivey said he bought this place thinking there was sufficient room to put in a carport. The driveway was already in and he assumed the carport at the end of the driveway was perfectly all right. On the other side of the house is a four or five foot drop which would prevent his locating the carport there.

Asked if he could not put the carport at the rear, he said he could, but it would be undesirable because he has many shrubs in back and his well is immediately in back of his house.

9-Ctd. Mrs. Henderson suggested locating it back nearer the property line, either 4 or 2 feet.

The driveway was in when he bought, Mr. Spivey said; it would be in line with a carport which is attached to the house. He prefers to have it attached. The house next door is about six feet below his house. If he put the carport back farther and close to his line, he was sure his neighbor would be unhappy; it would be so close to him.

Mr. Lamond moved to defer the case to January 13th to view the property. Seconded, Mr. J.B. Smith. Motion carried.

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10- BEECH PARK CORP., to permit warehouse and office with less setback from side property line, Lot 7, Section 1, Beech Park, Providence District. (Industrial)

Harmon Harrison, President of the Corporation represented the applicant. This property is industrially zoned, Mr. Harrison pointed out, but it is joined by General Business Zoning and the regulations provide that an industrial building must set back 50 feet from the property line of general business zoning. The building he would erect here is the same type as that on the next lot which is zoned general business. If his property were zoned General Business it would not be necessary to apply for this variance. The business to be conducted in this building does not require industrial zoning. This will be a substation for the National Linen Association whose headquarters are in Atlanta, Georgia, it will serve as a distribution place and a transfer point.

The chairman asked Mr. William Wrench if he wished to make a statement. Mr. Wrench said he had discussed this with Mr. Schumann and had come to the same conclusion as Mr. Schumann regarding this. Mr. Wrench noted that this is not an industrial use although it would be operating on industrial property.

Mr. Price recalled that this is the same application that came before this Board a few weeks ago. Mr. Price said he had talked with these people, along with others, in an effort to get them to locate in this area. Mr. Harrison had found this location which is satisfactory to them. This is a substantial firm, Mr. Price went on. It would be an asset to the County to have them here. They will put in a pickup station. Their trucks are now going back to Richmond. They no doubt will have a regular laundry in the County in time. These people do a large scale business, he continued. They handle laundry, especially for motels and restaurants. This business will give employment and will bring in good tax revenue to the County, Mr. Price continued. This property is in a generally industrial area. It is in keeping with uses in the area; to observe the 50 foot setback would be a hardship. This would cause no traffic hazard. It has good access.

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10-Ctd. Mr. Lamond moved to grant the application on the basis that it will not adversely affect neighboring property and it would appear to be the proper use of the land. Seconded, Mrs. Carpenter. Carried unanimously.

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 13, 1959 at 10:00 a.m. in the Board Room of the Fairfax Courthouse. All members were present. Mrs. M.K. Henderson, Chairman, presided.

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

The Chairman asked for nomination of officers for the insuing year. Mr. Lamond nominated Mrs. Henderson. Seconded, Mr. T. Barnes. Mr. Lamond moved that the nominations be closed. Seconded, Mrs. Carpenter. Motion carried, Mrs. Henderson not voting.

For vice-chairman, Mr. Barnes nominated Mr. Slater Lamond. Seconded, Mrs. Carpenter. Mr. Barnes moved that the nominations be closed. Seconded, Mr. Smith. Motion carried, Mr. Lamond not voting.

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NEW CASES:

1- CANNON CONSTRUCTION CORP., to permit erection of an office within 3 feet of the side property line, Lots 15, 16 and 17, Block 40, New Alexandria, Mt. Vernon District. (Rural Bus.)

Mr. Cannon appeared before the Board.

The building planned for this property is 30 by 70 ft. They will tear down the old building now on the property when the new office building is erected. The reason for asking this 3 ft. setback, Mr. Cannon told the Board is to give sufficient area on the opposite side and to the rear of the building for parking purposes. They will provide 1 to 4 parking.

While the property immediately adjoining to the east (nearest to the proposed building) is residentially zoned it is occupied by a non-conforming filling station.

The three lots to the west are zoned for business, Mr. Cannon stated, however, they are not developed. They are in his ownership.

When asked why he did not take part of one of those lots to fill out the parking space needed on this property, Mr. Cannon said he planned to put another building on those lots. He wished to use only the 75 ft. width for this building.

This is purely a business area, Mr. Cannon pointed out. Even though the property to the east is classified residential it has a very permanent filling station on it and this 3 foot setback would in no way adversely affect that property.

Mr. Mooreland noted that while maneuvering space is usually figured from 23 to 28 ft. Mr. Cannon shows 22 ft.

This building will be of masonry construction, Mr. Cannon stated. It will be used for offices. He showed pictures of the property and the area indicating that his planned construction would greatly improve the property.

Mr. Cannon said an application for business zoning on the filling station property would be presented to the Board of Supervisors at their

NEW CASES:

1-Ctd. next session of zoning hearings. In that case, if it is granted, he could build up to his property line and this would be wiped out.

Mr. Lamond recalled that a great deal of opposition to additional business zoning in this area has always been evidenced. He questioned if the filling station lot would be granted the zoning. However, he thought Mr. Cannon's plan would be a great improvement to the area.

Mr. Lamond said he would like to see a plan of what Mr. Cannon intends to do with his other three lots which are adjoining in order to see how this building ties in with the other plans. Mr. Lamond, therefore moved to defer the case until February 10 to give Mr. Cannon the opportunity to bring in a plan of development for the other three adjoining lots in order to see how this building fits in with the other plans.

Seconded, Mrs. Carpenter.

Motion carried unanimously.

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2- THEODORE E. NAMEY, to permit division of a lot with less frontage than allowed by the Ordinance, on south side of Route 690, 380 feet west of Birch Avenue, Draneswille District. (Sub. Residence Class 2)

Mr. John Lallie represented the applicant. He explained that when 5.958 acres of ground were conveyed from James Heath to Mr. Namey it created this small area with 150.58 ft. frontage on Route 690. This property is zoned Suburban Residence Class 2 which requires 80 ft. frontage. They lack something over 4 ft. on each lot of having the required frontage. Mr. Namey plans to put a house on each of these lots ranging in price from 20 to $22,000. No variance will be asked for a garage as they will locate the garages at the back and will use a double common driveway. They can meet all setback requirements with the houses planned.

Mr. Mooreland read the following report from the Planning Staff:

"MEMORANDUM

To: Board of Zoning Appeals

From: H. F. Schumann, Jr., Deputy Director of Planning

Re: Application of Theodore E. Namey, to permit division of a lot with less frontage than allowed by the Ordinance.

Date: January 13, 1959

Inasmuch as if this application be approved, the division of this land would come under the purview of the County Subdivision Ordinance. It is recommended that if the Board does approve the application, that it do so subject to compliance by the applicant with the County Subdivision Ordinance. "

Property in this area is all zoned Suburban Residence Class 2, Mr. Mooreland told the Board. These lots would not be out of harmony with existing lot sizes.

NEW CASES:

2-Ctd. Mrs. Henderson asked Mr. Lallie what hardship he was presenting. It would mean that this one lot would be left with 150 ft. frontage in an area of 80 ft. lots, Mr. Lallie answered. There is no possibility of purchasing adjoining property on either side to give the full width as those people will not sell. It would also be a hardship because the applicant cannot get the best utilization of his property. While Mr. Namey owns the land to the rear, that does not help his frontage.

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Mr. Namey will develop the balance of his tract into Suburban Residence Class 2 lots with 80 ft. frontage as soon as sewage is available.

Mrs. Henderson emphasized the fact that Mr. Namey could expect no variance on garage or dwelling setbacks if this is granted. That, Mr. Lallie said, was taken care of by putting the garages at the back of the house.

Mr. Lamond stated that in view of the fact that the applicant was hemmed in on both sides by property owners who did not wish to sell any of their property and since the size of these lots was not out of harmony with the area, and since the variance requested is a small one he would move to grant the application subject to Subdivision Control. Seconded, Mr. T. Barnes.

Mrs. Henderson voted no, stating that in her opinion no evidence of hardship was shown. All others voted for the motion. Motion carried.

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3- BREN MAR HOTEL CO., INC., to permit erection of one sign with larger area than allowed by the Ordinance, (area of sign 153.85 sq. ft.), on east side of Shirley Highway, Service Lane south of Edsall Road, Lee District. (General Business)

No one was present to support the case. Mr. Lamond moved to put it at the bottom of the list. Seconded, Mr. J.B. Smith. Motion carried.

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4- POTOMAC BROADCASTING CORP., (Radio Station WPIK) to permit erection and operation of a transmission tower and accessory building, property on east side of Mt. Vernon Boulevard adjacent to southerly line of National Capital Park Property. Mt. Vernon District.

Mr. Armistead Boothe represented the applicant. Mr. Boothe presented exhibits indicating the type of tower planned to be erected. In his presentation, Mr. Boothe said he would show what the property is and what it is not and why the tower is planned to be here and why it is not someplace else.

This station is now operating in Alexandria, Mr. Boothe told the Board, a 309 ft. tower, the same as they propose on this property. He showed photographs of the presently operating tower taken from the same

in the vicinity of the West Grove Subdivision.

The Board of Directors bases its opposition to this or any other commercial or semi-commercial structure near that Boulevard on the grounds that the land has been properly zoned residential and any variance would change the character of the vicinity and open the

distance as from the hill in Westgrove and also taken from the same distance this site would be from Mt. Vernon Boulevard.

This is not a radio tower, Mr. Boothe pointed out, it is like the tower at the courthouse--slender, almost invisible against the sky. It will be connected with underground transmission lines. The only thing seen above the ground will be the tower itself. There must also be an auxiliary accessory building for breakdown emergencies. Mr. Boothe indicated the location of that building on the plat and showed drawings of the type of building they would construct.

Also, Mr. Boothe showed a photograph of this site as seen from Mt. Vernon Boulevard with the tower drawn in on the photograph.

This is no Eiffel Tower type of structure, Mr. Boothe assured the Board. There will be no wires dangling in the air. There will be no traffic going in to the building, not as much traffic as would be generated by a home. It will be visited once or twice a day by an attendant. This will not operate as a commercial enterprise; the studios will stay in Alexandria where they have been for many years.

This location, which is low and swampy is particularly good for radio transmission, Mr. Boothe told the Board. They have operated in this general area for a long time and find it is an excellent location for their purposes.

They do not choose to move from their present location, Mr. Boothe explained, but they are forced to do so because the Circumferential Highway is coming through their land. They must be 350 ft. from the Highway. This forces them to move. There is no way of relocating the Highway, therefore the only alternative is to move. They have searched for eight months, Mr. Boothe went on, for a new site in this Hunting Creek area. The FCC does not want them to go farther south than this. This is the most practical location they could find which would adequately serve Alexandria and Fairfax County.

Mrs. Henderson asked if the tower would have cables to hold it up.

Mr. Boothe answered, yes, but he indicated in the photographs that the cables were not visible.

The Chairman asked for opposition.

Mr. McCutchem asked that a letter from National Park Service be read.

Mr. Mooreland read the requested letter, followed by other letters from the Westgrove Citizens Association, Belle Haven Citizens Association, Villamay residents and a petition from Westgrove:

"National Park Service

Fairfax County Board of Zoning Appeals
Fairfax, Virginia

Case: Potomac Broadcasting Co., Radio Station WPIK, hearing Jan. 13, 1959

Gentlemen:

The National Park Service has been advised an application is pending before the Board of Zoning Appeals to permit the construction

4-Ctd. and operation of a radio transmitting tower and station on land east of and adjacent to the Mount Vernon Memorial Highway in the vicinity of Westgrove.

The Mount Vernon Memorial Highway, a part of the George Washington Memorial Parkway is, as its name implies, a memorial to George Washington, Fairfax County's most distinguished citizen. The Service is firmly convinced that the construction of this facility with its attendant high tower would be a discordant element in relation to the memorial and scenic aspects of the parkway. It is the responsibility of the National Park Service and all citizens to preserve the memorial character of this parkway.

The property on which this facility is proposed for construction is located between the parkway and the river and should logically be a part of the parkway. It is our hope that this can be accomplished in the future.

The National Park Service is therefore opposed to the granting of this application and earnestly solicits the support and cooperation of the Board in our efforts to preserve the memorial character of the parkway.

I would appreciate your making this letter a part of the records of the hearing.

(S) Hillory A. Tolson, Acting Director"

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"Westgrove Citizens Association
Alexandria, Virginia

Mr. W.T. Mooreland
Zoning Administrative Office
Fairfax County Court House Building
Fairfax, Virginia

Dear Mr. Mooreland:

Pursuant to my telephone conversation with your office on Monday, January 5, 1959 I am transmitting herewith my request together with the request of the undersigned persons who live immediately adjacent to the proposed site of the Potomac Broadcasting Corporation transmission tower and accessory buildings.

We, therefore petition, individually and collectively, that the Board of Zoning Appeals grant a two (2) week postponement of the hearing on the above mentioned tower and buildings presently scheduled for January 13, 1959 at 10:30 a.m. The postponement is requested in order to give the undersigned time to study the effects of such construction on the valuation of their property and upon the far reaching effect of such an exemption of existing zoning regulations.

The undersigned respectfully suggest that our present limited knowledge of the proposed construction may lead to an unjustified position on our part at the scheduled hearing. Further, the granting of the above requested postponement would assure our appearance at a hearing with a fuller knowledge of the effects of such construction and a more comprehensive and just understanding of the Potomac Broadcasting Corporation's request for an exemption to existing zoning regulations.

We sincerely trust that our request will be granted. Thank you for your courteous consideration.

(S) John Howzdy, President, Westgrove Citizens' Association and
Gerald A. Purcell, Sydney H. Negrotto,
Gerald Erbst and L.A. Westbrook"

"RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELLEHAVEN CITIZENS ASSOCIATION January 10, 1959

RESOLVED: that the Belle Haven Citizens Association's Board of Directors is strongly opposed to the granting of the exception to zoning requested by WPIK for the purpose of erecting and operating a transmission tower east of the Mount Vernon Boulevard in the vicinity of the West Grove Subdivision.

The Board of Directors bases its opposition to this or any other commercial or semi-commercial structure near that Boulevard on the grounds that the land has been properly zoned residential and any variance would change the character of the vicinity and open the

wedge for further business interests.

This resolution was unanimously approved by the Board of Directors for the Belle Haven Citizens Association.

ATTESTED BY: Lois Saunders, Secretary"

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"We, the undersigned, residents of Villamay understand that a zoning application has been made by the Potomac Broadcasting Corporation to permit the erection and operation of a radio transmission tower and accessory building on a site located along the Mount Vernon Boulevard directly to the east of the Boulevard entrance to West Grove Boulevard. Access to Villamay is by way of the entrance to West Grove Bouleward and our community is located almost due west of the proposed broadcasting facility. It is our understanding that this facility will include a transmission tower approximately 400 feet in height.

We hereby strenuously object to the granting of zoning required for the use of the site proposed by the Potomac Broadcasting Corporation. We believe that such a facility would materially alter the residential character of the Mount Vernon Boulevard area and stimulate an inroad of commercial or quasi-commercial activities along the Mount Vernon Boulevard. It is believed that such use would also alter the character of the Boulevard itself toward the end that property values would be diminished and cause an interruption of the excellent residential development now in process at Villamay and in other communities along the Mount Vernon Boulevard. We also feel that the proposed facility may constitute an air navigation hazard which in turn would reflect in an undesirable way upon our homes and our investments."

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Petitions were presented opposing this application, totaling approximately 400 names, including Westgrove, Marlan Forest and Marlan Heights.

Mr. Charles Harnett appeared before the Board representing R.M. Robbins and other owners of a large trust on land of Villamay property .

Mr. Meikeljohn, representing Mount Vernon Citizens Association, Westgrove & Marlan Forest Citizens Association objected, stating that while they were sympathetic with the problems of WPIK, they felt that they should not have to bear the brunt of those problems. This tower is not the type of facility which is appropriate to the type of residential development here. This is not a facility immediately needed in this area, Mr. Meikeljohn continued, it is not like a telephone or power line both of which have a direct relationship to people living in the area. Therefore this tower has no harmonious connection with the needs nor the character of the area. In order to grant such a use, Mr. Meikeljohn continued, the Board must find that it is in harmony with the area and that it will not adversely affect neighboring property. This is a park area, he insisted, the whole Mt. Vernon Parkway is developed to preserve the beauty of the area. It should be kept that way. Even the homes in the vicinity of the Parkway blend with the park character. This facility would be entirely out of place and it would be ddpreciating. It lends nothing to the preservation of the beauty and the historical aspects of the Potomac River. Such an intrusion would, without question, adversely affect those people owning property overlooking the site. These people feel strongly that their property would be damaged.

4-Ctd. Since this site location is in the vicinity of the airport, Mr. Meikeljohn went on, it could very well present a hazard to aircraft as well as to residents in the area. This spot is very near to the normal path of planes entering and leaving the airport; the tower therefore could present a real and serious danger to people living in the Mt. Vernon Boulevard area.

They also feel that by granting this use on Mt. Vernon Memorial Highway the way would be paved for others to ask commercial uses, in varying degrees. That would not be compatible with one of the most attractive and best developed single family residential areas in the County.

Mr. Freeman from National Capitol Park Service was present, but made no further statement than that made in the letter from the Park Service read earlier in the hearing.

Mr. McCutchem stated that a bill was presented in Congress yesterday by Representative Smith authorizing the purchase of all of this land (the Smoot Sand and Gravel property) to be operated by the National Capital Park System.

Mr. Boothe said that as far as the Federal Government was concerned it would appear that the right hand does not know what the left hand is doing as several other agencies are interested in this site. However, irrespective of what is done with this land, Mr. Boothe pointed out, the U.S. Government has the authority to step in at any time and condemn this land whether this little sliver of a tower is put on it or not. This is a use which was not considered commercial, Mr. Boothe insisted, in the minds of the drafters of the Ordinance. No commercial activity takes place on the ground. This is far more in harmony with the area than a telephone transmission line, or a VEPCO power line, with attending high tension wires. There is far more objection to these so called "service facilities" needed in the immediate area, than to this slim tower which would be barely visible either from homes or the Boulevard.

This land as it is has already been put to a commercial use, Mr. Boothe explained. The owners have a contract which does not terminate until 1961 allowing them to dredge sand and gravel. They could excavate this whole area. Their permit allows that. If the Federal Government wants the land, that is another thing, but under any circumstances, Mr. Boothe continued, the land (15 acres) will be drained and protected by the erection of this tower.

The erection of the tower will not be a hazard to aircraft, Mr. Boothe informed the Board. It is necessary to get clearance from CAA for erection of any tower of this height; they have obtained that clearance.

NEW CASES

4-Ctd.

This will not be an opening wedge to commercial enterprises near Mt. Vernon Highway, Mr. Boothe insisted. The little building to be erected will be designed like a home with appropriate landscaping. It will be less used than a home.

Mr. Boothe again referred to the photographs of the presently operating tower taken from distances equal to the hill in Westgrove and the Boulevard pointing out that the telephone poles and wires in front of the houses would be more objectionable than the tower.

People get upset when they think their community is being hurt, Mr. Boothe went on; that is very natural and it is difficult to explain all the details and get it across to everyone that this will not be objectionable, and it is difficult to satisfy everyone.

Mrs. Henderson asked if the people in the room (the objectors) would like to see the photographs. There appeared to be no interest.

In answer to a question from the audience, Mr. Boothe said the tower would be lighted like the tower at the Courthouse. Lights are required by CAA.

Mr. Purcell said he had been told that the dredging of this property would not be activated; if the owners expect to go ahead with the dredging he thought people in the area should be informed.

Mr. McCutchem referred to Mr. Boothe's statement that CAA had approved this tower. Mr. McCutchem said they have seen no evidence of that approval. A representative of the American Space Coordinator had advised him yesterday that as far as he knew no approval had been given for this project.

Mr. McCutchem again stressed the danger to homes because the elevation of most homes in the area is very near the altitude clearance for landing planes. The tower would be about the same height. He considered this tower a great safety hazard to both planes and homes.

Mr. Boothe said he had been informed that approval for the tower was given by CAA. If it has not been given or if they cannot get approval, there is no question--the tower will not be built, he concluded.

Approximately 29 people were present objecting.

Mr. Lamond suggested that this application be deferred for two or three weeks so Mr. Boothe and the people in the area can get together with the CAA on the permit and so this case can be thoroughly explained in detail to the people in the area. Mr. Lamond felt that there were many things which could be ironed out in further discussion between both sides. He therefore moved to defer the case until January 27. Seconded, Mr. J.B. Smith.

Or, Mr. Lamond suggested they might discuss another ~~sight~~ SITE which the objectors say they have in mind. Motion carried.

Mr. McCutchem thought the people in the area were fully aware of all the implications of this use.

NEW CASES

4-Ctd. But, Mrs. Henderson noted, people have not heard the case presented fully until today and there are many problems confronting these people which very well could be discussed.

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Mr. McCutchem said they had actually heard much more than was brought out in this hearing.

A gentleman from the audience questioned the use of low swampy ground. He had been informed that high ground was better for this purpose. He asked for an explanation of this discrepancy. That, Mrs. Henderson answered, is another question which might be discussed and resolved in your meeting.

Mr. Boothe said he would be glad to meet with the groups.

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5- RECREATION, INC., to permit erection and operation of a swimming pool, ~~club~~ BATH house and ~~other~~ recreational ~~facilities incidental thereto~~ AREA (PROPERTY ON SOUTHERLY SIDE OF OLD COLUMBIA PIKE, ROUTE 712, ADJOINS SANPING SPRINGS SUBDIVISION) ~~, at the end of Brookside Road and adjacent to W.R. Reynolds Third Addition to Golf Club Manor, Dranesville~~ MASON District. ~~(Suburban Residence Class 3)~~ (RURAL RES. CL. 1)

Mr. William Hansbarger, representing the applicant, asked the Board to defer this case for thirty days. Mr. Hansbarger said he had notified Mr. Payne of the Pinecrest Citizens Association and also Mr. Ward of Parklawn that he would ask for this deferral. Mr. Payne had stated that he would notify as many people in Pinecrest as he could and would also try to contact the president of the Englandboro Association. Approximately 15 were present opposing this project.

The Chairman asked them if they objected to this deferral. Mr. Cox, from Pinecrest, confirmed Mr. Hansbarger's statement that he had notified Pinecrest and that most of the people did know of this proposed deferral and did not object to it.

Mr. Cox asked for a definite date and time of deferrment. It was agreed that people would be notified as soon as the time is set.

Mr. Lamond moved to defer the case for 30 days and included that this case be scheduled first on the agenda on that date, February 10. Seconded, Mrs. Carpenter. Motion carried.

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6- ARLINGTON COUNTRY CLUB,INC., to permit erection and operation of a swimming pool, club house and other recreational facilities incidental thereto, at the end of Brookside Road and adjacent to W.R. Reynolds Third Addition to Golf Club Manor, Dranesville District. (Sub. Res. Class III)

Mr. Hansbarger represented the applicant. He introduced Mr. Walter Reynolds, President of the Club; Mr. Frank Roller; Mr. Hooper; and Mr. Mussollino, Architect.

Mr. Hansbarger showed the location of the property by maps and aerial lots with relation to roads, developed and undeveloped property and its

6-Ctd. nearness to the Arlington County line. The property is bounded on two sides by Mr. Reynolds' Golf Club Manor and Chesterbrook Woods. Section Four of Golf Club Manor will be located immediately back of this site. It is not yet developed. Section Three adjoining has been partially developed. Brookside Drive, a 50 ft. road which enters at the southwesterly corner of the property will serve as entrance and exit. Only one side of this property is bounded by homes. All the other development will take place after the Club is in operation. The owners and developers of this undeveloped land are the same people who would install this project.

The following letter from Mr. Walter Reynolds and detail plans of the Club were read:

ARLINGTON COUNTRY CLUB, INC.
2180 NORTH ABINGDON STREET
ARLINGTON, VIRGINIA
Jackson 7-6528

"Dear Neighbor:

The artist's drawing you have just seen is no longer a dream. With your support, it will become a reality by May 30, 1959.

This beautiful Club is designed to provide complete recreational facilities for the entire community. It w ll be the pride of every person who becomes a member. The club will be private, non-profit and member-owned, with membership strictly limited.

Many recreational and social activities are planned on a YEAR ROUND BASIS. We know of no other club to compare with this in the Metropolitan area.

Nearly eleven acres of beautifully wooded land in Golf Club Manors will be carefully developed for the pleasure of the club members and the enhancement of property values of all residents of the area.

We invite you to study the description of the facilities, activities and the terms of membership in the following pages. We urge you to apply for membership immediately. The prompt response of all those interested is essential to the timely completion of this community project.

A membership application form is enclosed for your convenience, which may be mailed or delivered to the above address. Also, a meeting to discuss the project and answer any questions you may have will be held in the Jamestown Elementary School, 3700 North Delaware Street, at 8:00 P.M. January __, 1959. You are cordially invited to come prepared to join the club along with your friends and neighbors.

(S) Walter R. Reynolds, President"

Location and Development

The club will be on the north side of the Third Addition to Golf Club Manors with initial access by Chesterbrook Road and Brookside Drive. Two additional access streets will be provided to serve members in the Military Road, Chesterbrook Woods, and Fairfax areas as the open land on two sides of the property is developed.

There will be amply parking. The site is in a setting of natural beauty and privacy. These important features will be retained and improved to the maximum degree possible through careful planning and development of the facilities, indluding landscaping, fencing and planting.

6-Ctd.

Facilities — The magnificent L-shaped pool will contain 11,400 square feet. This is considerably more space per family than several very popular and adequate pools in the area. Dimensions are 164 feet long by 90 feet wide on one end and 50 feet on the other. It is so designed that both 50 meter and 25 yard swimming meets may be provided for simultaneously. Approximately 2000 sq. ft. of diving area is planned. A separate enclosed wading pool 35 feet in diameter will be provided for small children. These pools will be a source of continuous summer enjoyment and refreshing recreation.

Club House — The luxurious club house will be two stories with 5000 sq. ft. of floor space. The spacious recreation hall, TV-Lounge, meeting rooms, light refreshment facilities, and large sun deck will provide for numberous social, relaxation, entertainment and recreation activities in every season for every member of your family.

Activity Terrace — A large outdoor terrace with snack bar near the club house and wading pool will be a convenient and delightful spot to relax or play games between swims and to meet with your friends and neighbors.

Tennis Courts — Four tennis courts will provide exciting competition and exhilarating exercise for young and old alike.

Children's Playground — Swings, slides, sand boxes, exercise bars and similar facilities in the supervised play area will add tremendouxly to the fun and body-building activities of the young set.

Lake and Picnic Area — Approximately 20,000 square feet of shallow lake will be a scenic attraction in the large picnic area. In freezing weather, supervised ice skating will be permitted in limited numbers for scheduled periods.

Membership Limitations and Requirements — Membership will be limited to 1000 families. Each four individual memberships will be counted as one family. Statistics indicate the facilities will be considerably more than adequate to accommodate this number. The pool provides from 31 to 52 percent more space per family than several very popular and adequate pools in this area. The land area is much greater than normally used for this purpose.

Membership will not be automatic upon application. Acceptance of applicants will be subject to favorable recommendation by a membership committee and approval of the Board of Directors. Memberships will not be transferrable but a new owner of a resigned member's house will receive priority to become a member.

Financing and Equity — About 80 percent of the cost will be financed from assessments for improvements at the time of admission to membership. The remainder will be paid from equal annual assessments over a periodof three years. The entire amount of assessments paid for land and improvements will be refunded whenever a member resigns. "

Mr. Hansbarger also handed the Board a copy of the "Articles of Incorporation" a copy of which is filed with this case.

Mr. Hansbarger pointed out that this is a particularly good location for this project because it is off the busy traffic ways. It would be within walking distance of many homes. This area has been reserved by the developers for recreational purposes. Mr. Hansbarger continued-- it is a beautiful tract, wooded with attractive contours. The developers have reserved this area for recreational purposes as an added attraction in selling their homes. If this project were to cause an adverse affect upon any of the surrounding property, the developers have more to lose than anyone else.

Mr. Hansbarger showed the plans for development stating that if the Board wished them to make changes in the location of any of the facilities they would be willing to do so. He also indicated where two access roads would be located when adjoining property is developed.

Mr. Hansbarger presented a petition signed by 20 people favoring this project, all of whom are residents or property owners of Golf Club Manor.

6-Ctd.

The present zoning permits this use, Mr. Hansbarger went on, in almost any district by permission of the Board of Zoning Appeals. The proposed new Pomeroy Ordinance would permit this use by right in this zone. That Ordinance has been approved by the Planning Commission.

Mr. Hansbarger offered a rendering of the project showing the facilities; swimming pool, club house, bath houses, lake area, wading pool, sundeck, tree buffer zone and parking area. He noted, however, that the cabanas shown on the rendering would be removed. They have planned the project to retain the natural beauty of the site, he continued; the development as planned would blend with the surrounding area.

The chairman asked if opposition was present.

Mr. Marshall Miller introduced himself, stating that he would act as spokesman for the opposition. He opened his opposing statements with the following objections: That this project, in a top-grade residential neighborhood, would depress the character of the neighborhood and lower realty values. It would cause unseemly traffic conditions night and day; it would be in constant conflict with a neighborhood designed to remove families from hazardous traffic flow; this project is not planned to serve the immediate area, but rather it would attract out of the area people causing community responsibility for neighboring residents; noise and night lighting would be an intolerable nuisance destroying the character of the area; the influx of small children into the play area would create problems of supervision and extra hazards; increased demand for police and fire protection.

The people who came into this area did so to find a quiet restricted place to live. They were told it would remain this way. Home investments run high in this area, the people are proud of their homes and their community, they do not want this type of development thrust upon them.

The streets in this area are designed for a neighborhood, not for heavy traffic to serve a club of 1000 members. The streets would not bear that impact. A project of this kind should be located on main arteries where traffic is expected and planned for. Mr. Miller said he could envision friends and guests of the members swelling the traffic to hazardous proportions.

There are now operating small neighborhood pool organizations which are located to draw membership from this area. The developments are good; they serve their own area with little adverse impact upon anyone.

The County needs and wants parks and pools, but they do not need the noise and traffic generated by such a large scale development in the midst of a residential area. The Board is bound to consider the impact upon the community and the neighborhood in its decision.

6-Ctd.

Zoning and planning must be reasonable, Mr. Miller continued. The Planning scheme for the County shows the highest and best use of the land. It does not allow for depreciation of good areas; it does not encourage changing the character of an established pattern. Within 3 or 5 years this community will be settled. People will invest a great deal in their homes; they should be the ones to say if this property should be located in their midst. If people want a community pool, they will get together and establish one. This is not a community pool--it is a large area-wide project proposed to be thrust upon an unwilling community.

It is notable, Mr. Miller pointed out, that the Board of Directors of this project are not members of this community, yet they would make the decisions governing the club. It would not be controlled by the people in the area who would be most affected, therefore it is not a community project.

Mr. Miller also suggested that with the development of this project a drainage problem would result.

Mr. Miller asked that people in the immediate area be allowed to speak.

Mr. Gordon Murray, 4110 Forest Lane Chesterbrook Woods objected to the project saying there are strong feelings in the area against it. Mr. Murray stressed the importance of zoning saying it is the only instrument under which a community can control the kind of community it wants. Under the zoning regulations the character of an area can be maintained and protection can be assured for future development. The implications here are broad, Mr. Murray pointed out. If this is granted other undesirable uses would have a toe in the door and it is very likely they could enter more easily. He urged the Board not to break down nor weaken control over the protection of this area. Mr. Murray urged the Board to look behind the superficial cooperative appearance of this project. He termed it a promotional scheme.

Mr. Stanley Allen, 4025 North Taylor Street, Golf Club Manor, presented an opposing petition with 150 names of property owners in Golf Club Manor and Chesterbrook Woods. He showed the location of these home owners with relation to the area by a map. All of these people live near the site, Mr. Allen pointed out. He passed around pictures showing the nearness of his home to this project.

Mr. Murray said he bought here under a misrepresentation. He was told that this property was an easement owned by the County which could not be built upon. He did not question the integrity of the person who told him that. He built an expensive home. Others have had the same experience; they were assured that this was an easement never to be built upon. After such assurance it is infuriating, Mr. Murray told the Board to find that at his very doorstep a project of this

6-Ctd. kind is planned. It was a Mr. Link who gave him the easement information. Mr. Murray told of the organizing of this project when Mr. Stover urged him to support it. Mr. Stover appears to have a reason for promoting this, Mr. Murray went on, since he is one of the directors.

His home would be 300 feet from the pool. That may be screened with trees but nothing can stop the noise, confusion and traffic.

A circular was put out, Mr. Murray stated, but not until very late and it did not give the location of the pool. The circular was vague; it was more or less a feeler for a community pool. It did not describe a project of such dimensions as this.

Mr. Simpson, 4020 North Stuart Street, living adjacent to this property, objected for reasons stated, emphasizing the fact that he has no interest in living near a lake with the attending dangers to his children.

Mrs. Stevenson, 4200 Crestwood Lane, Chesterbrook Woods, stated that while she did not live an adjacent property, she thought any exception granted in the neighborhood would harm the whole area. She stressed again the mistake of locating this project on a feeder road, destroying the tranquility of a residential area when it should have immediate access to a more important artery.

Mrs. Stevenson spoke of the pool club to which she belongs which has 4½ acres to accommodate 160 people, while this project has only 8½ acres to take care of 1000 people. Mrs. Stevenson restated reasons in opposition given by previous speakers.

General Keys, 4017 North Stafford Street, Arlington agreed with the opposing statements. He referred to the circular sent out on this project more as a flier to gather information on whether or not people wanted a community pool. It did not describe this project in any way.

Mr. Davis, 4030 North Taswell, told of having the same "easement trouble" described earlier in the hearing. He stated that a representative from the Reynolds Company told him this--that the area was a "controlled easement" and that only homes would be built there.

Mr. Davis said his property would be only 100 ft. from this site and that he had purposely designed his home for rear yard living. This project would be repugnant to him. He urged that the County should not violate the sacredness of a development plan--such plan should be conscientiously maintained. People must be able to rely on planned protection, one of the most important requisites of zoning. Granting this use would nullify the people's faith in any zoning plan and destroy faith in the integrity of the County.

Mr. Bob Ankers, 4300 Oakdale Rd., Chesterbrook Woods said he was not an adjoining owner but he was greatly concerned over any use which

would affect the character of the community. He compared the membership and acreage planned for this project to smaller activities of this kind in Kent Gardens and Chesterbrook Woods, contending that this is not adequate ground to take care of such a large membership. He also objected to a location which does not have immediate access to a main highway. Subdivision streets are not designed for heavy traffic nor do the people living in a subdivision want the constant flow of traffic by their property. One of their primary purposes in living here is to get away from just this sort of thing.

Mrs. Leddy objected for reasons previously stated.

Admiral Brooks, 4108 Chesterbrook Rd., Chesterbrook Woods, told of his interest in watching this community grow into a dignified and attractive area with homes averaging in cost from $35 to $60,000. He objected to lowering home value, noise, traffic, hot rodding drivers, and the encroachment upon their neighborhood. He insisted that no proof had been shown that this would not be detrimental to the area.

Mrs. Hill, 4309 Woodley Road, Chesterbrook Woods and Captain Bear of 4303 Oakdale Road, Chesterbrook Woods objected for reasons stated.

Approximately 50 objectors were present.

A petition with 150 names from people in Chesterbrook Woods was filed with the Board.

Mr. Link stated that he owns four lots in this area which he intends to build upon. He identified himself as a speculator in luxury homes. Mr. Link said he would not have bought these lots for speculative building had he known of this project as he did not think it compatible with homes in the upper price range. He felt there were other less expensive areas where a project of this type would not depreciate values and might be welcome, but such an activity here he thought detrimental. He too, was told that this property was an easement which would not be built upon. On the strength of that, he bought the four lots.

Mr. Hansbarger called attention to the fact that many things were being discussed here which were not the concern of the Board.

As to the zoning with relation to this project, this is a permitted use in this zone, Mr. Hansbarger pointed out. He quoted from the Ordinance the paragraph granting the Board of Zoning Appeals the right to permit this use. He also stated that this may even be considered a temporary use since the pool would be open only during certain months of the year.

Mr. Hansbarger also recalled that the proposed Pomeroy Ordinance permits this type of project as a matter of right except in an Industrial district and if such project is for gain it may be permitted in any other district with permission of the Board of Zoning Appeals.

6-Ctd.

This project may therefore be permitted in this residential area if it complies with requirements of the Ordinance. They must meet the requirements of health, safety and welfare, otherwise they cannot operate. There is no question that these people are destroying or impairing the County zoning laws as has been implied, Mr. Hansbarger contended. They are asking for a legitimate use duly authorized by the zoning laws of the County. The County has very stringent swimming pool regulations which must be complied with; it is closely inspected by the Health Department. If all the County requirements are complied with, which must be done, this project could not have an adverse affect upon the community. The County regulations have seen to that.

The developers of this project own and will develop the surrounding land which has not yet been subdivided. They would most certainly do nothing to impair their own property and adversely affect its future salability. No concrete evidence has been presented to prove that this project could adversely affect this area, Mr. Hansbarger stated, simply saying it will harm the area does not prove it to be a fact.

Many present, Mr. Hansbarger stated, well know that the Washington Golf & Country Club has not been detrimental to the surrounding area; very substantial homes have been built there since the club was established--it is a substantial, well-developed, and attractive area.

The only ingress and egress they can provide until more development takes place is Brookside Road, Mr. Hansbarger said, however, as soon as the area back of this site is developed they will close off Brookside Road so no homes will face on the entrance road.

Mr. Hansbarger insisted that his clients are willing and able to comply with all Fairfax County requirements. He called attention to the great need in this County for recreation areas and urged the Board to grant this request.

The report submitted by Street Design, Department of Public Works was read.

"January 13, 1959

Mr. William T. Mooreland
Zoning Administrator
County of Fairfax
Fairfax, Virginia

Re: Application #24308 - Arlington Country Club Incorporated

Dear Mr. Mooreland:

The above named application for a swimming pool and recreational facilities has been reviewed by this office, and we have determined that the site plan as prepared by the architect does not make any provision for adequate drainage on this parcel of land. A large portion of this property is located within the natural flood plain of a tributary to Pimmit Run, and the site grading plan indicates that some of the proposed improvements are located within this natural flood plain.

During the development of the subdivision of Reynolds Third Addition to Golf Club Manors, the County of Fairfax secured the necessary flood plain easements as they effected this subdivision, and unless care is taken during the development

6-Ctd.

of this recreational facility, some effect to the adjoining property may occur as a result of land fill, construction, etc. within the natural flood plain. The U.S. Geological survey sheets indicate that other minor tributaries must flow through this property to the stream and no provision has been made for this drainage.

If the Board of Zoning Appeals decides to grant this application, we recommend that the owners be required to construct an adequate drainage system in conformity with plans and profiles which they would submit to the Director of Public Works for approval. Actually, these plans and profiles should be approved prior to the development of the final site improvement plan of this recreational facility. If this is not done, serious drainage problems could result to this property and to adjoining properties.

(S) B.C. Rasmussen, Subdivision Design Engineer"

Mr. Hansbarger agreed to all requirements in the foregoing letter stating that they would have no objection to the Board making this a part of their requirements.

The following letter from Mr. Stanley Newton requesting a two-week deferrment was read:

"January 10, 1959

Board of Zoning Appeals
Fairfax County Courthouse
Fairfax, Virginia

Gentlemen:

I am writing incident to the request for a zoning variance or exception by the Arlington Country Club, Inc. scheduled for hearing by your Board at 10:50 A.M., on January 13, 1959.

Unfortunately it is impossible for many interested citizens, including the writer, to attend the hearing in person, due to vocational obligations.

I respectfully ask that your decision on the above request be deferred for a period of two weeks in order that residents of Chesterbrook Woods may secure more complete and accurate information regarding the details of the proposed recreational facility.

I am confident that no hardship to the Arlington Country Club, Inc. would result from such a delay. It would make possible a presentation of the proposal at a meeting of the Chesterbrook Woods Citizens' Association, to be held the evening of January 19th, next, if the members so desire.

Mr. Reynolds and Mr. Stover, officers of the Arlington Country Club, Inc. have expressed their willingness to appear before such a meeting.

On the basis of information available to date, I am opposed to such a development, on the grounds that contiguous and adjacent property values would be adversely affected. However, I believe that a complete explanation of purpose and operation would permit each area resident to reach an intelligent, considered decision to favor or oppose, based on fact rather than on limited knowledge.

I am certain that it is the intent of the Board of Zoning Appeals to provide for the orderly development of Fairfax County, in the best interests of the majority of its residents. Thus it would seem that such a request for a two-week deferment of decision by the Board is both proper and equitable for all interested persons.

(S) Stanley C. Newton"

Mr. Hendershott told of a project similar to this which was proposed on the Weeks' property. This project failed to materialize and one of the most important objectors was Mr. Reynolds. Mr. Reynolds contended at

NEW CASES

6-Ctd. that time that such an activity would be detrimental to his property. However, Mr. Reynolds emphatically denied Mr. Hendershott's statement insisting that he did not at any time make any such statement. He asked that this be shown in the record.

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Mr. Hansbarger answered Mr. T. Barnes as to the number of months this would be open, saying approximately 3 months and that they have not yet determined the hours.

Mrs. Carpenter asked when the land back of this site would be developed. She was concerned over the ingress and egress. Mr. Reynolds said it would be developed in 1960 and Mr. Reynolds again agreed to close off Brookside Road at that time as an entrance to this project.

But, during the construction period, Mrs. Carpenter asked, will Brookside Road be the only entrance? Mr. Reynolds replied yes.

Mr. Ben McAlwee discussed Brookside Road and its inadequacy to carry truck traffic.

Mr. Hansbarger suggested that if the Board would defer the case they would be glad to present a plan of future entrance and exit which would eliminate Brookside Road entirely.

But that will not take care of the use of Brookside Road during construction of the project, Mrs. Henderson noted.

They will use Brookside Road during construction of the houses Mr. Hansbarger answered; that will run for several years.

Mr. Lamond said it appeared to him that this project may be a little premature. The application should be presented after more development in the area has taken place as the people in the area are not behind this project and no evidence has been shown that it would be in harmony with the surrounding community. Therefore Mr. Lamond moved to deny the case. Also Mr. Lamond stated that the present Association does not appear to be adequate. Mrs. Carpenter seconded the motion.

For the motion: Mr. Lamond, Mrs. Carpenter and Mrs. Henderson. Mr. Smith and Mr. Barnes voted no, both stating that they believed the applicant should be given the opportunity to show the future entrance roads. They would agree to a deferment but not denial. Motion carried. Mr. Hansbarger noted an appeal.

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7- SCHOLZ HOMES, INC., to permit erection of a V-shape sign with an area of 960 sq. ft., Lots 6 and 7, Block 17, Springfield Estates, Lee District. (Suburban Residence Class 1)

8- SCHOLZ HOMES,INC., to permit erection of a V-shape sign with an area of 960 sq. ft., N.E. corner of Franconia Rd. & Bowie Dr., Lee District. (General Business)

NEW CASES - Ctd.

7 and 8 - (Ctd.)

Mr. Clarke asked to discuss the two cases together as they are so closely related.

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This land was acquired some years ago, Mr. Clarke told the Board, and placed on record. The property contains 229 lots. The type of development (houses on slabs) will be improved by Mr. Shaw, the present owner, insofar as it is possible. Wherever possible, where the land is not too low, he will put in basements.

When the project was first started they had a large sign 42 x 12 ft., granted by this Board, but the sign fell down. They wish to continue with these large signs which they are asking to have on a temporary basis, perhaps 5 months.

The sign on Franconia Road is on commercial property, owned by Mr. Lynch, who has no objection to its being placed there.

While a back to back sign could be used it would be far less valuable for advertising purposes than the V shaped sign especially on Lots 6 and 7 along the Shirley Highway where a rise in the ground would reduce visibility to a great extent.

Mr. Shaw said they could do with less sign area than 960 sq. ft., probably 1/2 that area would do. The signs could be placed 25 ft. from the right of way to assure the fact that there would be no traffic hazard.

Mrs. Henderson questioned the need of such large signs, especially along the Shirley.

Experience has shown that large signs do pay, Mr. Shaw stated. They would make this attractive with back lighting and shrubbery. It would be in good proportion.

Mrs. Henderson suggested that a sign like this cannot indicate whether or not the house is good or bad; it is purely directional.

They purposely have large lettering on the sign in order not to cause a traffic hazard. The large letters are readily seen at 55 miles per hour.

It was recalled that the original sign granted had an area of 248 sq. ft.. When it blew down the Board denied the right to replace it.

Mr. Lamond agreed that the applicant needs a directional sign but not one of such large proportions.

Mr. Clarke pointed out that they could have a number of the small directional signs, but they could make the one large sign attractive and at the same time effective.

The sign on Franconia Road was shown to be off the property being advertised, a request which the Board has consistently denied, Mrs. Henderson observed.

The Board and Mr. Clarke discussed the granting of a sign which is not located on the use, and the size of signs allowed--20 sq. ft. in a

NEW CASES - Ctd.

7 & 8 Ctd.- residential area and 60 sq. ft. on commercial property.

Mr. Clarke offered to give bond that the large sign would be taken down within 6 months, therefore he urged the Board to grant a larger sign on that temporary basis. However, the Board agreed that the Ordinance is very clear on the size of signs in each district and that it would be entirely outside their jurisdiction to exceed the Ordinance as requested in this application.

Mrs. Henderson noted that the sign on the Shirley Highway would have to set back 100 ft. That Mr. Clarke answered, would defeat their purpose entirely as the sign would be completely obliterated by the elevation in the ground.

Considerable discussion followed--previous precedents set by the Board, encroachment on the Shirley with oversized signs, the former sign granted by this Board, the temporary nature of this request, etc.

Mr. Clarke stressed the need for an attractive sign at their entrance saying that FHA had reduced their loan because of the approach through the filling station property.

It was noted that the sign would have only "Springfield Woods" on it. It is a neat, restrained sign which would tend to upgrade the houses, Mr. Shaw stated.

The Board discussed how far a 20 sq. ft. sign could be seen.

Mr. Lamond moved to deny the application on Lots 6 and 7 just off the Shirley Highway. Mrs. Carpenter moved an amendment to the effect that the setback requirement on the Shirley Highway be waived and that the applicant be allowed a 10 ft. setback because of Topographic conditions. This would mean that a 20 sq. ft. sign allowed by the Ordinance could be located with a 10 ft. setback. Seconded, Mr. T. Barnes. Carried Unanimously. (It was later added that this variance in setback was allowed for a period of six months.)

On the second case (on Franconia Road) where the applicant has no property fronting on Franconia Road, Mrs. Henderson suggested that they purchase a strip connecting the development with the highway. Mr. Clarke thought Mr. Lynch would have no interest in selling.

Mr. Raymond Lynch told of their unsuccessful attempt to get Bowie Drive under State maintenance.

Again directional signs were discussed and especially the jurisdiction of the Board. Mr. Clarke brought out inequities in the sign regulations.

Mr. J.B. Smith stated that there is no place in the ordinance for a case of this kind; the Board cannot go beyond the jurisdiction given it by the Ordinance. Therefore he saw no alternative but to deny the case.

Mr. Shaw objected strenuously because he was prevented from advertising on Franconia Road simply because his property does not face on that road.

Mr. Mooreland recalled many times when the Board had denied similar cases, But what if these 229 lots were left undeveloped, Mr. Clarke stated?

of 960 sq. ft., Lots 6 and 7, Block 17, Springfield Estates, Lee District. (Suburban Residence Class 1)

8- SCHOLZ HOMES,INC., to permit erection of a V-shape sign with an area of

January 13, 1959

NEW CASES - Ctd.

7 & 8Ctd. It is far more important to the county that they be improved and put into circulation than to leave the development as it has been, with lower-middle class homes.

Mr. Lamond moved to deny the sign on Franconia Road, however granting a second 20 sq. ft. sign which must be placed on property owned by the applicant. Seconded, Mr. Barnes. Motion carried.

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DEFERRED CASES:

1- H. PAUL JUSTICE, to permit existing closed porch to remain within 33.4 feet of the street property line, Lot 41, Hansborough Subdivision, (41 Elizabeth Drive), Dranesville District. (Suburban Residence Class 2)

This case was deferred to view. Mrs. Carpenter, Mr. Smith and Mrs. Henderson had seen the property.

Mrs. Henderson thought this case should be treated the same as other similar cases, which the Board has held pending adoption of the new Ordinance which would take care of such variances orrather than deny the case. This was satisfactory to the applicant.

In fairness to Mr. Justice, Mrs. Carpenter moved to hold this case along with the other similar cases which are awaiting final disposition after adoption of the new Pomeroy Ordinance. Seconded, Mr. Smith. Motion carried unanimously.

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2- MR. AND MRS. LESLIE G. MONK, to permit erection of a garage closer to Shirley Highway than allowed by the Ordinance, Lot 9, Block 5, Section 6, Yares Village, (6107 Augusta Drive), Mason District (Sub. Residence Class 2)

Mr. Andrew Clarke represented the applicants. This case was deferred to notify adjoining property owners which had subsequently been done.

Mr. Clarke pointed out the only buildable area on the lot, noting that the lot is large in area but the applicant is restricted from use of the greater part of the lot because of the 100 ft. Shirley Highway setback. They have tried in every way to locate a garage within the setbacks but it appears to be impossible. Mr. Clarke stated that they are asking a small encroachment on the 100 ft. setback.

Mr. Lamond thought it would be more satisfactory to encroach on the front than on the side or the Shirley.

Mrs. Monk stated that she knew of this restriction when she bought the property, but she did not realize that it would be impossible to have a garage within the Ordinance requirements. In view of the elevation from Shirley Highway it would appear that this would not be detrimental to anyone.

DEFERRED CASES - Ctd.

2-Ctd. Other locations for the garage were discussed, each of which had its drawbacks--either cutting off light, close off the bedroom, bring the garage too far forward or it would be in the way of a proposed extension on the dining room and kitchen.

Mrs. Monk agreed that this lot has usable space only for the house, but the house is 12 or 14 feet above the Shirley. They cannot see the highway from her home, a small encroachment would never be noticed. The house on Lot 8 is about 15 ft. from the line. It sets back about 50 ft.

Mr. Mooreland suggested that it would be better to grant a variance on the side than to encroach on the Shirley, probably bring the garage down to the edge of the house or attach it to the side of the house flush with the rear line. There were no objections from the area.

Mr. Lamond moved that Mr. and Mrs. Monk be granted the right to erect a garage within 2 ft. of the side property line, the garage to be located between the 40 ft. front setback and the 100 ft. Shirley Highway setback, encroaching on neither of these two setbacks. This is granted, Mr. Lamond added, in order to preserve the Shirley Highway 100 ft. setback. Seconded, Mr. Barnes.

Mrs. Monk suggested that her next door neighbor may not be happy with that side setback.

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

Against the motion: Mrs. Henderson and Mrs. Carpenter.

Motion carried.

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3-Ctd. MRS. CHARLOTTE J. LEE, to permit division of lot with less frontage and less area than allowed by the Ordinance, on south side of Telegraph Road, Route 611, approx. 1/10 mile west of Dogue Creek, Lee District. (Rural Residence Class 2)

Mr. Trotter, attorney for the applicant, appeared before the Board with Mrs. Lee.

Mr. Trotter recalled that at the last hearing it was said that the application for a building permit was turned down. But the fact is, that the building inspector did inspect the building-- Mr. Trotter said, and it was not Mrs. Lee's fault there was no permit.

A lengthy discussion followed: How did the building inspector inspect the building when there was no building permit? Who inspected the building? Which office? What did he inspect? Mrs. Lee did not know the how or why of these things. She knew only that a man inspected the footings; his name was Lambert. The carpenter had seen the inspection and told Mrs. Lee he would testify that the footings were inspected. This was originally a barn. It was lifted while the footings were dug and put in and inspected. This was in 1957. The inspector told Mr. Lee

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DEFERRED CASES _ Ctd.

3-Ctd. everything was all right, that the construction came up to requirements of the building code.

Mr. Lamond moved to defer the case for two weeks to get complete background information on this.

In fact there were two men present when the footings were poured and Mr. Lambert came out later, Mrs. Lee said.

They no doubt found the house in violation and came back to request that you get a permit, Mr. Mooreland suggested. Mrs. Lee didn't recall.

Also it could be that the inspector reported the violation and told Mrs. Lee it would be all right but that it would be necessary to get a permit.

Mrs. Lee did not recall the sequence of events--she only knew that the men ware there and it apparently was all right.

Mrs. Carpenter asked if there were two septic fields. Mrs. Lee said there was only one. The second house has an outhouse. However, she expects to connect the second house to public sewer.

The number of variances on the property were discussed.

There were no objections from the area.

Mr. Smith suggested granting this use but restrict Mrs. Lee from selling this as two lots. Then the application would have to be amended, Mr. Mooreland noted, to permit two houses on one lot. Mrs. Carpenter suggested Mrs. Lee refiling as one lot with two houses.

The Board members made many attempts to resolve this situation in view of their desire to help Mrs. Lee, but they felt constrained to keep within the framework of the Ordinance.

Mr. Lamond made a brave attempt to pull a phrase or sentence out of the Ordinance which would cover this, but found it could not be harmonized with requirements.

Mr. Lamond moved to deny the case because it does not comply with requirements of the Ordinance. Seconded, Mr. Barnes.

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

Mr. Smith voted against the motion.

Mr. Lamond said he had made his motion reluctantly.

Mr. Trotter noted an appeal. Motion carried ~~unanimously~~.

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4- JOHN R. SPIVEY, to permit erection of a carport within 13.8 feet of the side property line, Lot 23, Section 1, Doveville, Providence District. (Rural Residence Class 2)

This case was deferred to view the property. Mrs. Henderson and Mrs. Carpenter had seen the property and both agreed that Mr. Spivey could locate his carport in the back yard. Mr. Spivey said he had imported

DEFERRED CASES - Ctd.

4-Ctd. a great deal of sod and spent something over $600 on landscaping. Locating the carport in the back yard would destroy much of what he had accomplished in beautifying his yard. The pavement is already in for the driveway. However, Mrs. Henderson suggested that that could effectively be converted to a patio, or the carport could be placed in the back directly in line with the driveway. There is sufficient room, Mrs. Henderson pointed out, and the ground is level.

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Mr. Spivey said he tried to buy a strip of land from the adjoining property owner, but he was not interested in selling anything less than his entire lot. That is a corner lot and the owner needs all of his frontage in order to meet setback requirements.

Upon viewing the land, Mrs. Carpenter told the Board, it was found that there is an alternate location for this carport--at the rear of the lot, and since no evidence of hardship was present she would move to deny the case. Seconded Mr. Barnes. Carried unanimously.

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NEW CASES - Ctd.

3- BREN MAR HOTEL CO., INC., to permit erection of one sign with larger area than albwed by the Ordinance, (area of sign 153.85 sq. ft.), on east side of Shirley Highway, Service Lane south of Edsall Road, Lee District. (General Business).

Mr. Jack Stone and Mr. Livingston were present to represent the applicant. Mrs. Henderson recalled that the board had previously granted 231 sq. ft. of sign area when this motel corporation came up for hearing under the name of "Holiday Inn". Mr. Stone said that sign is now on the building, however, they changed the wording to "Charter House". Mr. Stone also pointed out that they had originally asked for 554 sq. ft. for this sign but have now cut it to 153 sq. ft. He displayed pictures of the sign on the building noting especially that it does not appear over-large and that it is in good taste. These signs are the same ones used on all other "Charter House" Motels in the country.

Mr. Stone explained the approach to the building from the north pointing out that the building with the sign on it is cut off almost entirely for a stretch because of the hill lying between the building and the highway. Coming from the south the building is not visible until you are practically by it. This sign proposed to be located at the entrance off Shirley Highway service lane would be visible from both directions. He noted that the word "cocktails" would be removed. The sign would be made of plexiglass - no tubing.

Mr. Livingston emphasized the fine quality of food and service at the "Charter House " Motels. He noted also that they own the Mayflower Hotel in Washington.

Mrs. Henderson agreed that the County needs good dining rooms and an assembly hall, however, she could see no need for the oversized advertising,

3-Ctd. Mr. Livingston answered that a sign of this type would bring in about 80% of their trade. He stated that they had been operating the dining room at a heavy loss because of the lack of a sign. They have experienced an immediate jump in their business at other locations after the second sign goes up. The pylon is not sufficient. It is necessary to catch the traveling public before they come to the turn-off.

Mrs. Henderson asked Mr. Mooreland if there were any signs along the Shirley closer than 100 ft. from the right of way. Mr. Mooreland thought the sign on Mrs. Hunter's property was within the 100 ft. setback.

No doubt, in the rewrite of the Ordinance, Mr. Mooreland told the Board, this would be allowed as a matter of right, especially for this type of business.

It was noted that the sign is proposed to be 20 ft. off the Shirley Service Lane.

There were no objections.

Mr. Lamond moved to grant the application of the Bren Mar Hotel Co. as submitted, granted according to the location of the sign on plat presented with the case which showd the sign to be located 20 ft. off the Shirley Highway Service Lane at the entrance to the property. This is in accordance with plat presented prepared by Cross and Ghent dated June 20, 1958 and revised October 28, 1958.

Seconded, Mr. Smith.

For the motion: Mr. Lamond, Mr. Smith, Mrs. Carpenter and Mr. Barnes. Mrs. Henderson voted against the motion, stating that she was against the granting of excessive signs and she objected to placing a sign within the 100 ft. restricted setback area on the Shirley Highway. Motion carried.

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Mr. Mooreland explained to the Board that Mr. Lynch had come to his office to get approval of the location of a proposed commercial building. He was told that he could place the building on the line. When he had obtained commitments on the building and hired the men ready to go ahead, he came to the office for a building permit. It was discovered at that time that a small corner at Routes 617 and 644 is zoned residential, therefore his office was unable to issue the permit for the building on the line. Mr. Lynch would request a variance to build up to this line as the little corner in question is now in the process of being rezoned to business classification. When that zoning is accomplished no violation will occur.

Mr. Schumann said he knew of this situation and recommended to the Board that they give Mr. Lynch the assurance that this variance will be granted when it comes before the Board, in order that construction work

NEW CASES - Ctd.

may get underway.

Mr. Barnes moved that the Board give Mr. Lynch this assurance--that such variance will be granted when the application is made. This is done in order that Mr. Lynch may go ahead with the work. Seconded, Mr. Smith. Carried unanimously.

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Mr. Leonard Johnson of the "Country Squire" (tea house) returned to the Board to give an estimate of work progress on his tea house on Patrick Henry Drive and Leesburg Pike. Mr. Johnson's letter is quoted as follows:

"January 12, 1959

Chairman and Members of the Board of Zoning Appeals, Fairfax County, Virginia:

The following statements are with reference to the Permit for a Tea House at Leesburg Pike and Patrick Henry Drive, granted to me by the Board of Zoning Appeals on July 9, 1957.

Since my last memorandum to you of November 25, 1958, the following work has been completed in accordance with our building permit:

The new stairway to the basement has been completed.

The basement footings in the old part of the building have been dug and poured and the new center posts erected. These are for the purpose of strengthening the living room.

The necessary members under the old porch have been doubled and strengthened in accordance with the drawings.

The footings for the new addition have been dug and poured.

The masonry sidewalls for the new addition have been erected to scaffold height.

All of the above work has been inspected and approved by the Building Inspector's office.

I would estimate at this time that, weather permitting, the remainder of the work should be completed by the first week in September 1959.

(S) Leonard A. Johnson"

Mr. Johnson said he would have a sign within the 18 sq. ft. allowed.

Mr. Mooreland asked the Board if it is their intention that Mr. Johnson stays in business-- that is, does the Board rule that the progress being made is satisfactory and does this now come under the original motion.

Mr. Lamond moved that the progress Mr. Johnson has set forth in his letter does come under the original building permit, and it is noted that Mr. Johnson states that he will complete this work by September 1959. Seconded, Mr. Smith. Carried unanimously.

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The meeting adjourned.

M. K. Henderson

M. K. Henderson,
Chairman

January 27, 1959

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 27, 1959 at 10:00 a.m. in the Board Room of the Fairfax Courthouse. All members were present, Mrs. Thelma K. Henderson, Chairman, presided.

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

NEW CASES:

1- CHARLES A. OLMSTEAD, to permit erection and operation of an automobile repair shop, on north side of Columbia Pike, 800 feet west of Arlington County line, Mason District. (General Business).

Mr. Hardee Chambliss represented the applicant. Mr. Chambliss located the property pointing out that commercial zoning joins Mr. Olmstead on both sides, and that the property lies approximately 800 feet from the Arlington County line. He showed photographs of the surrounding property including the nearby business uses. Across the road is the entrance to a gravel pit. The business uses in the area include a filling station, repair garage, hardware store, a little farther down Columbia Pike--Melpar, and a building which is not being used for commercial purposes at the present time.

The easement shown on the east side of the building will provide the road going into the property to serve the business. The owner is providing 12½ ft. to make this a 25 ft. entrance road. This is provided for in the contract. It will be a private road. The traffic will come in through this road and will park in the rear. Mr. Chambliss called attention to the fact that there is a cross-over in Columbia Pike just opposite this easement.

This will be a tire service plant. There will be no outside display of tires but behind the large windows across the front of the building will be an attractive display.

Front end repair work will be done in the garage. Tire recapping is a permitted use in this zone, Mr. Chambliss pointed out. The permit they are requesting is for the repair garage.

Mr. Olmstead told the Board that this business will be run by the owner of the Bull Run filling station. He wants to get into the tire recapping and repair business. There is a considerable expense in getting into this business, Mr. Olmstead continued, the new equipment is very efficient. The work would all be carried on under roof.

They will take care of the storm water which now runs through a deep ditch all along the street frontage of the property. That water will be piped, which will increase the safety of the highway at this point.

Mr. Chambliss showed a drawing of the building proposed to be erected. The Board commented that it was most attractive. Mr. Chambliss said there would be no odors nor noise connected with the recapping operation.

It was pointed out that there is a house on the rear of this property

1-Ctd. which is not being sold. The owner of that property has been advised of Mr. Olmstead's proposed operations and he has no objection. The neighbor on the adjoining property has agreed to share in the expense of piping the storm water and the sanitary facilities. Property for about 480 ft. along Columbia Pike is zoned for business, Mr. Chambliss stated, and none of the property owners object to this use. Mr. Chambliss noted that there is another tire recapping business in the immediate vicinity.

Mr. Lamond stated that in his opinion a tire recapping business should be in an industrial zone--that it is not compatible with general business. But such an operation is already in the area. It is allowed by the Ordinance and this will be a very attractive building, Mr. Chambliss argued. There will be no work carried on outside the building. It will not appear different from any other normal business. The other tire recapping business has been there for over two years, Mr. Chambliss said.

A tire recapping business can go in general business zoning as a matter of right, Mr. Mooreland told the Board. "Any retail trade or business.." he quoted from the Ordinance. He called attention to the fact that only the repair garage permit is before the Board. Mr. Mooreland said he had checked this with Mr. Schumann before taking Mr. Olmstead's application in case there was a question in the minds of the Board members.

Mrs. Henderson questioned whether or not this might be classed as manufacturing, since a recapped tire is actually a new product. This is done for individual customers, people who bring in their own tires, Mr. Mooreland answered.

Mr. Lamond suggested that putting articles in the window for display could create a traffic hazard. Mr. Lamond questioned how far "any retail trade or service"could be stretched.

"Very far" answered Mr. Mooreland. "There are many things in general business which should be in Industrial but under the present Ordinance we have to allow them."

There were no objections from the area.

Mrs. Henderson pointed out that under Section 6-16 there will be no storage of automobiles outside the building.

Mr. Chambliss agreed, saying that the only storage on the property would be the tires and they would be inside.

Mrs. Carpenter moved to grant Mr. Olmstead's application to permit erection and operation of an automobile repair shop, noting especially the wording of Section 6-16 under which this case is granted. "There shall be no storage of wrecked vehicles, etc..." This is granted because it does not appear that it will adversely affect

1-Ctd. adjoining property nor people residing or working in the area and that it does not appear that it would be against the public welfare. Seconded Mr. T. Barnes. Carried unanimously.

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2- JOSEPH C. LA SALLE, to permit country club and golf course with club house, property approximately 500 feet west of Route 621 on a private road and approximately 2 miles north of Routes 29 and 211, (Part of Sudley Farm), Centreville District. (Agriculture)

Mr. Joseph Creagh represented the applicant. After locating the property with relation to Route 621 and Rts. 29-211 and the Loudoun County line, Mr. Creagh showed aerial photographs of the area and topographic map.

This land is not being farmed, Mr. Creagh told the Board--it is lying idle and it is an ideal location for a golf and country club. These plans tie in with the Board of Supervisors' desire to have more recreational facilities in the County, Mr. Creagh continued. This is a membership club and will involve no expense to the County nor will any Crampton Act funds be used.

When this application was filed LaSalle was the contract owner of the property, now a corporation has been formed and a charter issued as of January 14. The Corporation will now take over to operate the club with Mr. LaSalle as president. They have contracts ready to go ahead with this immediately if the case is granted, so they can be in operation by July 15.

Mr. Creagh stressed the need for golf courses in the county especially since the Fairfax Golf Club is no longer available to the general public. Only three other golf courses are operating in the County--Westbriar having only nine holes.

Mr. Creagh pointed out that there is an unimproved road leading into the property from Route 621, which will be improved and widened to 30 ft. They will add a swimming pool in time, their charter includes that, and also riding and perhaps a bowling alley, archery and tennis. These things will be put in as the need grows. At present they will have only the club house and 18 holes of golf. However, they plan to expand to 36 holes.

This will be quasi-public, membership will be available to the public subject to approval of the Board of Directors.

Mr. Lamond thought this a good thing for the County, but expressed concern over the access road which he suggested might need to be more than 30 ft.

After further discussion it was concluded that pavement for a two-lane road (equal to Chain Bridge Road) would be sufficient and that it was not logical to require a 50 ft. access road which enters on to a 30 ft.

NEW CASES - Ctd.

2-Ctd. road--Rt. 621.

The Board discussed access to Route 234 which is nearer than Rt. 621; however, the access road they now have is recorded, Mr. Creagh said, and access by way of 234 would require a bridge.

Mr. J.B. Smith thought the 30 ft. access was sufficient. He noted that there are many other 30 ft. roads in the County. However, Mr. Lamond suggested that the entrance from Rt. 621 onto the access road should be well widened.

There were no objections from the area.

Mr. T. Barnes moved that a permit be granted to the applicant for a Golf and Country Club as requested and that the ~~case~~ road be granted to a 30 ft. width. Seconded, Mr. Lamond. Carried unanimously.

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3- JOHN A. MULFORD, to permit carport as erected to remain within 9 feet of the side property line, Lot 1, Section 1, Sulgrave Manor, (4201 Old Mt. Vernon Road), Mt. Vernon District. (Rural Residence Class 1)

Mr. Mulford explained to the Board that he had built this place by various contracts. He bought the material himself and hired different people to work on the building. The question of a permit was never brought up and since he had had no previous experience in building and no one who worked on the house was experienced in this sort of thing; he had no one to advise him that a permit was required, nor what the setbacks should be.

The lot adjoining on the violating side of his house is not now and probably never will be used for dwelling purposes, as that lot is used for a water tower.

There is a construction shanty on that lot, Mr. Mulford stated, which is used in connection with building homes in Sulgrave Manor. One of the workmen asked him if he had a permit for his construction. That was the first time he had heard of any requirement to get a permit. By that time the carport was almost finished. He sought informal legal advice and was told that it was unlikely that any complaint would be lodged against him and that the violation would probably go unnoticed. But the inspector from the zoning office saw it; therefore he made this application. Mr. Mulford continued, this could never affect anyone adversely because of the water tank and pump house next to him.

Mr. Mulford also pointed out that his plat says that this carport is 9 ft. from the side line whereas he is actually 10.8 ft. from the line. Mr. Mooreland noted that the setback scales 9 ft. Mr. Mulford answered that that was inaccurate. He measured it with a tape and it comes to 10.8 ft. That 9 ft. was put in by the surveyor, Mr. Mulford said but he had not measured to the lot line. Other people in

3-Ctd. the area like his plan of a carport and wish to copy it, Mr. Mulford said.

After completion of the houses the construction shanty will be removed and the lot will be graded and landscaped and fenced. They now have a temporary fence around the shanty which will be removed. Mr. Mulford said he would never attempt to make this carport into a room. There is no opening from his house into the carport.

The Civic Association in this area is very much interested in the outcome of this case, Mr. Mulford told the Board. He plans to go before them and explain just what is necessary to do to have a carport.

After this was built, Mr. Mulford said he got a permit showing the carport to be 15 ft. off the side line which is the required setback. That was issued on the basis that it would be 15 ft. from the line, Mr. Mooreland said. The building inspector did not know this was already built when Mr. Mulford got the permit.

But you knew where the building was located when you got the permit, Mrs. Henderson pointed out, evidently you gave the building inspector's office the wrong information.

They drew the plat, traced it from the plat plan in their office, Mr. Mulford answered.

You no doubt told them it was set back 15 ft. Mrs. Henderson observed.

They told him to stay 15 ft. from the line so he just got the permit at 15 ft., Mr. Mulford answered. He did not go into this and talk about the fact that the structure was already up. This was a peculiar chain of circumstances--the water tower being there and the carport already built--the question of the setback--he didn't see much sense in going into all that since the building was there.

Mr. Barnes asked Mr. Mulford if he had attempted to buy an additional 6 ft. from the Water Company. Mr. Mulford answered that he had but they were not interested in selling.

Mr. Lamond moved to deny the application for a carport and that Mr. Mulford be given 30 days in which to comply with the Ordinance. This is denied because the applicant has shown no hardship in the matter. Seconded, Mr. J.B. Smith. Carried unanimously.

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4- A. V. MCLEOD, to permit accessory building to remain as built closer to side and rear lines than allowed by the Ordinance, Lot 1B, Resubdivision of Lots 1 and 2, Section 3, Country Club Estates, (410 Tahalla Drive), Lee District. (Suburban Residence Class 2)

Since he is not from this area, he did not know it is necessary to have a permit for a small accessory building, Mr. McLeod told the Board.

NEW CASES - Ctd.

4-Ctd. He explained that he has been on crutches for 15 years. This is the first work of this kind he has ever done, but he saw other people building and made up his mind to try construction work himself. Having no knowledge of this type of work, he did not know setbacks were required. He did all the work himself from a wheel chair. The materials cost about $1000. It took him a long time to complete it but he has put good materials in it and it has turned out to be a very well built, attractive building. He showed pictures of the building--a neat brick structure. It is well-insulated. The building will house his power lawn mower, work bench and tools.

Mr. Barry, zoning inspector,told the Board that a large estate borders Mr. McLeod's property on one side. It is fenced with a stone wall all along the property. The building is 21½ inches from one line and 20 inches on the other. Accessory buildings require a 10 ft. setback while a masonry garage can set back 2 ft.

Mrs. Henderson asked Mr. McLeon if he could buy land from the next lot on the west. He could not.

Mr. Lamond suggested that if Mr. McLeod planted shrubs around this little building so it wouldn't be so noticeable it would help. Mr. McLeod said he had already done a considerable amount of planting and would do more. He said he also grafts trees in his spare time.

There were no objections from the area.

Mr. J.B. Smith suggested that this be handled the same as other accessory buildings which are too close to the line, as the rewrite of the Ordinance will require only a 2 ft. setback on these buildings that would reduce this violation to practically nothing.

Mr. Lamond agreed saying this little building should not be torn down; he thought the planting would help a great deal.

Mr. J.B. Smith moved to defer the case until the new Ordinance comes into effect which will take care of the situation, and if this is granted at that time the variance will not be as great as it is now. The case should be reviewed again by this Board after the new Ordinance becomes effective. Seconded, Mr. Lamond. Motion carried.

For the motion: Mr. Smith, Mr. Lamond, Mrs. Carpenter and Mr. Barnes. Mrs. Henderson voted no. Motion carried.

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5- L. G. MELTZER, INC., to permit erection and operation of a community swimming pool and bath house, 600 feet south of Route 236 and 2000 feet west of Ravensworth Road, Route 649, Falls Church District. (Urban Residence Class 1)

Mr. Tom Chamberlain asked that this case be deferred until the next meeting. The applicant was unable to appear before the Board because of illness and the adjoining property owners have not been

5-Ctd. notified. There were no objections to the deferrment.

Mrs. Carpenter moved to defer the case until February 10. Seconded, Mr. Lamond. Motion carried unanimously.

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The Chairman announced that the three "duplex dwelling" cases scheduled as listed below would not be heard at this time as no report has been received from the Planning Commission:

11:10 - MRS. C.L.CRIM, to permit duplex dwelling to remain as erected, Lots 25 and 27, Wellington Subdivision, (35 Northdown Road), Mt. Vernon District. (Rural Residence Class 1)

11:20 - PAUL J. ZIRKLE, to permit two family dwelling to remain as erected, Lot 3A, Resub. Lots 2, 3 and 4, Block 2, Pimmit Park Addition to El Nido, corner of Hitt Avenue and Seventh Streets, Dranesville District. (Suburban Residence Class 1)

11:30 - ANNIE E. MUCH, to permit conversion of existing single family dwelling to two family dwelling on lot with less frontage and area than allowed by the Ordinance, on west side of Route 712, 1/4 mile north of Route 236, Mason District. (Suburban Residence Class 3)

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6- THE TEXAS COMPANY, to permit erection and operation of service station with pump islands within 25 feet of the street property line, Lots 13, 14, 15, 16 and 17, Annandale Subdivision, Falls Church District. (General Business).

Mr. Regan, Mr. Multog and Mr. Levy, owner of the property, were present. Mr. Regan told the Board that they had been advised over a year ago that the State planned to make a direct connection between Route 649 and Ravensworth Road. It was obvious that a considerable portion of the frontage of this property would be taken if this were done. Therefore the Texas Company made many attempts to get a statement from the Highway Department as to their proposed taking lines for this right of way. The Highway Department replied only that this realignment of Route 649 was in their program but that no such change was in their present plan.

Mr. Schumann displayed a map prepared by the Highway Department which had been recently received in his office indicating the taking line for 649.

When this property was rezoned to general business, Mr. Schumann explained, the Highway Department had made it known that they planned to make a direct connection between Rt. 649 and Ravensworth Road. The rezoning excluded the area which they believed would be taken for the widening of Route 649 in order to make that connection.

NEW CASES - Ctd.

6-Ctd. They have now received the map showing location of the right of way, but no information has been given out as to when this widening will be done and no money for this work is available at this time.

All of the facilities planned for this filling station are in the rear of the proposed taking line, Mr. Schumann noted, except the pump island which the applicant wishes to locate in the residential property. This residential strip along the front of this site is a spot zone, but it was purposely left in a residential classification for right of way purposes. The Board has no jurisdiction to allow a pump island in a residential area, Mrs. Henderson stated. This strip was held out solely for the purpose of right of way, so the state could purchase the property at a lower figure than if it were zoned for business, Mr. Regan answered. They were agreeable to that. But all this time has elapsed and they have tried to get some answer from the Highway Department as to when they would take the right of way and where. They say that this work will be done, but indicate it may be many years off. This island could be located within the proposed right of way temporarily and moved back when the State is ready to change the road.

Mr. Schumann said he had talked with Mr. Kessner who says they definitely intend to go through with this, that their plans are logical and they have no thought of abandoning the job, but they cannot say when it will be done.

Mr. Muttog said they had been negotiating with the State for three years on this and still have no answer. He presented the Board with copies of correspondence between his company and the State verifying his statements.

Mrs. Henderson suggested that the whole operation could be pushed back beyond the proposed right of way. There is ample space, Mrs. Henderson pointed out. They could, but the farther they go back, the more the cost goes up, Mr. Muttog answered. They will have to develop the front of their property, yet they cannot use it. They only want the use of this property until the State comes in with the road. If they set the pump island as shown on their plat it would also be in line with the structure on the lot adjoining between this property and Route 236.

Mr. Lamond noted that the building as proposed would be back a considerable distance farther than the building on Route 236.

Mrs. Henderson suggested placing the pump island back completely behind the taking line of the new right of way.

Mr. Schumann agreed, saying that the fact of the pump island being located within the proposed right of way, the owners of the property could press for a higher price on this land, contending that their pump island was being displaced and they were being deprived of the use of this frontage.

NEW CASES - Ctd.

6-Ctd. The Board and Mr. Regan continued discussion of locating the pump island back beyond the taking line, Mrs. Henderson pointing out that under Section 6-16 the Board could place certain conditions upon the granting of a use permit if they found the plans presented to be objectionable. Even if the pump island is moved just back of the taking line, when the State takes this right of way the pump island would still be too close to the right of way for service and would have to be moved back. Mrs. Henderson thought it should be in the motion, if this is granted, that moving the pump island should be done at the owner's expense.

There were no objections from the area.

Mr. Lamond moved that a permit be granted to the Texas Company for the erection and operation of a service station as shown on the map presented with the case except that the plat be changed to show the pump island located entirely within the business zoned property, that is, west of the boundary line of the right of way of Rt. 649 as proposed and at such time as the widening of Rt. 649 takes place, and the pump island must be moved at the expense of the owner. It is also understood that this is granted for a filling station only. Seconded, Mr. J.B. Smith. Carried unanimously.

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7- FAIRKO, INC., to permit erection of an addition to existing building within 16.5 ft. of the Street line and directly on the side and rear lines, Part Lot 11, Lots 13 and 14, Frank Hannah Subdivision, Falls Church District.

Mr. Wills represented the applicant.

Mr. Wills explained that the land immediately adjoining this property to the south, nearest to this proposed addition which will come up to the lot line, is proposed for rezoning to General Business at the February 25th hearing of the Board of Supervisors.

Mrs. Henderson asked how the existing building came to be located so close to Ravensworth Rd. That building was originally placed with a conforming setback but the highway was widened by 14 or 15 ft. on this side, and at the time of construction the building setback required was 30 ft. from the right of way. Ravensworth Road is a four-lane highway.

Mr. Wills pointed out that the addition would have the same setback as the original buildings. He called attention to the bank on this property which will cause them to lower the store to the street level, making a two level building. This is made necessary because the street was cut down.

NEW CASES - Ctd.

7-Ctd. Mr. Schumann displayed a zoning map indicating that all the land surrounding this property is zoned for business. It is a spot residential zone. The Staff would recommend granting this application as requested.

There were no objections from the area.

Mr. Lamond moved that the application of Fairko, Inc. be granted contingent upon the rezoning on the property adjoining Lot 13 as explained by Mr. Schumann. Seconded Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES:

4- WERNER KREBSER, to permit physician's office in existing dwelling as non-residents, on westerly side of Ingleside Avenue, approximately 400 feet north of Old Dominion Drive, Dranesville District. (Suburban Residence Class 2)

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

"MEMORANDUM

TO: BOARD OF ZONING APPEALS

FROM: H.F. Schumann, Jr.
Deputy Director of Planning

RE: Application of Werner Krebser to permit physician's offices in existing dwelling as non-residents - McLean

At their meeting of January 26, the following resolution was passed by the Planning Commission:

> The Planning Commission recommends to the Board of Zoning Appeals that they consult the Commonwealth Attorney for guidance on this individual application, and recommends that the Planning Staff be directed to give further study to the impact of professional use of residences in residential areas, to determine whether additional language should be provided in the pending Pomeroy Ordinance to deal with this problem, and report back to the Planning Commission.
>
> (S) H. F. Schumann, Jr., Deputy-Director of Planning"

Mrs. Henderson stated that it was her understanding that the Board was to have a policy recommendation from the Planning Commission. They feel that the Board should discuss this with the Commonwealth Attorney, Mr. Lamond answered, as there is a question in the minds of the Commission members as to the jurisdiction of the Board in this.

Mr. Lamond pointed out that this case would not appear to be like the recent cases of this kind that the Board has granted. Most of the others have lived in the house and have outgrown it. This is more like the medical center at Annandale that is on residential property--no one lives in the building but there are many doctors in the building.

DEFERRED CASES - Ctd.

4-Ctd. But that was granted as a medical clinic, Mrs. Henderson pointed out, it met all the setbacks (before widening of Route 236). This property can meet no setbacks.

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When the by-pass is put through this will be practically an isolated spot, Mr. Lamond agreed. He suggested that this is worthy of favorable consideration.

Mr. Lamond moved that the application be granted to these doctors for use of the building for non-resident physician's offices. Seconded Mr. T. Barnes.

In answer to a question, Mrs. Henderson said the by-pass would have a 100 ft. width or more in this location.

Mr. Lamond pointed out that this is a little triangular piece of ground off to itself. It would never be practical for residential purposes.

Mr. William Batrus appeared as attorney for the applicant. He pointed out on the map the location of the by-pass and indicated two other intersecting streets which isolate this property. He emphasized the especially desirable location for a semi-business area as opposed to residential development. He also indicated that the parking would be in the rear.

Mrs. Henderson suggested that this property should be zoned commercial and keep the building for this purpose. She maintained that the Board had no jurisdiction under the Ordinance to grant this and if the by-pass goes through this should be zoned by the Board of Supervisors.

Mr. Batrus called attention to the fact that these men are under a time limitation on their option and it is too expensive for them to buy and build. This is the best they can do at the present time. There are no objections from the area--in fact, the people want the doctors here. It will be good for the community. There is no possibility of this lot being used for residential purposes, the only objection is a technicality. If this is deferred they will lose the opportunity of this purchase, Mr. Batrus argued. With the growth in population and the need for more medical facilities in this area, especially general practitioners, this meets a great need.

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

Mrs. Henderson voted no, contending that the Board has no jurisdiction to grant this and the granting of this is in effect amending the Ordinance.

Mr. Lamond added to his motion that this is granted as it will not

4-Ctd. adversely affect the community and it is in the interests of the welfare of the community.

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5- POTOMAC BROADCASTING CORP., (Radio Station WPIK), to permit erection and operation of a transmission tower and accessory building, property on east side of Mt. Vernon Boulevard adjacent to southerly line of National Capital Park Property, Mt. Vernon District.

The chairman announced that since this case was fully heard at the last meeting of the Board of Zoning Appeals no new testimony would be taken at this time; the opposition was not only fully heard but a total of 39 letters and many telephone calls have been received detailing reasons for opposition, Mrs. Henderson stated. The case would continue for the purpose of hearing the result of the joint meeting between the applicant and citizens groups. And for presentation of authorization for this tower, Mr. Boothe added--that being the second reason for the deferral.

Mr. Meiklejohn, representing the combined citizens in opposition read the following statement detailing results of the joint meeting.

"January 27, 1959

Mrs. M. K. Henderson, Chairman
Fairfax County Board of Zoning Appeals
Fairfax Courthouse
Fairfax, Virginia

Dear Mrs. Henderson:

At the meeting of the Fairfax County Board of Zoning Appeals held of January 13, 1959, the Board postponed for two weeks final action on the application of Potomac Broadcasting Company (WPIK) for permission to erect a radio broadcasting tower and accessory building on land situated between the George Washington Memorial Parkway and the Potomac River in the approximate vicinity of the Westgrove exit. This postponement was ordered, it was stated, to enable representatives of the applicant and residents of communities in the area to discuss the issues involved in the application with a view to determining whether the residents' objections to the application might, following a fuller explanation of the applicant's plans, be withdrawn.

Thereafter, on their own initiative, residents and property owners of various communities in Mount Vernon District arranged a meeting, which was held on January 21, 1959 in the Hollin Hills Elementary School. This meeting was held "to discuss the proposed request for a zoning exemption made by the Potomac Broadcasting Company". In accordance with the suggestion made by you at the hearing on January 13, 1959, Mr. Armistead L. Boothe of Boothe, Dudley, Koontz and Boothe and other representatives of Potomac Broadcasting Company were invited to attend. Unfortunately, Mr. Boothe was unable to be present, but other representatives of the applicant, including Mr. Carl Lindberg, President and sole owner, attended the meeting, answered questions, and participated in the discussion.

It is my understanding that there was general agreement on both sides that there was ample opportunity for full and fair discussion. Subsequently after the applicant's representatives had left, the residents and property owners present discussed the matter further among themselves. It was the unanimous opinion of the meeting that the applicant's representatives had

not brought out any facts or other considerations which would cause those present to withdraw or modify their opposition to the application. On the contrary, while we, of course, accord full faith and credit to the sincerity of applicant's motives in this matter, we are more than ever convinced that there is no justification in law or fact for its application.

In these circumstances, on behalf of residents and property owners who are members of the Mount Vernon Citizens' Association, the Westgrove Citizens' Association, the Marlan Forest Citizens' Association, the Hollin Hills Community Association and other citizens' associations in Mount Vernon District, I would like once again to summarize briefly our position on this application:

1. While we recognize the problem faced by Potomac Broadcasting Company as a result of having to move its present radio broadcasting tower in order to make way for the circumferential highway, we do not believe that this problem affords any reason or basis for locating the tower in an area wholly devoted to park, recreational and residential uses. Although we understand that certain alleged civil defense considerations supporting location of the applicant's tower in the area in question were urged by the applicant in an informal ex parte meeting with members of the Board of Zoning Appeals some time prior to the Board's hearing in this matter on January 13, 1959, we have been unable even after diligent inquiry and study, to discover any relevant factors of this character which preclude location of the tower in other more suitable locations.

2. We have been advised that approval of the application will interfere with the carrying out of plans of the National Capital Park and Planning Commission, which go back at least to 1949, to acquire the land covered by the application for development for park and recreational purposes, if the necessary authorizing legislation can be secured. Such legislation is presently pending before the House Committee on Public Works (H.R. 2228, introduced by Congressman Smith of Mississippi) and Congressman Broyhill has advised that prospects for enactment of this legislation appear to be very bright.

3. We contend that the legal basis for the proposed exception is questionable, to say the least. The provisions of the zoning code which applicant invokes apply, as we read them, only to power stations and facilities, telephone exchanges and lines, and similar public utilities which provide necessary services to residential consumers. This is the whole purport of the zoning code. A radio broadcasting tower does not, in our opinion, qualify as a public utility of a type for which exceptions can be granted under the code.

4. Furthermore, even if it should be held that a radio broadcasting tower does qualify for an exception under the code, the application of Potomac Broadcasting Corp. should be disapproved because:

(a) Under the code the Board must find that the proposed broadcasting tower is "in harmony with" the general development of the area and "will not tend to affect adversely the use of neighboring property." We submit that construction of the proposed tower is wholly "out of harmony" with the park and residential character of the surrounding area and that it cannot help but "affect adversely" the property of home owners overlooking the site of the proposed tower.

(b) Under the code, the Board must also find that the exception will not materially affect adversely either the health or safety of persons residing or working in the neighborhood nor "immediately nor ultimately affect adversely the use or development of neighboring property." We submit that the proposed radio broadcasting tower will present a distinct

5-Ctd. hazard to persons residing in the area since it is in close proximity to the flight patterns of airplanes approaching or leaving Washington National Airport and Bolling Air Field. Furthermore, it is our firm conviction that approval of the proposed tower will adversely affect property values in the neighborhood immediately and will initiate a change in the entire course of development of the area and start a chain of developments that will ultimately destroy the park and residential character of the area.

For these reasons we contend that there is no proper legal basis for the Board to grant the exception requested by the Potomac Broadcasting Company in its pending application.

5. Finally, we believe the Board should give the most careful consideration to the consequences of approval of the proposed radio broadcasting tower. The construction of this tower will itself change, and will in turn lead to even more deleterious changes, in the Potomac River front region between Hunting Towers and Mount Vernon which has thus far been kept free of commercial and industrial development. The George Washington Memorial Parkway and neighboring lands should be protected from such development in order that it may continue in the future, as it has in the past, to be a beautiful and valuable part of our national heritage.

For the foregoing reasons, on behalf of residents and property owners of the communities referred to above, we again respectfully urge the Board to disapprove the pending application of the Potomac Broadcasting Company.

(S) Kenneth A. Meiklejohn, President
Hollin Hills Community Association"

A petition in opposition from Belle Haven containing 222 signatures was presented to the Board along with additional letters and statements from individuals and organizations. All petitions and letters are on file with the papers of this case. A listing of these letters and petitions will be found at the end of the minutes of this case.

The following telegram regarding location of this site was read:

"Jamaica, N. Y. Jan. 6, 1959

Secretary
Federal Communications Commission
New P O Building

Re our telegram December 12, 1958 airspace clearance granted for proposed antenna tower 300 ft. above ground 309 ft. above sea level, Alexandria, Virginia - latitude 38-45-59, Longitude 77-03-02. Airspace clearance can be granted for slight relocation of site to latitude 38-46-01 Longitude 77-03-05.6. All other conditions previous approval still obtain.

Vincent T. Gucdione
Federal Aviation Agency
Fed. Bldg. N.Y. Intl. Arpt."

Mr. Boothe stated that both Mr. Carl Lindberg, President of WPIK and Mr. Howard B. Hayes, General Manager, attended the joint meeting, Mr. Boothe having been absent because of a previously scheduled argument before the State Supreme Court in Richmond on the Freehill Amendment.

Both Mr. Lindberg and Mr. Hayes stated that they had received very fair treatment at the meeting. All points had been discussed, followed by a wide variety of questions and answers but they realized that the people still maintained

5-Ctd. their opposition.

Mr. Boothe told the Board that if they wished, Mr. Hayes and Mr. Lindberg would give a step by step account of their efforts to find another location for this tower. They would also explain why FCC wants this tower approved in this particular area. They have previously held back some of this information because the government requested it, Mr. Boothe continued, but now most of this seems to be common knowledge and they would be glad to go into the background reasons for their urgent desire to locate here.

Mrs. Henderson said she was sure the Board would like to know what efforts have been made to get another site and why this is the only place this tower can be located.

As far as the legal method of obtaining this permit is concerned, Mr. Boothe pointed out, this is the way radio towers are allowed in the County; they have been granted under the Ordinance in many previous instances. The granting of this use is permissible in a residential district as an exception--it is so set up in the Ordinance. If the Board of Supervisors had thought this use would lead to further commercialization of a residential area they would not have left this for the Board of Zoning Appeals.

This is a particular kind of business which is greatly limited; Mr. Boothe further stated that he could not understand the basis for objections. He realized that many things have been said which are without foundation and that many misconceptions have gotten into the minds of many people. The fact is that this is an area which can be used for a truly commercial enterprise--removal of sand and gravel--the permit for this use is good for another three years.

Mr. Boothe expressed his appreciation of the integrity of the people opposing this project and also stressed the fact that those making the application are honest, decent people. Some have become excited, Mr. Boothe continued, and expressed hard feelings toward advertisers on WPIK. That, he went on, is understandable from people emotionally upset but he could not understand such strong opposition to a use which has such basic value and which would have no adverse effect upon the area.

Mrs. Henderson made it plain that contrary to the thought expressed in many of the letters she had received, this is not a rezoning, it is an exception to the Ordinance. Most of the objections were to the zoning, change in character of the area, height of the tower, traffic

5-Ctd. hazard and destruction of wildlife. (Birds flying into the tower)

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Mr. Boothe introduced Mr. Howard B. Hayes, Vice President and General Manager of WPIK.

Mr. Hayes stated that he has been in radio business since 1930 as an engineer and in general management for 14 years. Mr. Hayes said he was present with the hope that he might be able to dispel the thought that the selection of this site was an arbitrary one and that it was not produced as some misguided choice out of thin air.

In dealing with the location of a radio transmitter, one is dealing with an exact science hinging on engineering considerations requiring complete compliance with certain engineering conditions set up by FCC, Mr. Hayes explained.

When they knew last spring that the proposed circumferential highway would intersect Telegraph Road and go east to Route 1 across their site, which they have occupied since 1944, they immediately undertook consideration of their position in the light of this situation. They felt it necessary to know what limiting factors would impinge upon them in getting a new location. Therefore they followed the next logical step of securing from FCC a clearance of a certain area in which they might seek a new location. Accordingly, Mr. Hayes and Mr. Lindberg went to New York to talk with people at Idlewild to learn what general area within a distance of Alexandria would meet requirements of FCC. As a result of that conference they were told that certain areas would very likely be approved, other areas were magginal and others out of the question. They asked many questions to narrow down the area which would meet their requirements.

The area designated reached no further north than this present site; it could not go too close to Alexandria. The suitable area could not range too far to the east as it would interfere with National Airport approach tower. The planes coming in over the Potomac do not fly at the altitude as those coming in over land where they must provide height clearance.

They could locate in the immediate vicinity of the present site and in a triangular area to the south and east they might get clearance since altitude is higher there for planes coming in.

With this knowledge of the general requirements they began a diligent search for a site.

5-Ctd. If it were possible to move the existing tower only a few feet one way or the other that would be the best solution as they could use some of the present ground radio system. They might have been able to use the existing transmitter building in that case. But it developed that the ground space on either side of the proposed circumferential right of way was not satisfactory. To the south there is not enough land. To the north are the high transmission lines owned by VEPCO which they cannot approach within a certain distance. (That is the Hoffman tract lying between Telegraph Rd. and Duke Street.) Therefore they cannot move the transmitter either to the north or to the south.

They then went to a real estate company. They had in mind a piece of land down Telegraph Road toward the Memorial highway, the next best site compared to what they now have. That is the Pullman tract, directly west of Route 1 and south of Hunting Creek. That land is tied up in litigation so it cannot be leased nor sold. Therefore that was eliminated.

They investigated land to the west (Blunt's property). It was far too small and too narrow to accommodate their operation.

Next they contacted Banks and Lee, who said they were not interested in a sale nor a lease.

On farther, west of Banks and Lee, the Fleming estate was considered but they learned that this is an estate in the process of settlement. It appeared that there might be a future possibility of discussing that property for a lease or sale. With this in mind they went on the property. Investigation revealed that this was not satisfactory because of soil conditions. Mr. Hayes went into a detailed explanation of soil conditions which would act as an insulator rather than a conductor. These are engineering considerations which must be taken into consideration in the selection of a site, Mr. Hayes emphasized. Soil which contains sand and gravel acts as an insulator, however, if the SAND and gravel were overlaid with a marshy covering it would result in good conductivity. This property would not meet the necessary efficiency aspect required, as it contains sand and gravel at the surface.

This takes in everything around the Hunting Creek area except one spot--an acre immediately adjacent to Belle Haven Country Club. This is immediately west of Mt. Vernon Highway and south of Hunting Creek.

They contacted the owners of that tract but they were not interested,

5-Ctd. they did not even discuss it with them. Another site was eliminated. That, Mr. Hayes concluded, eliminates everything in the Hunting Creek area.

It is evident that Mr. Hayes and Mr. Lindberg have looked and looked for a site in this area, Mr. Boothe stated. If any of the citizens or the Board have any doubts whatsoever about the enginerring qualities of the Fleming land, they would be glad to submit this to some other engineer to verify these statements . If the Board would like an independent engineering report that would be perfectly satisfactory to the applicant.

Mrs. Henderson asked how much leeway was contained in the area for relocation. Mr. Hayes answered, approximately 200 ft. northwest near the Boulevard.

Mr. Thomas Dougherty, legal representative from FCC spoke on behalf of the applicant. He stated that the importance of this hearing to FCC is evidenced by the fact that this is the first time a representative from that agency has appeared before any zoning board on behalf of any individual applicant. Since the situation has already generated a considerable amount of heat and misconceptions he suggested that he might present facts which would assist the Board in arriving at their decision.

Conelrad is an automatic electronic system of devices set up to provide a two prong defense for this area, Mr. Daugherty stated. Station WMAL and WPIK servenas the nerve centers for this area. Station WPIK entered into this program in 1950. It is entirely voluntary, operating even when the station is temporarily off the air.

First approval of this location site was given by the Air Space Sub-committee, therefore in view of that approval, FCC accepts the opinion of that committee that this station would not interfere with air traffic and approval by FCC is logically follows:

Since so much misconception as to the reasons for locating this transmitter at this particular spot have been broadcast, Mr. Daugherty said he would like Mr. Kenneth Miller, Engineer for FCC to explain why this station must be located in this area.

Before Mr. Miller appeared, however, the final approval of this location was questioned. Mr. Daugherty said that the telegram read earlier in the meeting gave approval of the Air Space Sub-committee and that final approval by FCC was given January 14, 1959.

5-Ctd. It was asked from the audience if this station did not receive government subsidy for its participation in Conelrad. Mr. Daugherty said, not at present, however, a certain subsidy was being discussed.

Mr. Miller emphasized the importance of this case to FCC, saying such an appearance or participation in any public hearing of this kind was most unusual.

Mr. Miller described the setup and operations of Conelrad, the value to the metropolitan area in case of attack, the manner in which alert messages are transmitted to one area from another, and the fact that the responsibility for the safety of the area rests upon efficient and adequate operation. WPIK has been a part of this system for eight years. It is the southernmost station within the Washington Metropolitan area. Mr. Miller explained by maps the areas served by WPIK indicating the outlying stations and communication channels within the area. The plan has been approved by the Department of Defense.

The farther this station is moved to the south the less efficiency will result, Mr. Miller continued. It must be within the periphery of the substations at the most central position in order to give full service to areas both to the north and to the south.

Mr. Miller explained the importance of Conelrad in case of enemy attack particularly because of its ability to confuse direction finders on enemy bombers. During an attack all stations except WPIK and WMAL would go off the air and Conelrad will take over, relaying information and instructions from station to station.

If this is so essential, it was asked, why is it necessary to go through this public hearing? Why doesn't the Federal government say--this is a public necessity, the public safety is at stake, therefore the area in which this must be located is not subject to the opinion of the Board.

Because they must satisfy the County zoning regulations, Mr. Daugherty answered.

It was asked if the State Highway Department was given this information regarding public defense. Mr. Daugherty answered that this was discussed with the Highway Department and suggested to them that the right of way be moved to allow the tower to remain in its present location.

5-Ctd.

They also talked with Edward Gasson, representing the Highway Department, who appreciated their problem, but stated that the right of way leading up to Jones' Point Bridge has been determined because of necessity and the cost of relocating would be something over a million dollars. Mr. Gasson thought it would probably be difficult to get the relocation. Although this is a private business performing a public service, they do not have the right of eminent domain.

Mrs. Henderson asked--if this case is denied, what would be the next step? Would some government agency step in and make a positive move toward locating this tower? What is the full power behind this? They do not have the power to take any property, Mr. Daugherty answered. Whatever is done if this is denied is up to the applicant.

Mrs. Mark offered the suggestion that in case of a real attack by Russia with missiles and ICBM's none of these stations nor towers would be of any value.

Mr. G. T. Armitage held up a book, which he identified as having been published by AEC, on civil defense, which details the various kinds of attacks. It describes a target analysis run on the Washington, D.C. area. The most logical ground conditions, the book reveals are to be found at Haines' Point.

Discussion of ground conductivity continued, the suggestion being made that even though the natural soil may not have the proper conductivity that quality could be provided. However, Mr. Hayes answered that by saying it would be highly impractical as the conductivity is not determined completely by the surface character of the soil but equally as much by what underlies the ground. Soft rock formations act better as an insulator than as a conductor, Mr. Daugherty pointed out, but where rock and sand are covered over with silt, rock or clay, it produces an ideal conductor. As to the suggestion that the tower be located in the river, Mr. Daugherty said they must have ground conductivity.

Mr. Oyster questioned the consistency of some of the statements made by the applicants.

Mr. Boothe suggested that if the Board or the citizens in opposition wished to submit this to an independent person as an arbitor the applicants would be very willing to do so. They are not threatening anyone, Mr. Boothe continued. They are simply stating the facts, but since this case involves a knowledge of engineering and requirements

DEFERRED CASES - Ctd.

5-Ctd. peculiar to this particular use they are perfectly willing that a disinterested person be called in.

Mrs. Henderson thought conductivity was present in any soil.

Mr. Hayes answered that actually conductivity is a relative condition. They have been able to measure the conductivity of various types of soil. That can be done and it is done, but it varies under varying conditions. The kind of soil which will serve their purpose is limited. But in view of the purpose for which they will use this station, they need the highest possible degree of efficiency they can achieve.

Colonel LaBonge stated that there are only two factors involved in this case - viz: the area in which they live is zoned for residential use. Relying upon the integrity of the County he and many others bought here and built expensive homes. Now comes a commercial enterprise which is out of keeping with their area. To allow this encroachment would be an innovation which they do not want and which would destroy the County plan of zoning.

Mr. McCutchen asked if it were not true that all the radio stations were ~~not~~ petitioning to become a part of Conelrad system. Only the two nerve center stations, Mr. Daugherty answered, the others are stand-by. All stations on the periphery will become a part of the system but those on the periphery cannot deliver the signals in this area.

Mr. Neil Phillips from the Audobon Society made a statement regarding the relocation of the Circumferential Highway, to the effect that if WPIK were so essential and important to the defense of this area and the cost of relocating the highway is only between $500,000 and $1000,000, that amount of money would mean nothing.

The testimony and discussion completed, the chairman suggested that the Board adjourn for lunch at which time they would discuss the case, preparatory to a decision immediately upon reconvening. Mr. Lamond so moved. Seconded, Mr. Smith. Motion carried.

Upon reconvening, Mr. Lamond asked to be recognized. He moved that the application of Potomac Broadcasting to permit erection and operation of transmission tower be denied as there appears to be an alternate location for this tower. Seconded Mrs. Carpenter.

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

Against the motion: Mr. Barnes and Mr. Smith. Motion carried.

Mr. Boothe stated that he accepted the decision as one made in good faith but he would like to know what site the Board had in mind as being available.

5-Ctd. Mr. Lamond replied that he had not negotiated for any site but being in the real estate business he had checked on the possibilities of another location, purely for his own information. He had called Banks and Lee and had been referred to Mr. Everhart who said that he would be interested in getting a location for these people, that he would do his best to find something.

Mr. Lamond said he also called Mrs. Lawler who owns the Fleming property, a 26 acre tract. Mrs. Lawler referred him to Mr. Ruffner who indicated that he had talked briefly with Mr. Hayes about this property. But about that time he heard that the radio station had taken this site. He would be glad to talk with them further and he thought they could arrive at some arrangement.

Also the Carter property may be available, Mr. Lamond continued. There are many places the applicants have not yet considered, Mr. Lamond suggested, if they continue to look.

Mr. Boothe said he was asking this purely for information, that this station is in a desperate plight, the need for a new location is of the utmost importance to them. He recalled the statements made earlier regarding soil conditions on the Fleming property and that property had been eliminated by their engineer.

He had not heard of the Carter property. If there are any other sites which they might investigate, Mr. Boothe said he would be glad to hear of them.

Mr. Mielkejohn told the Board and those present that the opposition appreciated the manner of approach Mr. Boothe had taken in this case; they had tried to understand the problems as they should be, but they were deeply gratified by the decision of the Board.

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Mr. Mooreland referred to Section 6-4-a-4 of the Ordinance (Tourist Homes) It had come to his attention, Mr. Mooreland told the Board, that the owner of a tourist home which had been operating for a number of years wishes to add a second story to his building, for the purpose of renting three more rooms. According to the plan there will be no connection between the original building and the addition, in other words it is not to be built as a normal home with circulation through the entire house. Mr. Mooreland said he investigated this in the beginning because of the number of rooms to be rented out, then found that with the addition, it appeared to him that this was being taken out of the

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category of a residence. Actually, it would be comparable to a hotel. While the owners and operators of the property will live in the building, an addition which would take the building out of the category of a single family dwelling led him to question this and bring it to the Board for their opinion. How far can one go with an addition? When does this become a hotel and when does it violate the intent of the Ordinance? Mr. Mooreland said he was not quite sure. He noted, however, that the Ordinance does say that rooms may be rented--up to six, before the establishment becomes a hotel.

A tourist home is permitted by right, Mrs. Henderson stated and a man would be allowed to add to his house if his family increasss. She suggested that it might be difficult to draw the line-- just how far one could go with the addition and for what purpose as long as he rents less than six rooms.

If one has a motel and it is granted for a definite number of units, the owner would have to come before the Board of Zoning Appeals before he could increase those units, Mr. Mooreland noted. Actually this is in the nature of a motel, only on a smaller scale, and a motel is not allowed in a residential district.

The use to which the addition would be put, makes the difference, Mr. Barnes suggested.

It often happens, Mr. Smith stated, that a very large old home will no longer be needed as a home after the children have left and the owners rent out the rooms. It would be difficult to distinguish between this which is permitted as a right and an addition which was originally put on for a family and later becomes available for rooms to rent.

One can use any house for rental of tourist rooms, Mr. Mooreland contended, but you cannot add on for the purpose of creating more tourist rooms, according to the intent of the Ordinance.

After further discussion, Mr. Lamond moved that the Board agree with Mr. Mooreland's interpretation, that a tourist home cannot be enlarged for the purpose of being a tourist home. Seconded Mr. Barnes. Carried unanimously.

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Mr. Lamond brought up the Cannon Construction Co. case to permit erection of an office building within 3 ft. of the side line on Lots 15, 16 and 17 Block 40, New Alexandria, which was deferred from the meeting of January 13 to the 10th of February, stating that Mr. Cannon was present with his

revised plats and asked if the Board could handle this at this time as his engineers are ready to go before February 10. Mr. Cannon has shown on the revised plat that he can meet an 8 ft. setbackoon the sideline instead of the 3 ft. requested. Mr. Cannon has bought the corner lot next to him which will be used to fill out his plan for development, and will also use that lot for parking purposes.

Mr. Mooreland agreed that this is a logical request and should be granted. The 8 ft. setback gives sufficient room for parking between buildings and allows adequate utilization of the land.

Mr. Lamond noted that the filling station adjoining this on the east is placed on a very small lot which could never be used for residential purposes. This entire block will be commercial and the granting of this setback will not penalize anyone.

Mrs. Henderson suggested that having purchased the corner lot for parking purposes, Mr. Cannon might pull the buildings closer together so he could have parking on the other side, thereby eliminating the need for a variance. This still might allow some parking between the buildings.

Mr. Cannon stated that they plan to put another building on the lot.

Mr. Lamond stated that Mr. Cannon will put up an attractive office building for doctors. It will take care of a great need in the area and it would not jeopardize the adjoining property, which, while it is zoned residential is used for business and is not practical for residential use. Therefore Mr. Lamond moved that the Board approve this plan as revised by Mr. Cannon, the setback shown on the plat as being 8 feet on the east side of the building. Seconded, Mrs. Carpenter.

Motion carried.

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Mrs. Henderson asked what was being done about Alward. Mr. Mooreland said he was discouraged over Mr. Alward, that Mr. Gibson had given up on him, but that he, Mr. Mooreland, was going to see him soon and hoped something could be done. Mr. Mooreland said this would be on the agenda of February 24.

Mr. Lamond moved that this Board go on record as expressing its deepest sympathy to Mrs. Freehill, in the loss of Mr. Joseph Freehill, incorporating the thought that the members of the Board feel that the County has lost a very valuable citizen and that Mr. Freehill will be greatly missed. It was agreed that Mrs. Henderson write the letter. The Board members contributed $5 each to the Freehill Scholarship Memorial Fund.

The meeting adjourned.

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, February 10, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with four members present, Mrs. Henderson, Mr. Lamond, Mr. T. Barnes, and Mrs. Lois Carpenter.

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

Mrs. Henderson offered the following Resolution in tribute to Mr. J. Bryant Smith:

Resolved, that the members of the Fairfax County Board of Zoning Appeals note with profound sorrow the death on January 29, 1959 of their valued colleague, J. Bryant Smith, who served with distinction on this Board for eight years, drawing on his varied interests and experience to add strength and wisdom to the Board's deliberations and decisions. The members of this Board wish to express deep sympathy to the Smith family and to voice their own sense of personal loss. The Board asked that this Resolution be sent to Mrs. Smith.

DEFERRED CASES:

1- RECREATION, INC., to permit erection and operation of a swimming pool, bath house and recreational area, property on southerly side of Old Columbia Pike, Route 712, adjoins Sanpine Springs Subdivision, Mason District. (Rural Residence Class I)

Mr. Hansbarger represented the applicant. He located the property (approx. 15 acres) with regard to roads and abutting subdivisions; Pinecrest on the south and Sanpine on the north. A tier of large lots facing on Woodridge Road back up to this property. Mr. Hansbarger also pointed out the location of facilities planned to be developed. Sewer and water are available. He also indicated that a sizable portion of this tract is in flood plain.

Mr. Hansbarger quoted the following conclusion from a drainage report made by James L. Patton, Engineer.

> "Consideration of the foregoing facts and computations results in the following conclusions, recommendations and comments. A Fairfax County design storm sewer will not be carried within the stream bed, even under present conditions, and any development will result in increased run-off. As development increases, the drainage run-off will increase irrespective of the type of development that takes place. The increase of run-off brought about by development is caused primarily by replacing the natural vegetated areas with sidewalks, streets, roofs of houses, pavements, and other impervious areas. A shopping center completely paved would have 100% impervious area. Residential areas have 28% impervious area. The proposed recreation center has 40% impervious area, but the proposed development represents only 14.5% of the watershed area. Developing the recreation area in place of residences increases the flow only 1.7% which is insignificant. In summary, the run-off is going to increase with any development, and building this recreation center instead of houses has no significant effect

1-Ctd.

whatsoever on the overall drainage. The swimming pool operation results in discharge of water annually when the pool is drained and weekly when the filters are backwashed. The pool will be drained over an extended period of time so that the flow would be well within the capacity of the streambed. The backwashing discharge also would be within the capacity of the stream, and the time of backwashing should be regulated so that the discharge would not contribute additional water during the time of a storm. The backwashing should take place in the dry summer months when flow in the stream will generally be non-existent. The chlorine content of the filter wash-water will be the same as drinking water since the wash-water will come from normal domestic sources; the residual chlorine in the swimming pool water will have dissipated during the winter months prior to discharge in the spring. Therefore, it is not contemplated that this operation will result in any contamination of the stream. Further, it is observed that the State Water Control Board prohibits the dumping of any objectionable matter into streams in Virginia, and that board will require the installation of any facilities necessary to prevent contamination of the stream.

In conclusion, it is our opinion that neither the construction, nor the operation of the recreational facilities proposed would have any measurably different effect on the existing drainage, than would the construction of houses as presently permitted; nor will the backwashing of filters and emptying of the pool create any forseeable health hazard.

(S) James L. Patton"

Mr. Hansbarger pointed out that most of the facilities will be located at the rear of the property, swimming pool, wading pool, shuffleboard, club house and snack bar, tennis courts, slides, sand boxes, volley ball, swings and a soft ball court. The operators plan to spend over a quarter of a million dollars on the development. Parking will be located on the front of the property. The land to the north, immediately adjoining approximately 5 acres, is now undeveloped. They probably will develop homes on this area a little later. A recent soil survey of this area shows that this particular spot is especially well adapted to this type of facility, stream beds and flood plain have been designated by planners and by the Board of Supervisors to be the proper place for recreational facilities. Mr. Hansbarger showed pictures of the property around this site and of the land itself, which is now vacant.

This will be a private-profit pool and recreational area. It will be handled by membership, but operated privately for profit. The plans show all the facilities planned at this time.

The Chairman asked for opposition.

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1-Ctd. Mr. Martin Bartel, 8021 Woodbridge Rd, who owns property which would abutt this property presented three petitions from Pinecrest, containing 171 signatures. This represents approximately 95% of the people in Pinecrest, Mr. Bartel stated. He also presented petitions from Englandboro and Panoramic Hills Subdivision, opposing. The signatures on these represent 100% opposition.

Mr. Samuel R. Hawkins, 9025 Woodbridge Rd., who also lives immediately adjacent to this property spoke, stating that this is an unwanted and unnecessary facility and he considered it a serious threat to the residential area. It would create a nuisance, with the coming and going of cars, the noise and traffic by way of inadequate access.

The homes on Woodbridge Road are on 2/3 acre lots; they are good homes and Mr. Hawkins insisted that the installation of this project at their back yards would seriously depreciate their property values. There are ten homes on Woodbridge Road, he continued, and 24 children. The many cars from other areas, members of this group, would not add anything to their community except a hazardous condition for their children. Mr. Hawkins insisted that the project would be patronized almost entirely by outsiders, with the impact of unpleasant results falling on the property owners in this area.

Mr. John Reidelback, 9033 Woodbridge Road stated that he had bought here recently. People coming from Arlington and the eastern part of the County to this area would necessarily go by their homes. Mr. Reidelback said he had left Arlington County purposely to get away from traffic and noise. If this is approved, he would feel it necessary to leave the area. However, there would be a question of selling his property. This project was not here when he bought and the property was very salable, now if this is granted it would either be lowered in value or be impossible to sell. Such a project would invade the privacy of homeowners and make life here unbearable.

Mr. Jay McNulty, 1023 Downing Street, Englandboro, president of their citizens association told of coming here from Maryland especially to get away from hazardous traffic and creeping nuisances. Mr. McNulty told of a letter written to Mr. Hansbarger listing questions which were perplexing people in their area. They did not receive answers to their questions. They could conceive of a little Glen Echo growing up in their midst, expansion of a recreation area that would become a commercialized enterprise, a private operation for profit. If this is the ultimate extreme for such a project it should have commercial zoning.

1-Ctd. Mr. McNulty mentioned that there are already three pools in the immediate area which are more than adequate to serve the needs and there are 15 pools within 45 minutes of this site. In the County there are 35 recreational areas and under the present County program for recreation some of these will be continued through the summer. It would therefore appear that swimming facilities are adequate. In fact, some of these swimming clubs are having a hard time financially, Mr. McNulty continued. It would seem that the existing facilities should be supported by residents of the County before commercial enterprises are allowed to come in. This would no doubt bring many non-residents into a residentially zoned community. The County Budget provides $60,000 to acquire recreation sites around and on school sites, another $50,000 will be approved. There are three schools within this area, Parklawn, Belvedere and Annandale. There should be no need for this in the area.

Mr. McNulty showed a drawing indicating the condition of Old Columbia Pike indicating that the road is in bad condition, incapable of taking this additional load of traffic. This is only a 30 ft. right of way with 12 or 14 ft. of pavement. It is difficult for two cars to pass without turning out onto the shoulder. The children travel this road. This could cause a hazardous and impossible condition, resulting unnecessarily in deaths and injuries.

Mr. Samuel Enix, builder from Englandboro, termed this project detrimental to the area. He built five homes last year and has plans for four or five more expensive homes. Two of these are sold, if this project does not go through.

Mr. Enix deplored the encroachment on an established residential area, throwing the burden of the depreciating consequences on home owners in the area. His life savings are in this area, he declared and he could not afford to take the loss this would create. Mr. Enix restated other objections previously given.

Mr. Sherman Naidore, Panoramic Hills, objected for reasons stated. He read the following letter from Mr. Rolfs:

"February 9, 1959

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

Dear Mrs. Henderson:

I am joining with the residents of the Panoramic Hills Subdivision in opposing the proposed rezoning of 15 acres of residential property on Old Columbia Pike to Commercial zoning.

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DEFERRED CASES:

1-Ctd. This proposed rezoning, for a public swimming pool and recreation facility, would adversely affect the residential atmosphere and hurt residential values in the surrounding area. As owner of a large tract of land (80 acres) adjacent to the property I feel that the increased traffic, noise and hazards would seriously depreciate the high quality of the residences in the surrounding area.

This rezoning would prohibit the quiet enjoyment of their homes that the purchasers had a right to expect when they purchased their homes in an area that was zoned for residential purposes only.

(S) Henry J. Rolfs"

Mr. R. C. Payne, president of Pinecrest Citizens Association submitted the results of a meeting of their Association, showing that that body is 100 per cent opposed to this permit, giving as their reasons: the need to protect their investments in their own community swimming pool, where adequate facilities are already available; pool memberships are available in Parklawn, Lincolnia Park, Lake Barcroft, Broyhill Crest, Sleepy Hollow and Lincolnia Hills; pools are available within a 3 mile radius.

Also the people feel they have not been adequately informed as to what is going in here. They cannot tell if there are to be two tennis courts or fifteen. They are apprehensive as to what this might grow into.

Mr. Payne also discussed the inadequacy of access and traffic. He gave detailed traffic counts, cars per hour during peak and quiet hours all of which added up to the fact that the addition of approximately 500 cars per hour would be unbearable.

He objected to the proposed six foot chain link fence which he termed an attractive nuisance to children; to influx of outsiders who would have no interest in the community, and who might contribute to a lax in control of the area; need for additional policing in and out of the recreational area; additional drainage facilities would be necessary, water, increased load on the sewers. Mr. Payne summed up his objections and asked the Board to deny the case.

Mr. J. E. Cox also summed up the objections and added that the incorporation papers on this project show that there are three initial members of the Board of Directors whose address is 1680 Wisconsin Avenue, which location is also the address of a stock brokerage firm. He asked, what is back of this, is it a stock selling promotion? The people do not know what type of operation this is and they can't find out.

1-Ctd. The secretary read two of the letters in opposition. (Since so many letters had been received, many of them repetitious of material already brought before the Board, the Chairman read only excerpts from several other letters.)

"February 4, 1959

Board of Zoning Appeals
Fairfax County Courthouse
Fairfax, Virginia

Gentlemen:

The Greater Annandale Recreation Center wishes to express its opposition to the issuance of a special exemption for construction and operation of commercial recreation facilities by Recreation, Inc. off old Columbia Pike near Pinecrest Subdivision in Fairfax County.

The Greater Annandale Recreation Center (GARC) is a non-profit organization designed to provide recreation facilities for the residents of the greater Annandale area. These facilities include a swimming pool large enough to accommodate 700 families, a regulation softball field, picnic grove area and planned family recreation events. Our projected program for the future includes a community center building, tennis courts and skating.

Membership in the GARC may be obtained by:

1. Purchase of Class A common stock.
2. Purchase of a season pass.
3. Purchase of special memberships at the cost of $1.00 per family per season with the payment of nominal fees at the admissions desk when any member of the family wishes to go swimming.

The GARC is not operating at capacity. Memberships in all categories are available.

Based on the program available with GARC and other swimming pools in the area (Parklawn, Pinecrest and Lincolnia) we feel that any additional facilities of like nature would be a detriment to the community and the economic survival of the existing recreation areas.

We earnestly request that you deny the issuance of any permit for the proposed facilities of Recreation, Inc. based on the premise that adequate like facilities are already be provided to the community and said facilities are not being utilized to their capacities.

(S) Claude S. Breeden, Jr., President
Board of Directors - GARC"

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"January 12, 1959

Board of Zoning Appeals
Fairfax County, Virginia

Dear Mrs. Henderson:

In behalf of the 178 families who have invested their personal savings in shares of the Pinecrest Community Center, I should like to point out certain important considerations in connection with the application for additional commercial recreation facilities.

1. The shareholders have invested their own funds to develop with the County's approval a beautiful five-acre recreation area only one-half mile from the proposed facility. In good faith the Board should not take action that would endanger the

1-Ctd. investment of these citizens.

2. As a community non-profit enterprise, the Pinecrest Community Center provides adequate picnic, baseball, and swimming facilities and has space and plans for tennis and other recreational activities.

3. Each year since the pool was constructed in 1954 there have been vacant memberships available at lower annual cost than contemplated by the proposed commercial facility. It is my understanding that memberships are also open for new residents in the adjacent communities of Parklawn, Lincolnia Park, Lake Barcroft, Broyhill Crest, Sleepy Hollow and Lincolnia Hills.

We therefore request that as a Board you deny any request for such commercial facilities as proposed in, or adjacent to, the Pinecrest Community Center.

Pinecrest Community Center
(S) C. Packard Woble, President"

Mr. John Work recalled that at a meeting of the Pine Crest Citizens Association, Mr. Hansbarger was present and made the statement that they wanted to supply what the people want in the community. It is evident what the people want, he stated. Mr. Mooreland read the following report from Public Works:

"January 13, 1959

Mr. William T. Mooreland
Zoning Administrator
County of Fairfax
Fairfax, Virginia

Re: Application #24589 - Recreation, Inc.

Dear Mr. Mooreland:

The above named application for a swimming pool and recreational facilities has been reviewed by this office and we have determined that the plans as submitted do not make any provision for adequate drainage on this parcel of land. A natural swale flows through portions of this property, and it is possible that this drainage could be blocked by the construction of the access road.

If the Board of Zoning Appeals decides that this application should be granted we recommend that it be granted subject to the owners' providing plans and profiles for adequate drainage, and agreeing to install such drainage as would be approved by the Director of Public Works.

Please advise if additional information is needed on this matter.

(S) B. C. Rasmussen, Subdivision Design Engr."

In rebuttal Mr. Hansbarger stated that the objections to this appear to be valid but when analyzed the validity may fall apart. This use has been permitted in 15 other instances, he stated, the only difference is in the people who operate the projects. Many times this use has been permitted at the request of the citizens in the area. These same objections have been brought up in those cases. If these objections do not apply in one instance they should not apply in the other. As to the traffic, any development of any kind would bring increased traffic. Even homes would do that. When homes are built on the vacant

1-Ctd. land on Old Columbia Pike this traffic which is so greatly feared will come.

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In the beginning of the automobile many people said there was no need for the automobile, Mr. Hansbarger recalled, they claimed that the horse and buggy were adequate. But the cars came to stay and although they kill 40,000 people a year, no one questions that they are necessary to modern life; changes come to us and they are accepted. The matter of traffic and police do not constitute a zoning problem and should not be considered at a zoning hearing.

The sewers are adequate enough to serve this development, the drainage will be taken care of by the developers. The opponents of this project base their objections largely on the fear of competition with similar projects operating in the County. It has been settled by the courts that competition is not a basis for granting or denying a case in zoning. There are 15 pools operating in the area. The competition is already there. These people will invest approximately a quarter of a million dollars. Maybe they will compete, but there must be a need for such a facility in the area. These people have made extensive surveys, a quarter of a million dollars is not invested lightly without a thorough study of the demand. The County Board has agreed that the flood valleys are suitable for recreation facilities.

When people come into an area and see 15 acres of vacant land near them they cannot expect it to always remain undeveloped. This is a proper use in a residential zone; it is permitted u nder the ordinance and all requirements of the ordinance can be met. It is a fact of law that when people buy in an area knowing that these uses are permitted, they know that this area might be developed as the laws of Fairfax County will permit; they cannot stop that development. If this use is denied and if the construction of houses were allowed only by a special use permit you would have the same objections you have here today, Mr. Hansbarger assured the Board. These people expect the land to remain vacant, they don't want houses either. There are many other uses permitted in a residential zone that could go in here. People must buy with that in mind. It so happens that houses cannot be built on this property because it is flood plain area, but it is not consistent that the ground should be held out of all development. These people who are so eager to protect their area should

DEFERRED CASES - Cont.

1-Ctd. buy this land to keep it out of development. The owner would sell to them at the same price as he has offered it to Recreation, Inc. This is a proper use in this zone, Mr. Hansbarger concluded, facilities are there, it is right and equitable, he urged the Board to grant this application.

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It is expected that this project would have 1500 family members, Mr. Hansbarger stated, in answer to questioning from the Board. The ground is not all in flood plain area, probably 5 acres. It is likely that they would build homes on the front of the property which is not in flood plain area and keep the entire recreation area to the rear. Mrs. Carpenter moved to deny the case as it appears from the evidence presented that it would tend to adversely affect the use of neighboring property. Seconded, Mr. Lamond. Carried unanimously.

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NEW CASES:

1- MRS. KATHERYNE G. LAWSON, to permit conversion of garage and guest room to small apartment, on east side of Jermantown Road, Route 655, 1/2 mile southerly with intersection of Route 123, Providence District. (Rural Residence Class 1).

Mrs. Lawson explained that she was asking this apartment for rental purposes. There would be no structural changes, the only alteration would be the partitioning of a kitchen in the garage and the conversion of the front garage doors to large windows and a dutch door entrance. It was noted that this would be located on 8½ acres, the house having deep setbacks ranging from 100 to 500 ft. It is in a 1/2 acre zone. The Chairman read the report from the Planning Commission, approving the floor plan of the apartment.

Mr. Lamond moved to grant the application as submitted as it does not appear that it would adversely affect the surrounding property. Seconded, Mr. T. Barnes. Carried unanimously.

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2- B.V. GODWIN, to permit dwellings to be erected within 33 feet of the street property line, Lots 1 thru 14, Subdivision of Lot 6, Maria G. Bailey Estate, (Proposed Sub.) on east side of Spring Lane, approx. 1200 ft. north of Columbia Pike, Mason District. (Suburban Residence Class 2)

Mr. Hiss represented the applicant. Mr. Hiss called attention to the fact that Carlin Spring Road is in Arlington County and a portion of

2-Ctd. Eighth Street on which these houses are located. Since the required setback in Arlington County in this area is 25 ft., Mr. Hiss asked that the setback on these lots be reduced.

Mr. Hiss explained that if the 40 ft. setback is maintained they cannot get a loan from FHA since it would leave only a 22 ft. backyard.

Mr. Lamond noted that only two lots are affected by the Arlington County line; he saw no reason why the other lots could not conform.

Mrs. Henderson noted that there are many houses in Fairfax County with a 25 ft. back yard and it was found by scaling the plats that a 25 ft. back yard could be provided with the 40 ft. setback.

Mr. Hiss read the following letter from FHA:

"January 5, 1959

Godwin Brothers
841 N. Lincoln Street
Arlington, Virginia

Re: Maria G. Bailey Estates, Fairfax and Arlington Counties, Virginia

Gentlemen:

This is further reference to our letter of December 16, 1958 and your visit to this office.

We have reviewed the site with reference to the price you propose and our recommended price, and find that we have some basis to adjust our thinking. In view of the fact that lots 8 and 9 are contiguous to low-priced houses, they will not be considered eligible for FHA processing. We will consider houses on the rest of the lots up to $23,000; however, we suggest that $20,000 should be your typical price.

This office is very concerned with the engineering of these lots, and if the setback of the houses is held to 40 feet, the small rear yard may be a market factor.

We will be pleased to review the items outlined in our December letter at your convenience.

(S) Thomas C. Barringer, Director"

The Board saw nothing in the letter to indicate that FHA would not approve loans on these houses with the 40 ft. setback, and considered that such a request could not be granted without there being a hardship involved, such as topography, or something caused by restrictions in the Ordinance which could not be met.

Mr. Hiss said the hardship was on the basis of Mr. Barringer's statement that the small rear yard "may be a market factor."

According to the banks who would loan the money, Mr. Godwin stated, such a small back yard would decrease the value of the place. Mr. Lamond said that this is merely a thought, it has not proven so in Fairfax County development and if such a variance were granted with no firm reason, all the developers in the County would be asking the same thing.

2-Ctd. But, Mr. Hiss insisted, each case stands on its own merits; this should not set a precedent as it could be granted on the fact that the houses would not be salable. The adjoining area in Arlington is not well developed, Mr. Hiss continued, these houses which will range in price from $22,000 to $25,000 will be a real improvement. They do not want to jeopardize the possibility of getting the loans and the sale of the houses. That, Mr. Hiss said, is the hardship which is very real.

While Mr. Hiss agreed that the letter does not specifically say loans would be refused on the basis of the small back yards, there is the question implied and Mr. Godwin talked with Mr. Barringer, and Mr. Barringer did not say in their conversation that the loans would not be forthcoming with the setbacks at 40 ft. as the back yard would not be sufficient.

Mr. Mooreland insisted that the Board has no authority to grant this variance on the basis requested.

If half of this property were in Arlington and the setbacks vary, the Board might go along with equalizing the setbacks, Mr. Lamond stated, but in this case the lots are actually not affected by Arlington County and there is nothing in the Ordinance which would allow this granting.

Discussion continued: Mr. Godwin said the only thing he could do would be reduce the side of the house. He did not wish to do that. He is improving the neighborhood and if this goes all right and the houses sell, he may be able to buy other land and continue this type of development. It would be an asset to the whole area. The Board found no jurisdiction to grant on a purely economic basis; Mr. Hiss asked to defer the case for him to prepare a brief on hardship. He thought financial hardship could be considered. The authority of the Board gives the right to relieve hardships and grant variances, especially should this be done when it enhances values and Mr. Hiss contended that such a right to grant is present in this case.

Mr. Godwin said he had also talked with Mr. Fitzhugh of FHA who said the price of the house with so much square footage was not consistent with the small back yard. If it were on a deep lot with a good sized back yard there would be no question but the shallow lot he did not think practical.

In that case, Mrs. Henderson suggested redesigning the property with different shaped lots.

There were no objections from the area.

NEW CASES - Ctd.

2-Ctd. Mr. Barnes moved to deny the case because there is room on the property to have the houses on lots with a 40 ft. setback and the Board feels that there is no hardship present. This is tied to Section 6-12-g of the ordinance. Seconded, Mr. Lamond. Carried unanimously.

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3- V.M. LYNCH & SONS, to permit building within one foot of the side property line, at rear of 6814 Bland Street (Springfield Shopping Center) Mason District. (General Business)

Mr. Mooreland told the Board that Mr. Lynch found it necessary to leave, and he, Mr. Mooreland, offered to explain the case. It was recalled that Mr. Lynch came before the Board a short time ago asking if the Board would favorably consider granting this building within 1 ft. of the line, as the permit was granted on the basis of the thought that this adjoining property was already zoned for business uses. The property is soon to come before the Board of Supervisors for rezoning. The Board agreed to go along with this, when Mr. Lynch presented the case.

Mr. Mooreland recalled that this area which is now up for rezoning is logically commercial property. It was left unzoned in the beginning because it was thought at that time that a circle would be put in which would include this land. The circle idea has since been abandoned. There were no objections from the area.

Mr. Lamond moved to grant the application as the property next adjoining will be commercially zoned, it was included in the Planning Commission's commercial plan and studies and is considered logically business. When this is so zoned, this variance would be wiped out as the applicant may build up to the property line. Seconded, Mrs. Carpenter. Carried unanimously.

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4- MRS. SOLANGE BINDA, to permit teaching of dancing in basement of dwelling, Lot 12A, Resub. Lots 1 thru 3 and part of Lots 4 and 5, Hickory Hall Estates, (1537 Hickory Hill Road), Falls Church District. (Rural Residence Class 1)

Mr. Jack Estes represented the applicant. He presented a chart showing location of the Binda house with relation to surrounding homes. He also presented statements from eight additional people in the area indicating they have no objections to this school.

Mrs. Binda stated that she has been teaching ballet in many schools in

4-Ctd. the area and has had about 60 or 75 pupils in her home. The classes will be small, from 6 to 8 pupils at a time. Mrs. Binda said she has had a use permit to cover this school, but is moving to a new home. This is a new location. She will live in the house and use the basement which has an outside entrance for the classes. The basement will meet all health and fire requirements. She plans to use the driveway for parking purposes that has never presented a problem as most of the children come and leave in car pools.

There were no objections from the area.

Mrs. Carpenter moved to grant the application to Mrs. Binda only, as it does not appear that this would adversely affect the neighborhood or property in the area. Seconded, Mr. Barnes. Carried unanimously.

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5- MRS. P. D. ARCHIBALD, to permit operation of a nursery school and kindergarten, Lot 32, Section 1, Chesterbrook Gardens, (21 Barbee Street) Dranesville District. (Rural Residence Class 2)

Mrs. Archibald presented letters from the Health Department and Fire Marshal concerning her proposed school. She can comply with requirements of both.

Mrs. Archibald stated that she is a qualified educator in elementary education. She plans to take a few children, not more than 12, for pre-school training. The hours would be from 9:00 a.m. to 12:00 noon. She would serve only juice and crackers. The recreation room and outside play area will require no structural changes. The room is large and attractive. The fence around the outside play area is made of white boards. Most of the play equipment to be used is already in place. Mrs. Archibald said she would have no display sign.

She will try to stress particularly, motor skills and group participation.

There are two entrances leading directly to the house.

Mrs. Archibald said they will live in the house. She has two sons of pre-school age. They, the Archibalds, are interested in the community and wish to go along with the desires of the community. They have explained the school plans to neighbors and friends. There have been no objections.

Mrs. Taylor, who lives on the same street as Mrs. Archibald stated that the neighbors all feel that this would be a good thing for the

NEW CASES - Ctd.

5-Ctd. young children in the area and a needed service. Mr. Lamond moved to grant the application to operate a nursery school with the understanding that it will be limited to twelve pupils and that this is granted to Mrs. Archibald only. This was granted because it does not adversely affect the neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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6- EUGENE J. OLMI, JR., to permit one sign to remain as erected on the property not occupied by the use, (63 sq. ft. Total area), on south side of U.S. #1 Highway, approximately 400 ft. east of Quander Road, Route 630, Mt. Vernon District. (General Business)

Mr. Olmi said they have had many complaints from patrons of the shopping center and apartment tenants that they have been unable to find this location when coming down U.S. #1. A sign in this location would be a great help. At least people would have less difficulty in turning in to the shopping center and the apartments. It is actually needed as a directional sign more than for advertising.

In that case, Mrs. Henderson suggested that a simple directional sign such as that allowed by the Highway Department would be sufficient.

Mr. Olmi said the sign was already up. He did not get a permit; he did not realize that it was necessary.

It was recalled that this was the same type of case the Board had handled one or two meetings ago, at which time the sign "off the use" was not granted.

It is a good looking sign, Mr. Olmi remarked, they have had many favorable comments on it and it has served as a real public service.

Mr. William Deck who owns motels in the area suggested that Mr. Olmi should have justified this sign before it was put up, rather than to wait until it was up, then ask for a permit. Mr. Deck said he had wanted to do a similar type of advertising, but had been prevented from doing so because of the requirements of the ordinance. This sign advertises furnished and unfurnished apartments, Mr. Deck continued. It is therefore in direct competition with him. If advertising off the use is permitted, he would like to do the same thing, as it would appear, if Mr. Olmi is granted this, that he has something of an unfair advantage over him.

NEW CASES - Ctd.

6-Ctd. Mr. Olmi said they do not offer the same kind of services as a motel. They have no leases less than three months; they have complete apartments. They have nothing that would be in competition with a motel.

This sign would be on commercial property, Mr. Olmi continued, and they own that property also. Mr. Lamond thought that a case in point, as in the case denied by the Board the applicant did not own the property on which the sign was requested to be placed.

But he had permission from that owner, Mrs. Henderson answered, to put the sign up.

The directional sign allowed by the State would be too small, Mr. Olmi stated, however, it was suggested that he might have several directional signs, something on the order of Burma Shave.

Mr. Deck agreed that a purely directional sign would not be objectionable advertising the apartments and swimming pool, etc.

Mr. Lamond moved to cut this sign to 3 ft. by 30 ft. and allow Mr. Olmi to keep the sign in place.

The motion failed for want of a second.

Mrs. Carpenter moved to deny the case as it does not appear that the Board has evidence of undue hardship caused by the Ordinance. Seconded, Mr. Barnes. The sign must be removed within 30 days.

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

Against the motion: Mr. Lamond. Motion carried.

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7- MRS. W. L. GATES, to permit sale of one lot with less area than required by the Ordinance, (1.033 ac.) SW corner of Georgetown Pike, Route 193 and Route 676, Dranesville District. (Agricultural)

Mr. Bauknight represented the applicant. The letters notifying adjoining and nearby property owners carried the statement that they do not object to this requiest.

Mr. Bauknight told the Board that Mr. and Mrs. Gates bought this property in 1948 and have remodeled the house extensively. He showed pictures before and after the reconstruction job.

Mr. Mooreland stated that Captain Gates had come to him in 1955 regarding placing this subject dwelling on his property. Mr. Mooreland suggested that he set up a lot for the house and have it recorded.

NEW CASES - Ctd.

7-Ctd. Captain Gates agreed and had the lot surveyed, but either he did not understand or forgot to have the lot recorded. Under any circumstances the recording was never done. This took place before the Freehill amendment and the zoning permitted 1/2 acre lots. Mr. Mooreland noted that the lot is irregular in shape because of the location of the septic field which belongs to the main dwelling. Had the Captain recorded the lot at that time, or before August 1956, it would have been a legal lot.

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Mr. Bauknight told the Board that Captain Gates had moved this smaller dwelling from one part of his property to this corner. Captain Gates died and Mrs. Gates finds it necessary, for financial reasons, to sell this second dwelling. This could have been sold immediately had the lot been recorded, but they ran into the 2 acre zoning and found that the lot was not recorded before the Freehill amendment. This could have been enlarged to make a 2 acre tract, Mr. Bauknight continued, but for the septic belonging to the main house. It lies between the two houses, therefore the line was necessarily drawn not to include this septic field. The septic for the house that is being sold is included in the 1 acre area. Mrs. Gates has a contract purchaser for the smaller house and it would be an extreme hardship for her not to be able to sell. This will not change the character of the area, this is the only part of the Gates property which would be so divided. It was an unfortunate situation that the lot was never recorded.

There were no objectors present.

A letter was read from Mr. and Mrs. Watson stating that they had been informed of the hearing and do not object as long as conditions are as they have been represented. However, they did express strong opposition to any further reduction in lot sizes on the Gates property or any other property in the area.

Mr. Barnes moved to grant the application due to the fact that this house was on this lot prior to the Freehill Amendment and it was brought out in the hearing that Captain Gates had overlooked the recording of this parcel. The lot could have been set up in the half acre ~~lot~~ zone had it been recorded before the zoning changed. It is noted also that the applicant cannot set this up in a 2 acre lot, since the septic field for the main house would interfere and it is necessary to retain the septic area in the ownership of Mrs. Gates. Also the

NEW CASES - Ctd.

7-Ctd. slight variance on the front footage is granted. The granting of this application would not appear to adversely affect the use of neighboring property.

Seconded, Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES:

2- L. G. MELTZER, INC., to permit erection and operation of a community swimming pool and bath house, 600 feet south of Route 236 and 2000 feet west of Ravensworth Road, Route 649, Falls Church District. (Urban Residence Class 1)

Mr. Hiss represented the applicant.

After locating the property, Mr. Hiss recalled that this case had gone to the Planning Commission and Board of Supervisors for a rezoning to apartment use and at that time he had shown extensive plans of this entire development, including the community swimming pool. This is a private pool, he continued. The users will be confined to those who live in the apartments. This will not enter upon the highway. Access will be within the apartment development. He showed the location of the pool, bathhouses, play area, and wading pool.

This was in fact, approved by the Board of Supervisors when they granted the apartment use, Mr. Lamond stated, contingent upon final approval by the Board of Zoning Appeals. Mr. Lamond said he could see no objection to this project and considered that it would render a definite service to the apartments and there appears to be no objections from the area. Seconded, Mr. Barnes.

Carried unanimously.

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Mr. Mooreland asked the Board what their stand is on the granting of two houses on one piece of property provided the applicant meets the requirements of the Ordinance, twice the area and twice the frontage required in the particular area. He recalled that the old Board did grant a number of these.

The Board agreed that such cases would be considered, each on itsown merits.

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Mr. Mooreland also referred to Mrs. Hunter who had asked to divide her property and sell a one-half acre lot. She now wishes to divide the property in such a way that the sale would be .5925 acre as this appears to be a better division of her property. Mr. Mooreland asked the Board if they would approve the sale as suggested by Mrs. Hunter.

Mr. Lamond moved that Mrs. Hunter be allowed to sell.5925 acre instead of the 1/2 acre as granted. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson stated that she had received more material from people opposing the WPIK case.

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The meeting adjourned.

Mary K. Henderson
Mrs. M. K. Henderson, Chairman

(Katheryne Lawson, Secretary)

February 24, 1959

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The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, February 24, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. Mr. T. Barnes was absent because of the death of his mother.

The meeting opened with a prayer by Mr. Lamond.

NEW CASES:

1-Ctd. ESSO STANDARD OIL CO., to permit extension of use permit for erection and operation of a service station with pump islands within 25 feet of the Street property line, on north side of Route 738, 85 feet west of Route 684, Dranesville District. (Rural Business)

Mr. Ed Gasson represented the applicant. This case came before the Board in March of 1958, requested by Mr. Jack Coopersmith, Mr. Gasson recalled to the Board, and was granted. The Esso Company feels that development in this area is not quite sufficient to support a filling station, however, they do believe that before the year is out, they will build the station, at least during 1960.

This is a business area, Mr. Gasson pointed out, but it has developed in a second rate manner. A filling station such as would be put in by Esso, will improve the tone of the neighborhood and bring a better class of trade to this area. This is merely an extension of the permit previously granted.

In answer to questions as to the widening of Old Dominion Road, no one had received anything definite from the Highway Department.

Mr. Lamond moved to grant the extension on this permit as requested. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Lamond stated that while this road will certainly be widened, the State apparently has no definite plans for the right of way and it is reasonable to give an extension since the applicant did not consider it appropriate to start the building during the life of the original permit.

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Mr. Gasson questioned the reasonableness of requiring Certified plats on filling station locations. He thought the drawings presented the architect should be sufficient.

The Board disagreed, recalling the difficulties experienced in the Zoning Office with location plats drawn by architects. It was because of repeated inaccuracies that the Board set up the requirement for certified plats, Mrs. Henderson explained.

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2- HARVEY EDGE CORP., to permit carport to remain as erected 13.7 feet from the side property line, Lot 9, Block A, Resub. Blocks A,C, E,F.G,H,L,M, and N, Section 2, Mt. Zephyr, Mt. Vernon District (Sub. Res. Class III)

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Mr. Harvey Edge appeared before the Board stating that he had discussed the location of the carport with all the neighboring property owners, none of whom object.

Mr. Edge stated that he did not know exactly how this mistake occurred, he had told the builder to make the carport 12 feet wide but he had measured 13 ft. instead. However, it was brought out that the chimney is on the carport side of the house. It takes up 1 foot. No doubt the builder added the extra foot to clear the chimney and give the 12 ft. usable space to the carport.

The certified plat showed the carport on the other side of the house, but he wanted it on the kitchen side.

Mr. Edge told the Board that he owns the adjoining lot (lot 8) and when he builds on that lot he will make up the difference in the setback to give the full required distance between the houses.

Mr. Edge said he could not resubdivide the two lots, as that would reduce the frontage on Lot 8 below requirements.

Mr. Mooreland stated that there are several lots in this area which have less than the minimum width and other variances had been granted, in small amounts.

Moving the posts in to meet the setback would not be practical, Mr. Edge noted, because of the chimney.

There were no objections from the area.

Mrs. Carpenter moved that the application be granted as this is a small variance and it does not appear that this would affect adversely neighboring property. Seconded, Mr. Lamond.

Mrs. Henderson voted no saying that in her opinion there was no substantial difference between this situation and many others who have asked even a less variance, yet the Board has denied them. Motion carried.

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3- W. B. SANTMYER, to permit erection of carport 7.5 feet of the side property line, Lot 12, Section 2, Ridge Manor, (812 Glenmere Road), Providence District. (Rural Residence Class 2)

Mr. Lalley from Rust and Rust, asked continuance of this case, since the applicant had been unable to notify adjoining property owners.

NEW CASES - Ctd.

3-Ctd. Mr. Lamond moved to defer the case until March 10. Seconded, Mrs. Carpenter. Carried unanimously.

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Since the Board was ahead of its schedule Mr. Mooreland showed a sketch of the changed plans on Howard Johnsons' at Fairfax Circle. Instead of adding to the side, maintaining a 17 ft. setback, they now plan to add across the front, still encroaching no closer to the right of way than 17 ft.

Mr. Lamond moved that the Board allow the addition across the front of the building rather than on the side and back as planned, with the understanding that this will not encroach closer than 17 ft. from the right of way line. Seconded, Mrs. Carpenter. Carried unanimously.

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4- VIRGINIA BARGAIN CITY, U.S.A, INC., to permit erection of signs, (Total area 894 sq. ft.) on west side of U.S.#1 Highway at intersection of Old Richmond Highway, (Hybla Valley Shopping Center) Lee District, (General Business)

Mr. Henry Mackall represented the applicant. He called attention to the fact that the applicant had reduced the size of the sign from their original plans of 2728 sq. ft. to 894 sq. ft.

This is a new method in merchandising, Mr. Mackall stated, it is a tremendous store, 600 ft. by 250 ft. containing fifty different lessees. The store is comparable to the Giant SuperMarket. If this were broken down into individual stores or if the sign were figured on the basis of the frontage they could have 1800 sq. ft. of sign.

He noted that a 14 inch neon lighting runs the entire 240 ft. width of the building. That is included in the sign computations.

These people now have five stores operating in other locations under the trade name of Bargain City, U.S.A. This is to be located on a 72 acre Regional shopping center tract.

Twenty acres will be paved now, that will include all the frontage on U.S.#1 (750 ft.)

Mr. Mackall stated that the building will be 32 ft. high. It is located well back from U.S.#1, approximately 700 ft. and will be placed with the 250 ft. side toward the highway. The drainage problem, resulting from such a large development will be worked out with Public Works. They have granted a drainage easement through the property indicated on the plat.

February 24, 1959

NEW CASES - Ctd.

4-Ctd. Mr. Mackall called attention to the elevation of the front -center of the building. This, he said, was not usually done on these stores. They are customarily entirely flat. He showed pictures of other stores.) This elevation has been added to give the store better visibility from the highway since it sets so far back. It was agreed that the elevation improved the building considerably.

Mrs. Henderson asked if the plate glass windows would be filled with signs advertising the bargain prices. Mr. Robbins, the architect, answered that there are to be no paper signs to go on the windows at anytime. This is a beautiful building, Mr. Robbins declared, and they want to keep it so.

Mrs. Henderson suggested that a pylon down on the highway might be more effective than using so much sign area on the building.

Mr. Mackall agreed that a pylon would be very effective, however, he also stated that with only the pylon and no sign on the building, it has been found that a building loses its identity without identification. If they have to sacrifice we would rather it be the pylon. They really think that after the first few months they won't need a pylon.

The size of this sign and the building were compared with Super Giant.

Mrs. Henderson thought the size of the sign staggering.

Mr. Lamond called attention to the size of the building and the good design. He thought the sign tied in very well with the architecture of the building and did not appear gaudy nor offensive, in fact he considered that it had the effect of dressing up the building.

Dressing up the building is the function of the architect, Mrs. Henderson suggested. That is not up to the Board to do by granting signs.

Discussion followed regarding proper identification, the possibility of this causing a traffic hazard, people looking for it because it is so far back and no identification near the highway.

Mr. and Mrs. Francek who live on adjoining property and whose land is zoned for business, asked to see the plats. They had no objection.

Mrs. Carpenter moved to grant the application because of the size of the building and its location and the deep setback from U.S.#1.

Mrs. Carpenter said she could not tie this to the plats presented with the case as she could not read the date of the plats nor who prepared them.

Mr. Mackall initialed one of the plats and dated it 2/24/59. The case was

4-Ctd. granted, tied to that plat. Seconded, Mr. Lamond.
Mrs. Henderson voted no because this sign is far in excess of the area allowed under the ordinance, in spite of the size of the building. Satisfactory identification could be given in a different way, either by a smaller sign or a pylon which would be equally as effective. It is not up to this board, Mrs. Henderson continued, to grant this because it is architecturally a part of the building or an architectural asset to the building.
Mr. Lamond stated that in his opinion the sign as submitted does not appear to be out of line with the size of the building. He seconded this motion with the feeling that since the building is placed 700 ft. from the highway the excess sign area is justifiable.
Motion carried.

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5- SOCONY MOBIL OIL COMPANY, to permit erection and operation of service station with building 50 feet from Old Courthouse Road and pump islands 25 feet from Route 123, Providence District. (Rural Business)
A letter from the applicant was read stating that they had been unable to notify adjoining property owners, therefore asked continuance of the case.
Mr. Lamond moved to defer the case until March 10. Seconded, Mrs. Carpenter. Carried unanimously.

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6- EDMUNDO G. MORALES, to permit an office of a non-resident physician in an apartment, Jefferson Village Apartments, (801 Monticello Drive) Falls Church District. (Urban Class I)
Dr. Morales told the Board that he has been carrying on his office practice in this apartment for 5 years. He does not live in the apartment. Each year he has renewed his license and did not know until he offered to pay for his license this year that he should have a permit from this Board. They would not issue the license unless he has this permit. He then made application to the Board.
Dr. Morales located the apartment saying it faces the shopping center and the airport. One family is living in a nearby apartment; a dentist is one door away and the library is near him. As far as he knows, no one objects to his being there; he has a general practice.

NEW CASES - Ctd.

6-Ctd. Mr. Mooreland told Dr. Morales he would have to remove the sign on the corner post. The doctor agreed to do that.

Mrs. Henderson suggested this is a case which should be considered by the Board of Supervisors like the two office buildings in Willston Apartments which were used for so many businesses; they were zoned for business use. It was a very practical move, Mrs. Henderson noted, as the apartments were being used for professional purposes, purposes which were needed and it did not adversely affect others in the area. This could be treated the same way. Dr. Morales stated that there is no provision for professional offices between Seven Corners and Fairfax Circle and as the need is here, he considered this a good location.

Mr. Lamond suggested granting this for one year and in the meantime it could be determined if the Board of Supervisors would consider a rezoning on some of these apartments.

Mrs. Henderson asked if the Board thought this should go to the Planning Commission. Mr. Lamond suggested that he did not think so. He didn't think the Planning Commission would consider it necessary. This is something of a special case, Mr. Lamond declared. This man is serving humanity, doing a very fine job. He thought he should be given consideration before this board. Mr. Lamond moved to grant Dr. Morales permission to occupy this apartment with his physician's office for a period of one year and in the meantime the Board should talk with the members of the Board of Supervisors with a view toward rezoning a certain group of apartments in this area for professional use, a similar zoning to that granted in the Willston Apartments. Mr. Yaremchuk called attention to the fact that there is no off-street parking for this office.

Dr. Morales answered this by pointing out that there are far more cars coming and going to the library than to his place; he has very few coming to his office in cars. He did not consider that the parking was of any particular significance. Mrs. Carpenter seconded the motion. Carried unanimously.

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NEW CASES - Ctd.

7-Ctd. BLUM'S INC., to permit erection and operation of a service station and to permit pump islands within 25 feet of the Street right of way lines, Part Lots 43 and 44, Rock Terrace Subdivision, Mason District. (General Business).

Mr. C. Wynn Talbert represented the applicant. He located the property showing it to be next to the airport and across from the open air theatre. The applicant can comply with all regulations of the Ordinance pertaining to this use, Mr. Talbert stated. This would be the only station on this side of the road from Seven Corners to Claremont and a great deal of traffic goes south. A great change is taking place in this area, Mr. Talbert declared, it is turning toward an industrial development. These people bought this property two years ago with the intention of putting in a filling station and a bowling alley on the rear of the property. It is conveniently located to serve the people in the area.

Asked if Gorham Street is dedicated, Mr. Talbert said it is, but it is not used. They would have to improve it.

Mr. Yaremchuk said also that Gorham Street is dedicated but that no one has constructed it. Mr. Yaremchuk stated that the Planning Commission would recommend that no structure be built on Route 7 closer than 80 ft. from the center line as it was hoped that a service drive could be acquired all the way along Rt. 7 to Alexandria when the great number of entrances become too hazardous. This recommended setback would include pump islands.

Mr. Talbert was asked why this lot was cut in such a crooked manner across the rear.

Mr. Yaremchuk said these lots, as such, have no status. While the old plat was made in 1939 it was never recorded, therefore the lots are not fixed with permanent boundaries.

It was brought out that this property is not being conveyed, these lines were drawn in merely for lease purposes.

Mrs. Henderson stated that the Board had no jurisdiction to require the 80 ft. setback even though this is a badly congested area. At least, Mrs. Henderson contended, the Board can refuse the variance on the pump islands. She suggested to Mr. Talbert that the rear line be moved back and the building be located farther from the right of way. No one knows when the service road will become a material fact, Mr.

NEW CASES - Ctd.

7-Ctd. Talbert declared. However, the applicant may be willing to place the building back farther so that in the event the service road does go in no change in the building would have to be made. If the variance is granted on the pump island, then it could be moved back when it becomes necessary.

There were no objections from the area.

Mr. Lamond moved that the use permit requested by Blum's Inc. be granted and, that the pump islands be placed at least 35 ft. from the right of way line of both Rt. 7 and Gorham St. This is granted for a filling station only.

Seconded, Mrs. Carpenter.

Carried unanimously.

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DEFERRED CASES:

1- THOMAS D. ALWARD, to show cause why the permit granted to you on January 22, 1957, to operate a repair garage, should not be revoked, on south side of #244, approx. 1500 ft. east of Baileys' Crossroads, Mason District. (General Business)

Mr. Sam Harrell represented the applicant, who was also present.

Mr. Harrell told the Board that he was substituting for Mr. Gibson. He said Mr. Alward would like for the Board to tell him just what he can do. He does not understand completely what the Board wants.

What does not Mr. Alward understand? asked Mrs. Henderson.

The Board has gone over this many times; Mr. Gibson has discussed the situation with the Board; also discussed with Mr. Alward, and Mr. Alward has agreed to many things, but nothing has been done.

The Board cannot understand what Mr. Alward wants explained. He agreed once to an open shed.

He thought a shed was in the plan, Mr. Harrell answered, but what type of shed and how complete or how intricate should it be? Mr. Alward does not know. What size shed should it be?

Mr. Mooreland explained that Mr. Alward had agreed to build a building from his present garage with an opening in the back. He had agreed to have his architect draw up the plans. But a considerable time has gone by and he has heard nothing from Mr. Alward.

In the Ordinance it says "no storage of wrecked vehicles, etc." This was accepted by Mr. Alward in 1957 and agreed to, Mrs. Henderson recalled, when the permit was granted, yet there are wrecked vehicles on the property.

DEFERRED CASES - Ctd.

Mr. Alward did not understand that there were to be no wrecked vehicles on the grounds, Mr. Harrell stated, because that is his main business. He said he could clean up the place, but his primary business is stripping cars. Mr. Alward will put up a building and house the wrecked vehicles which he has on the premises, Mr. Harrell continued, but he should know what type of building will be acceptable to Mr. Mooreland and the Board.

We have nothing to do with that, Mr. Mooreland argued, just put up something to keep these things inside because the law does not allow them to be left out.

They are thinking of a sheet metal corrugated building, like a hanger, unpainted, with a complete front and roof of the same material. It would have an opening in back. He asked if that would be satisfactory.

Mr. Lamond spoke of screening the place, but Mr. Mooreland said the Board could not require that.

Since the type of building has been discussed, when will it be put up? Mrs. Henderson asked.

Mr. Harrell answered, within the year. He agreed to start immediately.

How much ground should the building cover, Mr. Harrell asked; he can't put a building over all the stuff on his property. There is too much.

Mr. Alward said this was all brought about by no fault of his own. He has been operating here since 1936. The highway Department came through and took his building. He did not give up his building voluntarily. They (The Highway Dept.) were on the verge of a condemnation suit. He has never given up his wrecking business. If he could have a 6 month's deadline on this, Mr. Alward went on, and if he could have a corrugated building, he agreed to go ahead with it.

Mr. Mooreland agreed to the six months, either have the wrecked vehicles under cover within six months, or Mr. Alward must abandon this use. The Board agreed to this.

Mr. Lamond moved that Mr. Alward b e given a period of six months in which to meet the requirements of the Ordinance, to get the building up, a building which will cover the wrecked vehicles or it is understood if this is not done within that time, Mr. Alward's permit for this use will be revoked and the wrecked vehicles must be moved off the property.

DEFERRED CASES - Ctd.

1-Ctd. Not everything under cover, Mr. Alward objected, there are some cars that are able to run which he has outside but which he is working on. They are not junk. The junk cars will be under cover, he agreed. Mr. Lamond made the distinction by saying, anything that is brought in on truck or crane must be covered. Mr. Alward agreed. Motion seconded, by Mrs. Carpenter. Carried unanimously.

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The following letter from Mr. Schumann regarding the cases of the following, was read:

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

3- PAUL J. ZIRKLE, to permit two-family dwelling to remain as erected, Lot 3, Resub. lots 2, 3 and 4, Block 2, Pimmit Park Addition to El Nido, corner of Hitt Avenue and Seventh Street, Dranesville District. (Suburban Residence Class I)

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

"February 24, 1959

RECOMMENDATION

TO: Fairfax County Board of Zoning Appeals

FROM: Fairfax County Planning Staff

RE: MRS. C. L. CRIM, to permit duplex dwelling to remain as erected, Lots 25 & 27, Wellington Subdv., (35 Northdown Rd.) Mt. Vernon District. (Rural Residence Class I)

This application has been referred to the Planning Commission for recommendation.

The Planning Staff recommends that action on this application be deferred until April 28, 1959 in order to permit a more complete report than is possible this date.

It is further recommended that the same action be taken on applications for approval of two-family dwellings filed by PAUL J. ZIRKLE, and ANNIE E. MUCH; which are set for hearing today at 12:20 and 12:40 p.m., reppectively.

Applicants in each case have been notified that this recommendation would be made.

(S) H. F. Schumann, Jr.
Deputy Director of Planning
and Zoning Administrator"

Mrs. Carpenter moved that these three cases be deferred until April 28, for recommendation from the Planning Commission. Seconded, Mr. Lamond. Carried unanimously.

DEFERRED CASES

Mr. Lamond read a letter from Mr. Mumford asking for rehearing of his case because of new evidence.

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Mr. Lamond stated that Mr. Mumford went back to the Water company regarding the purchase of ground from them and was told that they will sell him a strip 4 ft. wide which will wipe out his side setback violation. Since it will take more than the 30 days allowed him in which to remove his carport to complete this transaction with the water company he would like the Board to extend the 30 days.

The Board agreed that it was not necessary to hold another hearing on this, but that Mr. Mumford be given a reasonable time to complete his negotiations, but that he notify Mr. Mooreland's office as soon as this has been established and the violation thereby wiped out.

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Mr. Mooreland asked the Board if they would be inclined to grant a variance on the lot next door to the Casa Blanca case, as to frontage on Rt. 649. They have 3.1 ft. less than required. It is a corner lot requiring 105 ft. on each street. They cannot resubdivide and come up to requirements. The case would necessarily come before this Board through the regular channels. This variance is required before the plat can be passed by Subdivision Control.

The Board agreed to handle the case on its merits when presented.

// Feb. 24, 1959 Page 401

Mrs. Henderson told the Board that it had come to her attention that contractors were operating out of certain homes in Lake Barcroft, using the home, not as a place to park trucks nor store material, but as the address and telephone number of the contracting business. She asked, to what extent can a business operate on such a basis? Mr. Mooreland answered this by stating that a man can have his business telephone and address in his home, but he cannot store materials in his home or have trucks coming and going. However, a small operator could have his truck in his yard if he uses it to go back and forth to his business. But he can have no sign display nor advertising of any kind, nor can he have other employees coming to his home to pick up trucks to use in the business.

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The meeting adjourned.

Mary E. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

March 10, 1959

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, March 10, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse with two members present, Mr. Slater Lamond and Mr. George T. Barnes.

Not having a quorum, the meeting adjourned without have been officially convened. It was agreed that the same agenda would be considered on March 17, 1959, all scheduled times remaining the same.

Mary L. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 17, 1959 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present; Mrs. M.K. Henderson, Chairman, presiding.

The Chairman welcomed the newly appointed member, Mr. Daniel Smith, who was present for his first meeting.

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

NEW CASES:

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

Mr. Jack Smoot represented the applicant. This property is located in the center of McLean, Mr. Smoot pointed out. There is presently a DGS store and a storage garage operating on the property. Both businesses are in a non-conforming location. Mr. Smoot pointed out that if the applicant meets the existing setbacks on this property for the proposed new construction he would be left with a triangular shaped piece of ground containing 95 square feet. (10' x 19' x 21') Mr. Smoot presented a plat showing the location of the existing buildings, pictures of the structures and showed an aerial photograph of the area, all indicating the need for removal of the old buildings and for setback variances in order to use the property. The old buildings would be removed and a new building would be erected in accordance with whatever setbacks the Board would grant. The setback from Elm Street (which has a 30 ft. right of way) would be 60 ft. Old Dominion Drive has a questionable width, Mr. Smoot continued. When Ingleside plat was recorded the Old Dominion Railroad ran through McLean. When the railroad was abandoned there were actually two streets dedicated--Old Dominion Drive and Electric Avenue. The right of way was used for Old Dominion Drive and it is not known now what the status is of Electric Avenue. It apparently has a 30 ft. width but it would appear that it has never been dedicated or accepted by the State and it is not used as a street. Both Mr. Katz and the State claim ownership of Electric Avenue. Mr. Katz is using it now for parking purposes.

The building which Mr. Katz proposes to erect will be a financial asset to the County and will be a distinct improvement to the center of McLean. One good substantial building in this area will encourage others to develop on a similar scale. McLean is now becoming a city, Mr. Smoot continued, in view of the large scale development on the CIA

1-Ctd. property and its nearness to commuting points. They would provide 21 parking spaces Mr. Smoot said when the question of adequate parking was raised.

Based on parking in Arlington, on corner lots where they do not provide off-street parking, this should be satisfactory, Mr. Smoot suggested. If Electric Avenue is determined to be in Mr. Katz' ownership, off-street parking could be provided.

Mr. Smoot indicated that property owners across the street favor this improvement. They want to see some good development started, and it is impossible to put up a building which will be adequate and still meet the setbacks. If the Board thinks the building should be smaller, in order to observe wider setbacks, the applicant is willing to make any change which is economically possible.

Granting this application would serve three purposes, Mr. Smoot pointed out. It will get rid of the existing structures; it will increase land values in the area and increase tax revenue and it would set the pattern for good development.

Mr. Lee Charters stated that he has listed for sale a considerable amount of property near and around this tract and the Katz property has made it difficult for him to sell land, it is so dilapidated. A good building on this property would improve other sales in the area and encourage other good development.

Mrs.Leventhal, representing the Greater McLean Citizens Association Planning Committee, reviewed a letter from the Greater McLean Planning Committee, by Mr. Eugene Worman, in which she stated:

"The Association is opposed to the granting of this case because of the following reasons: It is obvious that Route 123 will be widened; therefore, the construction of buildings which will be affected by this widening is impractical, expensive and unrealistic. This is a heavily traveled crossroads; it is not known yet just what will be done with the intersecting streets, but right of way must be available beyond the present two lanes which will not be able to carry the traffic resulting from the intersection of two major highways. The Association urges that no permanent building be located in the way of the the possible redesign of this intersection."

Mrs. Leventhal quoted the last paragraph of Mr. Worman's letter:

"...that no exemption regarding setbacks be granted for any new construction tending to limit widths of Route 123 and Old Dominion Drive; no new building in central McLean be permitted that does not provide

NEW CASES

1-Ctd. off-street parking; all new construction applications near the McLean stoplight be deferred pending study by the Planning Staff of future street width and intersection requirements for the downtown section; future building applications be required to conform to these needs; and that the Planning Staff meet with the Greater McLean Citizens Association Planning Committee to discuss the basic problems related to a planned shopping center and adequate access facilities."

Mrs. Henderson called attention to another letter from the same Association signed by Mr. John C. Bradley, setting forth many of the same objections.

Mr. Yaremchuk, from the Planning Staff, reported that under the proposed Pomeroy Ordinance a five-story office building would require 145 parking spaces, one parking space for each 200 sq. ft. of floor area.

These old buildings have been on this property since 1900 Mr. Smoot told the Board and they should come down. If no variances are allowed on this structure, it cannot be built and the result is to retard progress. Growth of a community means change and expansion. If variances are not granted it is virtually confiscation of a man's property. In the concentrated areas land values are too high to set aside large areas for parking purposes. That has not been done in many other places and it has worked out satisfactorily. As concentration develops the need for greater parking areas becomes less rather than more.

Mr. Lamond asked what size building is contemplated. A building that would come within the setbacks requested, Mr. Smoot answered, but they would reduce the size of the building if less setback is granted.

Also the size of the building would depend upon the lending agency.

Mr. Barnes asked if only 21 parking spaces would have an effect upon getting a loan. Mr. Smoot answered that that would be a consideration.

Mrs. Henderson also noted that the parking the applicant is providing is on land he does not own--Electric Avenue.

That is a question of law, Mr. Smoot answered. Mr. Katz contends that he does own Electric Avenue, however, he has never paid taxes on it.

The ownership will necessarily be settled in Court, between Mr. Katz and the State.

Mrs. Carpenter questioned the height of the building quoting from the Ordinance, which says "not higher than 40 ft." or three stories.

NEW CASES

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1-Ctd. This presents a problem, Mr. Lamond suggested, that should be considered by the Planning Staff; it is basicly a planning question--what should be done with a corner situated like this? To grant these variances would be going overboard,Mr. Lamond contended, yet it is valuable property and what Mr. Smoot has said is good, but if a building on this property would not serve the community, if it would obstruct highway construction, it might be well to get the Commission's thinking on how this intersection should be treated.

Mr. Barnes moved that this case be referred to the Planning Staff for a recommendation as to just how this intersection might be treated and recommendation as to what development could go in here.

Mr. Smoot recalled that his father had often said that Rt. 123 was proposed to be relocated about once a year. Now it is proposed to be relocated many times during the year and some kind of relocation has been talked for ten years. It is entirely unrealistic to deny a permit on the grounds of relocation of a road which is only contemplated, Mr. Smoot argued, a known permanent relocation is a reasonable cause for denial but on a road that is relocated every few months, denial is confiscation. The parking here is tight, but it is feasible.

Mrs. Henderson said she would like to have the status of Electric Avenue cleared up.

Mr. Lamond moved to refer this case to the Planning Commission for study and report back to the Board of Zoning Appeals recommendation on feasible development at this intersection. It was deferred for 30 days, until April 28. Seconded Mr. Barnes. Motion carried. All voted for the motion except Mrs. Henderson who voted no because she believed the case should be denied at this time.

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2- MCLEAN LITTLE LEAGUE, INC., to permit erection and operation of a Little League baseball park with refreshment stand, property at S.W. corner of Westmoreland St. and Pimmit Run, Dranesville District. (Rural Residence Class 2)

Mr. James Whitock represented the applicant as Chairman of the McLean Little League.

He explained that this is a non-stock non-profit membership association whose officers are elected by the membership. It is affiliated with the National Little League Association.

Mr. Whitock located the 7.5 acre tract, calling attention to the fact that it is joined on the south by the Kent Gardens Recreation Club.

NEW CASES

2-Ctd. This will cost the Association $15,000. They are prepared to pay $1,000 down and $1000 a year. This money will be raised by family members and those interested. They also expect to derive revenue from the refreshment stand.

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This ground lies in the flood plain area, which has been designated by the County as not feasible for home development, but as being potential recreation area. No development or obstruction would take place which would in any way impede the flow of water nor would it create a hazard because of the flood plain. This project has been discussed with the Public Works Department who have stated that the layout presented to them is generally approved. The high water mark begins about 100 ft. from the south line of this property. They propose to put backstops along all the high ground. The bleachers will be on high ground. In the outfield they will install outfield fences made up of snow fences, set up in such a way as not to impede the flow of high water. These fences will be anchored but will not obstruct. Captain Porter considered their plans carefully and thought it a good use of flood plain area. This is included in the land designated by the County for recreation purposes. Such a project would be a great improvement to this tract, Mr. Whitock continued, as it has been used as a trash dumping ground. There will be no filling, only grading to make the ground usable. The maximum grade will be 1% which will affect the south 2/3 of their property. The balance will be leveled off to drain well and will be planted in grass.

The diamonds will be set 50 ft. from property lines; the bleachers 40 ft. or more from lines. They will provide parking for 100 cars. Mr. Whitock pointed out that the parking may not be in exactly the spot shown on their plat; this land may be too spongy, however, the location has been ok'd by engineers.

They plan three major diamonds and two practice diamonds.

They expect that from 150 to 160 children will use this project. The spectators will be mostly parents of the children who participate. Both the children and parents come in car pools, therefore they believe the parking facilities will be adequate. The entrance to the parking lot will be just about opposite Somerville St. It is proposed that a tree screen of one or two rows of Maples be planted along Westmoreland Street to protect the homes in that area.

NEW CASES

2-Ctd. To the south is the swimming pool and to the west is planned a school. This whole section is set up for public use, Mr. Whitlock said and the Little League will fit into the picture. These Little League grounds are under strict regulations as to development and maintenance. When this area is not in use by the Little League it will not be fenced. It will be available to other children in the area. Little Leaguers will use the grounds from 6:00 p.m. to dusk. The refreshment stand will be open only during the play hours. That installation too will be on high ground. They will sell only candy and soft drinks and like products. If any food is sold, it will be packaged.

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The Little League is now serving 500 boys. They are using the grounds of a church and school, both of which will not be available in a very short while. Since the County cannot furnish recreational facilities; these people have taken this project on and will finance and direct it without the expense or responsibility to the County.

About 13 were present favoring this project.

Mr. Harry Gaghan representing property owners across the street from this tract spoke to the Board stating that technically they are not opposed to this, in fact they endorse it, but they had recommendations which they wished to present for the Board's consideration.

"March 6, 1959

Board of Zoning Appeals
Fairfax Court House
Fairfax, Virginia

Dear Sirs:

Realizing the need for recreational facilities in our area, we the undersigned property owners, whose property adjoins the proposed location of the Chesterbrook-McLean Little League Ball Park, would like to go on record as endorsing the idea of this recreational area. We are making the following suggestions in order to insure the safety of the children of the area and to protect the welfare of the area property owners.

1. To limit the number of playing fields to three in order to insure adequate off street parking.
   A. There are occasions at a nearby Little League Ball Field where up to 100 cars are parked for a single game.

2. To allow ball games to be played only on those days on which the proposed areas for parking will support cars.
   A. We believe the proposed parking area or alternate areas will not support cars, this would require cars to park on both sides of Westmoreland Street as well as the adjacent side streets. This would reduce the width of Westmoreland Street to less than a two-lane street. Children crossing Westmoreland Street to go to the ball fields or the adjacent swimming pool would cross from behind parked cars. Considering the downhill situation on one side of the crossing area, and the bridge on the other, we feel this would create a dangerous traffic hazard which could lead to tragic consequences."

"B. To insure the provision of adequate parking it is suggested that the ball field which is located nearest Westmoreland Street be used as a parking area until the proposed parking area can be drained and stabilized enough to hold the weight of 100 or more cars.

3. To limit the size of the sign showing park location to a reasonable size and design and to prohibit commercial advertising on this sign.
   A. At one of the nearby Little League Ball Fields, the sign used to show the location was large and ornate and advertised Coca-Cola.
4. In order to protect the adjacent property owners and area residents from an unsightly condition, it is suggested that an adequate screen of trees be provided fronting on Westmoreland Street in front of the parking area and ball fields.
   A. Due to the probability that it would take a number of years to get this area into an attractive condition, it is felt that the screen should be effective immediately.
   B. We believe an effective screen can be made by putting cedar trees (which are available locally at no cost) in the front facing Westmoreland Street. These trees should be put on 10 ft. centers and be 6 ft. high or more. Directly behind this row of cedars and staggered on the same 10 ft. centers should be a row of Lombardy Poplars, these trees to be of a reasonable height. Trees should be located so they will not interfere with the prospective widening of Westmoreland Street. We believe this double row of trees would help to hide the area and would in the future help in stopping some of the dust which will inevitably be blown across the adjacent areas (the prevailing winds blow directly from this ball park across Westmoreland St.)
5. Adequate precautions should be taken to protect the owners of property on Westmoreland Street, Somerville Drive and Kirkley Avenue from having raw earth deposited on their property during the period of times between the removal of the present ground cover and before the grass seed which will be planted has the necessary root growth in order to hold the soil down.
   A. During the past five years there have been at least five floods which swept over the proposed location of the ball park and from there over the property which is east of Westmoreland Street, on the same level or near the same level as the proposed ball park site. If a flood should occur during the period in which the earth was not tied down it could deposit this soil on our property.

We wish to thank the Board for their consideration of the above suggestions."

This statement was signed by eight property owners.

Because of the lack of money to complete the entire project, Mr. Gaghan could foresee scraping off the ground, leaving it for a time, and a flash flood creating a flow of mud into the homes across Westmoreland St.

Mrs. Carpenter asked if the recreation swimming club could share some of their parking. The answer was no, they barely have enough for their members. At least at certain times during the year (2 or 3 times) they overflow. However, Mr. Lamond thought those few occasions could be worked out.

Mr. James Miller, of 4111 Westmoreland St., objected to the parking access which does not have designated entrances. Access would be all along the roadway which is dangerous. He also thought these people do not have the means to develop this project completely. He thought a start which might fail would result in a blight on this area.

NEW CASES

2-Ctd. Mr. Walter Hill, president of the Kent Gardens Citizens Association read a letter from that group:

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"March 9, 1959

Board of Zoning Appeals
Fairfax Court House
Fairfax, Virginia

Gentlemen:

At its meeting of March 2, 1959 the following resolution was unanimously passed by the Association:

The Kent Gardens Citizens Association requests that the use permit be issued to the petitioner only if adequate off-street parking is provided for persons attending games, and only if there is planted an adequate screen, fronting on Westmoreland St., consisting of evergreens backed by red maples or Lombardy poplars.

In passing this resolution, the Association wishes to convey no impression of ill will toward those who are devoting their efforts toward management of the Little League. To the contrary, we deeply appreciate the most valuable service that they are rendering to the community. The resolution was adopted only for the purpose of providing the minimum of protection for our members and general public from possible dangerous and unpleasant consequences of the Little League activity.

We are fearful lest soggy conditions would make parking of cars impossible within the confines of the tract of land for which a permit is being sought, and would consequently force the parking of automobiles on Westmoreland St. Westmoreland St. is not sufficiently wide to permit both parking and the flow of traffic. Parking on the street would create a one-lane situation. Even worse, on-street parking would force children going to and from games and the adjacent existing swimming pool to walk from between parked cars into the traffic lane. Without provision of a guaranteed adequate off-street parking facility during every game and practice session, occurrence of tragedy will be invited.

The playing of baseball games--sometimes three games simultaneously--will undoubtedly create a great deal of noise. Furthermore, the facility (at least during the first years) will not present an appearance which will enhance a residential area. We are requesting an adequate screen (evergrees backed by maples or Lombardy poplars) so that this noise will be diminished and unsightly conditions will be avoided.

In summary, the Association feels that it is requesting very little in the way of concessions by the Little League to maintain the safety of the general community and to provide to the nearby residences some small protection from possible unpleasant conditions. We believe that the requests of the neighbors of the proposed facility have been most reasonable and that if they are granted, this praiseworthy activity and the community will exist together in harmony.

(s) Walter B. Hill, President"

Mr. G. A. Greenwood, President of Kent Gardens Swimming Pool Club read the following statement: (quoted on next page)

Mr. Greenwood thought the 10 foot walk way on the south side of the Little League property which comes out to Westmoreland St. in the middle of the block was a hazard.

NEW CASES

2-Ctd.

"March 10, 1959

The Kent Gardens Recreation Club, Inc., a non-profit corporation with a $75,000 capital investment, owns and occupies 4.6 acres adjacent to the southerly side of the property under consideration for special exception to the present zoning. The Corporation, which provides recreational swimming to some 1500 citizens in the area requests the Board of Zoning Appeals to reject use of the property, commonly known as the General Tulley property, as a Little League Ball Park with refreshment stand until such time as:

1. A chain link type fence approximately six feet high and topped with three strands of barbed wire is erected along the entire southerly side of said property.
2. Adequate off-street parking is developed with a base capable of supporting cars under all types of weather conditions when the ball ground facilities will be used.
3. All parking is banned on both sides of Westmoreland St. from Poole Lane to the narrow one-way Pimmit Run bridge.

The Corporation considers the erection of a refreshment stand adjacent to its property would be the creation of an attractive nuisance, which, because of the steep slope of the Corporation's property in this area, would endanger the safety and well-being of the Corporation's members and others passing back and forth between the stand and the swimming facilities.

Failure to make all-weather off-street parking facilities a prerequisite would result in highly undesirable on-street parking in a developed recreational area primarily utilized by children. It would also create the unauthorized and conflicting use of the Corporation's parking area by those participating in Little League activities.

(S) G. A. Greenwood, President of Kent Gardens Recreation Club, Inc."

Mrs. Nicholson, mother of one of the Little Leaguers, commended the effort to have this recreation area saying it is vitally needed in view of the high delinquency among children. She thought the need to keep these children occupied was far more important than the kind of trees being planted, or other small objections.

In rebuttal, Mr. Whitock stated that he realized that those present were not really objecting to the project and he thought some of their suggestions good. Regarding Lombardy poplars, Captain Porter had stated that they do not have a root system which is good for holding the ground. Cedars, Captain Porter said, would create a material obstruction to flood waters and would create siltation in the area, they would collect trash and make a dam. In case of a big flood they might fall and would actually be more hazard than benefit. It was Captain Porter's suggestion that maples be used.

They agreed that there should be no parking on Westmoreland St. and they have no intention of infringing on the swimming club's parking facilities. Their parking facilities are limited. They would favor a restriction in the motion against parking on Westmoreland St. and ~~against~~ requiring off-street parking at all times. It is expected, Mr. Whitock continued, that many children will walk or ride bikes and will use the walkway.

NEW CASES

2-Ctd. Mr. Whitock minimized the hazard of the entrance saying the hill to the east is not close and the view from the entrances is clear at least 100 yards in either direction.

This land is naturally soggy but they will grade it in such a way that it will be improved both from the standpoint of drainage and looks.

Mrs. Carpenter moved that a permit be granted to the McLean Little Leage, INc. to operate a baseball park with refreshment stand, granted as shown on the plat presented with the case with the provision that no parking will take place on Westmoreland St. and that an adequate screening of trees be placed along Westmoreland St. such screening being in accordance with Public Works Department's approval. This is granted as it does not appear that it would adversely affect neighboring property.

Seconded, Mr. Lamond. Motion carried.

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3- GARFIELD SHEPPARD, to permit erection of dwelling 39 ft. from Beechwood Drive, Lots 127 and 128, Fairhill on the Boulevard, Providence District. (Rural Residence Class 2).

Mr. Ed Gasson represented the applicant. This is a long narrow lot, he explained, with frontage on both Cedar Lane and Beechwood Drive. (This property was originally platted as two 25 ft. lots) Mr. Gasson discussed the case as follows: If they observe the required 50 ft. setback from both streets it would cramp the back yard. They wish to erect a $28,500 house.

Many other houses in the neighborhood are in violation of the setbacks. The two immediately adjoining are located 39 ft. from the street right of way; they are therefore asking to be in line with those houses. Another house in the immediate neighborhood sets 46 ft. from the right of way; also in violation. This setback would be in keeping with neighborhood setbacks and the variance would allow for a well proportioned house, set practically in the middle of the yard. It will create no hazardous sight distance at the corner.

They do not wish to reduce the size of the back yard because of the nearness to the neighbors bedroom and because FHA prefers a large back yard.

According to the plat, Mrs. Henderson pointed out that the applicant could observe the setback. She asked what Mr. Gasson considered the hardship. Because the house is designed in such a manner and located on the lot in such a way that it will not meet the setbacks is not justification to grant a variance, Mrs. Henderson observed.

3-Ctd. This is a rural area. They wish to preserve the rural appearance and keep as much distance between the houses as possible and especially to have a large back yard, were Mr. Gasson's reasons for the variance. This being a corner lot with only a 100 ft. frontage on Cedar Lane (the present subdivision ordinance requires 125 ft. frontage on corner lots) it is not possible to build a house of this size proposed and meet setbacks.

There were no objections from the area.

Mr. Burkholder, who lives in the area had no objections. He favored granting the variance.

Mrs. Henderson noted that since this is an old subdivision, according to the Ordinance the applicant does not need a variance and as stated on page 87 in the ordinance, he can line up with other houses in his block.

Mr. Lamond moved to grant the 39 ft. setback from Beechwood Drive as this setback ties in with other setbacks in the area - 39 ft. and 46 ft. on houses in the same block. This is granted because it is in keeping with the neighborhood and does not appear to adversely affect other property. Seconded, Mr. Barnes.

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

Mrs. Carpenter voted no. Mrs. Henderson stated that she voted yes because of Section 6-11-7 (page 87) of the ordinance which would make an affirmative vote entirely reasonable. Motion carried.

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4- SOUTHERN RAILWAY COMPANY, to permit erection and operation of a 210 ft. microwave tower, property between Route 652 and right of way of Railroad approx. 600 ft. west Route 638, Falls Church District. (Agricultural Class I).

5- GEORGIA INDUSTRIAL REALTY COMPANY and/or SOUTHERN RAILWAY COMPANY, to permit erection and operation of a 120 ft. microwave tower, property on east side of Route 123 and north side of Southern Railway tracks, Centreville District. (Agricultural Class I)

These two cases were requesting substantially the same thing, but the Board agreed to handle them by separate motions since conditions surrounding both cases may have varying circumstances.

The cases were referred to as the "Burke site" and the"Fairfax Station site". It was noted that the Southern Railroad owns the site at Burke and they have an option on the Fairfax Station site.

4 & 5 Ctd. Mr. Marsh called Mr. James Sterling, from Southern Railroad and asked a series of routine questions which brought out the following information: That the Railroad Company has been working for many months toward the establishment of a microwave radio system which would improve their communications program.

The installation at Burke would consist of a steel tower 210 ft. high, and a small one story metal building at the tower base to house electronic equipment. This will be operated and maintained under the jurisdiction of the FCC to insure against interference with reception of radio or television transmissions or broadcasts. It operates above the public broadcast bands. This system is in operation in Georgia, and Florida where they have had no complaints regarding reception. This installation is part of a project ranging from Washington to Atlanta, Georgia.

Mr. Sterling showed pictures of the type station planned to be erected at Burke, a 34 ft. base, tapering toward the top.

Mr. Sterling read a description of the tower which is on file in the records of this case.

Mr. Marsh located adjoining property owners whom they had advised of this hearing and none objected.

They have made extensive studies of the topography along the route and have found this to be the most feasible location from which to operate engineering-wise; this site is owned by the Railroad.

Mr. Bankherd, field engineer in charge of the layout of this system, explained that this site is the ideal spot for the tower. The system originates in Alexandria, he stated, locating the tower on this particular site at Burke will overreach a hill which would interfere with normal operation. The mileage range is determined by area you wish to serve and the terrain intervening.

They considered having only the one tower farther south but Federal Aviation Agency required the intervening tower in order to get over the hill, referred to above. This is like a searchlight beam, Mr. Bankherd explained, it must have clearance over obstructions. The site must be within a 3 mile area of the tracks, but in this case they are governed in the location by topo. This is an improvement which all railroads are using more and more, Mr. Bankherd continued. It facilitates efficiency and safety.

NEW CASES

4 & 5-Ctd.

Mr. Bankherd showed a chart indicating the hill which they wish to overreach and the location of the tower. They also wish to be on as high ground as possible because of economy in construction. The higher ground they are on, the less will be construction costs.

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Mrs. Henderson asked what the installation would do that the railroad does not now have.

It is a matter of facilitating communications in storms or disasters when normal communications are out. This does not require poles and wires which are expendable in time of storm. This would insure direct and quick communications with trains and communications between engineers and conductors and the dispatchers. These stations should not be more than 30 miles apart and not more than 3 miles from the tracks; it is a greatly needed facility in winter storms and for emergency situations and has proved to be an effective safeguard to the traveling public.

No opposition was present. Before making a motion on this, Mr. Lamond suggested that the Board hear the Fairfax Station case.

Mr. Marsh pointed out that this was a little different type station.

Mr. Sterling read a statement descriptive of the tower, which statement is recorded in the files of this case. Mr. Marsh located the property. The company has an option on this site, 2.96 acres. This is a good sized tract; the tower would be located in the center of the property where it would not be offensive to home owners.

This 120 ft. tower will be triangular in shape, each of the three sides measuring approximately 3 ft. at the base. The tower would rest on a concrete foundation. Both towers will be lighted to conform to FAA and FCC requirements. The tower will be adequately constructed to withstand wind pressures. It will set back 173 ft. from Route 123. The building structure will be fenced.

Mr. John Hamill spoke, representing the Ox Hill Citizens Association. The Association have questioned why the tower is proposed on the highway and not on property owned by the Railroad at Fairfax Station, Mr. Hammill stated, where there is business and industrial zoning. It is assumed that they want this ground because of the elevation. But it would appear that they could locate on their own property and build a higher tower to overreach the high ground. Mr. Hamill also noted that the Company owns property at Sudburn which would be usable.

NEW CASES

4 & 5-Ctd. Mr. Marsh read a letter from Mr. Hamill to the Southern Railroad in which he indicated he did not object to this site. Mr. Hamill said he had changed his mind upon further investigation. He had discovered that the tower would be visible from his back yard and would be detrimental to his property.

People in the Citizens Association and those who live in the area are unanimously opposed to this location; they believe it will impede and degrade future development, Mr. Hamill stated.

Considerable discussion followed which concerned the need for both the Burke and Fairfax Station towers, the necessity for the towers and the desire on the part of the Company to locate on high ground because of economy in construction, the unreasonableness of using a 3 acre tract when a small lot would be sufficient.

It was pointed out that the railroad owns land in sufficient quantity along the tracks where they could place this tower, land which is zoned either for commercial or industrial uses. However, it is low and would require a higher tower.

Sideburn is lower than Fairfax Station and therefore not as desirable. The property at Fairfax Station is 60 ft. lower than the site selected. Mr. Hamill said it would be far less objectionable to the Association to locate on the Company's property at Fairfax Station.

Mr. Marsh stated that it would cost the company approximately $12,500 more to locate at Fairfax Station.

That, the Board agreed, was not a case in point.

It was stated that no opposition had been expressed to the Burke site as that is Southern Railroad's own property, the ground is wooded and most of the tower would be shielded.

Mr. Lamond moved that the application of the Southern Railroad Company to permit erection and operation of a 210 ft. microwave tower on property between Route 652 and the railroad right of way be approved and that a buffer of trees remain to protect the adjoining property owners. This is granted as per plat presented with the case numbered 3-2135, dated 2-26-59 - such plat showing the location of this site with relation to Burke.

Mr. Sterling called attention to the fact that this is not a heavily wooded area but that the Company would leave as many trees as possible to create the buffer. The Board agreed with this. Seconded, Mr. Barnes. Carried unanimously.

NEW CASES

4 & 5-Ctd. Mr. Lamond moved that the application as proposed by the Southern Railway Company for permit to erect and operate a 120 ft. microwave tower on the east side of Route 123 and on the north side of the Southern Railway tracks near Fairfax Station be denied but that a location generally west on property near the railroad station on the company's own land be designated as the site for this tower and that such site be approved by the Board of Zoning Appeals for erection and operation of the microwave tower applied for in this application. It is noted that this approved site is approximately 1200 ft. westerly from the site proposed in this application. It is estimated that the height of the tower on this site will necessarily be approximately 180 ft. Seconded, Mr. Barnes, Carried unanimously.

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6- JACK COOPERSMITH, to permit erection and operation of a service station and to permit pump islands within 25 feet of the Road right of way line, property on east side of Route 123, directly opposite intersection of Route 610 and 641 at Butts Corner, Lee District. (Rural Business)

Mr. John K. Fisher represented Mr. Jack Coopersmith and also represented Socony Mobil Oil Company who has an application before the Board, later this afternoon, and stated that Mr. Coppersmith is simply requesting that this parcel of land be zoned for business for filling station use.

Mrs. Henderson read a letter from the Ox Road Civic Association unanimously in favor of the construction of this filling station.

Johnny Yaremchuk of the Planning Office questioned the sight distance as this is around a curve where entrance comes out. He said they should have a minimum of 600 ft. sight distance in both directions, which Mr. Coopersmith does not have. Mr. Mooreland said he did not think this Board was in a position to take a person's right to use his property and say that he must have 600 ft. sight distance. Mr. Fisher said it was Mr. Coopersmith's endeavor to give every consideration to developing this location in such a manner that it creates the least amount of traffic hazard and the greatest amount of visibility. He said he is sure that Mr. Coopersmith has taken into consideration grading, etc. and that the Highway Department will necessarily look into this thoroughly before approving it. He pointed out that there is no development here at all at present.

Mr. Barnes moved that Mr. Coopersmith be granted an application to erect and operate a service station and to permit pump islands within 25 ft.

NEW CASES

6-Ctd. of the road right-of-way on the east side of Rt. 123 directly opposite intersection of Rts. 610 and 641 at Butts Corner granted according to plat dated January 26, 1959, made by Springfield Surveys. Seconded by Mr. Smith. John Yarèmchuk from Planning said there would be a 160 ft. right of way required here because this is on primary Route 123, but a service drive could not be required in this case because this does not come under subdivision control; they anticipate future widening of 123 which would require a service drive and the Commission would recommend minimum of 80 ft. from center line for all structures.

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7- MRS. PAULINE O. WITTE, to permit operation of a nursery and kindergarten in present dwelling, Lot 15, Division of Lot 6, Joshua Kirby Estate, (5904 Kirby Court), Dranesville District. (Rural Residence Class 2)

Mrs. Witte stated that she had applied for fire and health inspections from the State; she will have two one-half day sessions, one in the morning and one in the afternoon; she will serve no hot meals; she plans to furnish transportation and hopes to fence the yard eventually. Mrs. Henderson advised that a petition with six signatures from residents of Kirby Court had been filed indicating approval of this.

Mr. Lamond moved that this application be granted to Mrs. Witte for nursery school and kindergarten as it will not adversely affect the neighboring community and that this permit is to be issued only to Mrs. Witte and not to exceed 25 children at each session. Seconded, Mrs. Carpenter. Motion carried.

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DEFERRED CASES

1- W. B. SANTMYER, to permit erection of carport 7.5 ft. of the side property line, Lot 12, Section 2, Ridge Manor, (812 Glenmere Rd.), ProvidenceDistrict, (Rural Residence Class 2)

Mr. John Lally of Rust and Rust represented Mr. Santmyer. He stated that this variance will allow Mr. Santmyer to erect a carport within 7.5 ft. of his side property line, property located SE of the Town of Fairfax. Mr. Lally showed pictures of the general location of the carport; he stated that there were nice large homes in this community; to the west is the Schubert property, developed with a very nice home. There is a large forest of trees on Mr. Santmyer's west line extending into the Shubert property which would form a barrier; Mr. Santmyer already has a driveway into the property and would like to put his garage on this side of the house. If he has to put it on the other side, it would interfere with the view from his picture window and, too, it would make too sharp

1-Ctd. a turn to get into the garage.

Mrs. Henderson said she felt that there is an alternate location on this lot for this carport where setbacks could meet requirements.

Mr. Lally said the majority of the houses in this area have carports or garages, and in view of the fact that this is an open carport and since there is a great distance between Mr. Santmyer and Mr. Schubert, the variance should be granted.

Mrs. Carpenter moved that this application be denied as evidence of undue hardship has not been shown, and there is an alternate location for this carport or garage. Seconded, Mr. Lamond. Motion carried.

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2- SOCONY MOBIL OIL COMPANY, to permit erection and operation of service station with building 50 feet from Old Courthouse Road and pump islands 25 feet from Route 123, Providence District. (Rural Business)

Mr. John K. Fisher represented Socony Mobil Oil Co. and presented the required notices. They are asking permission to erect and operate a service station on this property, Mr. Fisher stated, and they believe that this is an area which could very well use a modern service station. He said this would clean up this corner as it is the site of an old welding shop. It was noted that no building can be placed within 50 ft. of Old Courthouse Road in accordance with the lease restrictions and will be observed by Socony. They do not intend to put pump islands but on one side and do not anticipate anything of a traffic or visibility problem, Mr. Fisher explained. They have a permit from the Highway Department on the curb cuts. Mr. Yaremchuk said it was his understanding that Socony intends to acquire this property and if so, it will be the third division of this property which would make it come under subdivision control and for this reason, this property being located along a primary highway, the service road requirement arises. He recommended that this matter be deferred until such time as service drive construction and dedication is resolved with the potential purchaser.

Mr. Lamond said he thought this should not be handled at this time and moved that the case be deferred indefinitely until the service road problem can be resolved. Seconded, Mrs. Carpenter. Motion carried.

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3- HERMAN J. KOENIG, to permit enclosed porch to remain as erected 8.5 ft. of the side property line, Lot 44, Section 2, Kent Gardens, (1701 Jerry Place), Dranesville District. (Rural Residence Class 2)

DEFERRED CASES

3-Ctd. Mr. Ernest N. Hudgins represented the applicant who is asking to amend his petition to show that the porch is 11.7 ft. from the line rather than 8.5 ft. as advertised. During discussion it was brought out that when the application was made for a building permit it was applied for as an open porch and that the builder made a mistake. Mrs. Koenig said they had wanted to enclose the porch. She was under the impression that as it stands now it is not in violation. Mr. Hudgins said there was no objection from neighbors. He stated that this mistake was not discovered until the building inspector pointed it out. Then petition for variance was filed because what they are building now is over the line a very little bit.

Mrs. Henderson did not think this a reasonable request because, in effect, they are asking the Board to correct a mistake made by the contractor. She said this was not the Board's fault and the Board has no jurisdiction to correct it. She called attention to the fact that there is an alternative, to screen in this porch or leave the porch open. Screening would give the Koenigs a 15' x 15' room.

Mr. Lamond moved that the application be denied for the enclosed porch. Seconded, Mr. Barnes.

Motion carried.

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Mr. Brandon Marsh appeared before the Board asking permission for Melpar to use Plant No. 5 on Leesburg Pike for parking; that according to the Planning Commission they only had 304 spaces and needed 337, leaving a deficit of 31 spaces.

Mr. Lamond moved that the use of Building No. 5 be approved for this purpose subject to the map presented with the case showing that 337 parking spaces are available, map dated February 22, 1959 prepared by the Planning Staff, seconded by Mr. Barnes. Motion carried.

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Mr. Mooreland asked the Board what they thought about ham radio operators erecting towers on residential lots. He said he had several complaints about this and had been advised by the Commonwealth's Attorney that this Board could do nothing about it.

After some discussion it was decided that ham radio operators can erect necessary towers.

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NEW CASES

5-Ctd. Mr. Barnes moved to grant the application as shown in the pencil drawing on plat by Merlin F. McLaughlin, dated March 7, 1958. Granted because it does not appear that this will adversely affect neighboring property as application for commercial zoning has been made on the adjoining lot and recommended to grant by the Planning Commission to the Board of Supervisors, therefore bringing this construction close to the property line will have no ill effect. Seconded, Mrs. Carpenter. Motion carried.

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6- JAMES M. MONROE, to permit erection of an additional building within 35 feet from street property line, Lot 2, James G. Bennett Subdivision. South 29 and 211 on east side of Meadow View Lane, Falls Church District. (Rural Business)

Mr. Shield McCandlish represented the applicant who was also present. Mr. McCandlish explained to the Board that Mr. Monroe brought this request before the Board a year ago and it was granted. He was unable to get financing during the life of his permit to start construction. He is in a position now to get financing and wishes to go ahead with construction.

Mr. McCandlish recalled to the Board the fact that in the dedication and widening of Meadow View Lane a jog was created which, even though Mr. Monroe's buildings are allowed this variance, he will still be 10 ft. further from the street line than the building nearest to his property. The further they are required to set back the more earth moving will be necessary because of the rise in the ground on this property. It is the same application, Mr. McCandlish continued, in every respect as was previously granted to the Board. He showed an overall plat indicating the jog in the street and the relative setbacks.

Mr. Lamond moved to grant the application which would extend Mr. Monroe's permit.

Seconded, Mr. T. Barnes. Motion carried.

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7- NORTHERN VIRGINIA BUILDERS, INC., to permit erection of dwelling 34.75 feet from Condit Court, Lot 3, Section 2, Fox's Addition to Virginia Heights, Mason District. (Suburban Residence Class 2)

Mr. Fox, president of the company, explained that this is merely a 3 ft. variance on the overhang of the second story. To cut the second story back to conform to the setback would destroy the appearance of the

Minutes of the Board of Zoning Appeals

March 24, 1959

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, March 24, 1959 at 10:00 a.m. in the Board Room of theCounty Courthouse. All members were present; Mrs. M.K. Henderson, Chairman, presiding.

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

NEW CASES

1- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and permit building 20 feet from Public Street and permit pump islands within 25 feet from Chain Bridge Road and Old Dominion Drive, Lot 8 and parts 7, 9 and 10, Loomis Division of Lot 6, Laughlin Estate, Dranesville District.

(General Business)

Mr. Ed Gasson represented the applicant. If this application is granted the old structure now on the property will be torn down, Mr. Gasson told the Board and a modern filling station with four pump islands erected.

Mr. Gasson called attention to the fact that this property is surrounded on three sides by streets. In placing the permanent structure they have attempted to set back as far as possible from both Old Dominion Drive and Chain Bridge Road. It is their belief that a reduction in setback from the "Public Road" which is not heavily traveled will not be objectionable in that it will allow a deep setback from both of the main traveled highways. Although the plat shows a 20 ft. setback from "Public Street" Mr. Daniels has suggested that they take a 30 ft. setback from that street and adjust the setback from Old Dominion accordingly. That would leave about 62 ft. from Old Dominion.

Mrs. Henderson asked why leave the 10 ft. between the corner of the building and the side line (or rear). The building could be set on the line parallel to Chain Bridge Road.

They wish to keep the building a few feet away from the property line for fencing and maintenance purposes, Mr. Daniels stated. He felt they should offer some protection to that adjoining property, nothing is built there at this time.

Considerable discussion and suggestions followed: that the building be squared with the property line, facing Chain Bridge Road pushing it closer to Old Dominion to meet the "Public Road" setback, doing away with the need for a variance. (The building planned would be 60' x 30')

Mr. Daniels suggested, in line with the policy of his company that the building should be angled at an intersection to be most effective.

NEW CASES

1-Ctd. Mrs. Carpenter pointed out that this 30 ft. "Public Road" is quite heavily traveled. People use it to avoid the stop light at the McLean intersection.

Mr. Mooreland stressed the importance of getting as much corner clearance as possible.

Mr. Gasson said the State has no present plans to widen these roads. They plan a by-pass which may relieve some of the traffic at this point.

Mr. Threadgill from the Greater McLean Citizens Planning Committee, stated that he was not presenting opposition to this, but that the Committee is concerned over the granting of variances at intersections that would restrict the ultimate expansion of roads. Even tho the by-pass goes in, Rt. 123 will have a 60 ft. right of way and Old Dominion will probably require the same. The Association has suggested in a previous statement, Mr. Threadgill went on, that before the Board grants a variance at these strategic intersections, Mr. Rasmussen of Public Works should be asked to make a layout sketch with four lane roads (Old Dominion & Chain Bridge) showing what the intersection should look like ultimately. This could be a draft of the ultimate intersection. If the variance is compatible with that plan, then the variance is reasonable. Mr. Threadgill said they would have no objection to the 25 ft. setback of the two pump islands if those structures are moved at the expense of the applicant in case of street widening.

Mr. Gasson called attention to the fact that they are asking no variance on Old Dominion and Chain Bridge. They are more than meeting those requirements, the only variance is on the "Public Road" which he thought relatively unimportant.

Mr. Daniels stated that the ingress and egress would be channelled with the Highway Department.

Mr. Lamond stated that he, and he thought the Board agreed, ~~that~~ THOUGHT the "Public Road" is less important than the other two main arteries. He thought the suggestion that Mr. Rasmussen draw a sketch of this intersection laying out a plan which could be followed a good one to protect this intersection; the plan to show street widths for all intersecting streets.

Mr. Schumann said it would be necessary to learn first from the Highway Department what their plans may be for Rts. 123 and Old Dominion Drive. It may take two weeks to get that information he suggested, but such information is vitally important, Mr. Schumann stated, as this is one

1-Ctd. of the most congested intersections in the County. Mr. Schumann suggested deferring this until later in the day to give him the opportunity to contact the Highway Department by phone.

Mr. Lamond moved to defer the case until later on the agenda. Seconded Mrs. Carpenter. Motion carried.

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2 - PENN-DAW HOTELS CORP., to permit extension of motel (10 units) lots 5, 6 and northerly 12 feet of Lot 7, Block 1, Fairview, Lee District. (Rural Business)

Mr. Ed Gasson represented the applicant.

Mr. Gasson showed a layout of the Penn-Daw Hotel indicating the proposed location for the new units.

The Penn-Daw Hotel has been here many years, Mr. Gasson stated, probably before the requirement of a use permit. It is a well run motel and a credit to the County. They are asking for a small extension of the existing use. Most of the motel is located on property that is not zoned to business classification. However, this area is set up on the County commercial plan for business uses. At present the business zoning is only 200 feet deep from U.S.#1. They would plan to move some of the units which are now on residential property onto the business land. The cottages they plan to move are now located close to Kings' Highway, they would be moved to lots 5 and 6, placed on the zone line, facing Kings' Highway. They are allowed under the Ordinance to use 30 ft. of the adjoining residential property which is in the same ownership for parking.

Mr. Lamond moved that the application of Penn-Daw Hotels for extension of 10 additional units as outlined on the map presented with the case, be approved. This refers to the map prepared by Alfred Copeland, dated February 28, 1959, entitled Lots 5 and 6 and the northerly 12 feet of Lot 7, Block 1, Fairview. Seconded, Mr. Barnes. Motion carried.

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The case of "Esso Standard Oil" was taken up again.

Mr. Schumann reported that he had no further information from the Highway Department but suggested that if the Board approved this, they do so subject to whatever the Highway Department and the County Zoning Office may think is appropriate in the way of channelizing traffic and in the matter of curbs. He thought it reasonable to locate the building as far as possible from Rt. 123 and Old Dominion.

Since the building could be placed nearer the back line, parallel to

NEW CASES

1- Ctd. Chain Bridge Road without a variance Mrs. Henderson questioned the justification for granting the 15 ft. variance from the "Public Road". To meet the "Public Road" setback would create a corner clearance hazard, Mr. Gasson pointed out. The arrangement they propose will create no damage to the little road, Mr. Gasson continued, it will give full corner clearance and will leave ample room for road widening on the two main arteries.

Mr. Schumann suggested moving the building to 30 ft. from the "Public Road" turning the building against the back line so it would set about 80 ft. from Chain Bridge Road; it would then be about 10 ft. closer to Old Dominion Drive.

Mrs. Henderson agreed to the five foot variance.

Mr. Lamond moved to approve this amended plat to show the building 30 ft. from "Public Road", 67 ft. from Old Dominion Drive, 8 ft. off the rear property line; the pump islands may be located 25 ft. from the present right of way lines of Rt. 123 and Old Dominion with the understanding that if and when the highways are widened the pump islands will be moved back at the expense of the property owner. This is granted subject to approval of the State Highway Department and the County Planning Office in regard to curbs, islands and chanellization of traffic. This is granted for a filling station only. Seconded, Mr. Barnes. Carried unanimously.

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3- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands 25 feet from Route 236, S.E. corner of Rt. 236 & S. Lewis St., Mason District (General Business)

Mr. William Hansbarger represented the applicant. Mr. Hannawalt was also present.

They have discovered that this property may be subject to subdivision control, Mr. Hansbarger stated, and in that event they will ask the Board to grant this subject to subdivision control. That may mean the necessity of providing a service road, however, whatever variance is granted, will be computed from the right of way, either with or without service road as required. If the service road is required they will ask the waiver on that also because it would serve no purpose. A service road is not required on adjoining property and since this is a dual highway along this area a service road would probably never be considered practical nor necessary. They have sufficient property to allow for the service road

3-Ctd. if it becomes necessary. They would in that case move the pump islands back. The building will be set back at least 88 ft. They would move the pump islands at their own expense. Mr. Hansbarger agreed. All setbacks will be applied from whatever right of way is determined to be necessary here.

Mr. Lamond moved to grant a use permit to Esso Standard Oil Company tying the granting to Section 6-16 of the Ordinance and if it is determined that this property comes under subdivision control this granting is subject to requirements of that office. This is granted for a filling station only. This granting includes a variance on the pump islands allowing a 25 ft. setback for location of the pump islands from the street right of way. Seconded, Mr. Barnes.

Mr. Hansbarger filed a petition favoring this request, signed by nine people from the area, considering it would be a service to the community. MOTION CARRIED.

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

Mr. Mooreland read a letter from Mr. Roy Swayze asking to continue this case until April 14. Mr. Lamond moved to defer the case until April 14. Seconded, Mrs. Carpenter. Carried unanimously.

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5- TURNPIKE PRESS, INC., to permit canopy over loading platform and storage area at the rear closer to side line than allowed by the ordinance, Lots 28 and 29, Resub. Lots 5, 6 and 7, D.F. Hannah property, Falls Church District (General Business)

Mr. Douglas Adams represented the applicant. Mr. Scull, president of the Corporation was also present. Mr. Adams located the property, pointing out that the lot adjoining this tract on the west is an isolated bit of residential property surrounded by commercial zoning. An application has been filed applying to the Board of Supervisors to have that lot rezoned to business classification. Since it is obvious that this property will be granted the commercial zoning, it would have no ill effect if this application is granted, allowing the canopy covered loading platform to come close to the property line.

This will be used for a storage area, Mr. Scull explained. It will be of cinderblock construction, enclosed.

NEW CASES

5-Ctd. Mr. Barnes moved to grant the application as shown in the pencil drawing on plat by Merlin F. McLaughlin, dated March 7, 1958. Granted because it does not appear that this will adversely affect neighboring property as application for commercial zoning has been made on the adjoining lot and recommended to grant by the Planning Commission to the Board of Supervisors, therefore bringing this construction close to the property line will have no ill effect. Seconded, Mrs. Carpenter. Motion carried.

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6- JAMES M. MONROE, to permit erection of an additional building within 35 feet from street property line, Lot 2, James G. Bennett Subdivision. South 29 and 211 on east side of Meadow View Lane, Falls Church District. (Rural Business)

Mr. Shield McCandlish represented the applicant who was also present. Mr. McCandlish explained to the Board that Mr. Monroe brought this request before the Board a year ago and it was granted. He was unable to get financing during the life of his permit to start construction. He is in a position now to get financing and wishes to go ahead with construction.

Mr. McCandlish recalled to the Board the fact that in the dedication and widening of Meadow View Lane a jog was created which, even though Mr. Monroe's buildings are allowed this variance, he will still be 10 ft. further from the street line than the building nearest to his property. The further they are required to set back the more earth moving will be necessary because of the rise in the ground on this property. It is the same application, Mr. McCandlish continued, in every respect as was previously granted to the Board. He showed an overall plat indicating the jog in the street and the relative setbacks.

Mr. Lamond moved to grant the application which would extend Mr. Monroe's permit.

Seconded, Mr. T. Barnes. Motion carried.

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7- NORTHERN VIRGINIA BUILDERS, INC., to permit erection of dwelling 34.75 feet from Condit Court, Lot 3, Section 2, Fox's Addition to Virginia Heights, Mason District. (Suburban Residence Class 2)

Mr. Fox, president of the company, explained that this is merely a 3 ft. variance on the overhang of the second story. To cut the second story back to conform to the setback would destroy the appearance of the

7-Ctd. house and this encroachment would have no detrimental effect on the neighborhood.

Mr. Lamond moved to grant the application as it does not appear that this small variance would adversely affect neighboring property. Seconded, Mrs. Lois Carpenter. Motion carried.

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8- W. L. PEELE, to permit erection of a car wash 40 ft. from right of way of Columbia Pike, Route 244, southeasterly intersection of Columbia Pike and a 12 ft. right of way known as Oak St., approx. 400 ft. easterly from Lacy Boulevard, Mason District (Rural Business)

This case was withdrawn, Mr. Mooreland stated, as it was discovered that the applicant can comply with the Ordinance.

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Mr. Mooreland gave the Board the following facts on the Martin Dalton Convalescent Home case:

In 1957 Mr. Dalton got a three year permit to operate a convalescent home. About one year ago he asked in the Zoning Office to double the size of his operations. Mr. Mooreland brought this request to the Board at which time it was agreed that he could double his operations. Mr. Dalton could not get financing during the past year for the expansion. Now he has commitments for the loan and is asking if he could go ahead with his building on the basis of the Board's granting this addition one year ago, rather than make an entirely new application to the Board. Mr. Lamond thought an expansion of these proportions should wait until the case is reviewed by the Board.

Mr. Mooreland recalled that this permit was originally granted in 1954; Mr. Dalton came back to the Board in 1957 to have his wife's name added to the permit. At that time the Board made his permit permanent. Mr. Dalton has operated a good convalescent home; he has met all the health and fire regulations, Mr. Mooreland stated. There has never been opposition nor complaint of his operation.

Mr. Lamond thought this Board should keep a closer control over such projects. How many people will this man have? He questioned the effect upon the neighborhood of so many cars coming and going. This type of operation does not belong in a good residential neighborhood, he continued, it should be in some fringe location. He questioned why Mr. Monroe had to file for a new hearing and this man simply asks for the right to expand. The difference, Mr. Mooreland answered, is that Mr. Monroe's

request was for a variance while this is an exception.

In this case, Mr. Lamond agreed that the Board probably should go along. The people want this in the neighborhood and the State and County controls have apparently been complied with. However, it was noted that nothing in the granting of this case restricted the capacity. It was noted that the grounds could provide sufficient parking, Mr. Dalton has about 2.5 acres.

Mr. Lamond suggested that parking is a feature that should be considered more carefully in these cases.

The Board agreed that Mr. Dalton be allowed to go ahead with the expansion as granted by this Board a year ago.

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The Meeting adjourned.

Mary K. Henderson

Mrs. M. K. Henderson, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, April 14, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, all members present; Mrs. L. J. Henderson, Jr., Chairman, presiding.

NEW CASES:

1- CASEY CLUB ASSOCIATION, INC., to permit erection of club house, council chambers and related uses, remainder of Lot 11, McCandlish and Farr Subdivision (unrecorded) on south side of Little River Turnpike, Route 236, approx. 405 feet west of intersection of Columbia Pike, Mason District. (Rural Residence Class 1)

Mr. Jo Creigh represented the applicant and explained the project as follows: This club is a land holding corporation for the Knights of Columbus formed for the purpose of taking title to the real estate, which the Knights of Columbus cannot do in its own right. The club is religious, social and recreational character at present. The land is rough and covered with underbrush. They will clear the ground and in time build their council chamber which will be located about 275 ft. from the highway. Mr. Creigh called attention to the stream and the sewer easement running along the back of the property making it undesirable for residential purposes. He located the commercial property to the east. They plan to use the house presently on the property until such time as it is feasible to build the club house. In a few years they will put in a swimming pool. For the present the ground will be used for boy scout recreational purposes and council meetings. Boy scouts will do most of the ground clearing.. While the project will necessarily develop slowly, Mr. Creigh continued, they feel it is important to buy the land now before it is priced out of their range and develop as they are financially able.

They will use the existing gravel road for entrance but when the club building is located they will have separate entrance and exit. Parking will be located back of the house.

Mrs. Henderson inquired further into activities planned to take place on the property before the club house is built.

The boy scouts will camp on the property at certain periods during the clearing project and they will hold meetings, Mr. Creigh answered, as a matter of fact there will be very little activity on the property until the club house is built.

Mr. Richard Hayes, a neighbor to this property, spoke in favor of the project.

NEW CASES

1-Ctd. Mr. Lamond moved that the permit to erect a club house, council chambers and related uses be approved for the Casey Club Associates, as it appears that this project would not adversely affect the neighborhood. This permit also includes the erection of a future club house as well as the right to use the existing house for club purposes. Seconded, Mr. Barnes. Carried unanimously.

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2- STANLEY F. MEESE, to permit enclosure of existing porch 12.87 feet from side property line, Lot 9, and north half Lot 8, Section 1, Hollin Hall Village, (1711 Fort Hunt Road) Mt. Vernon District. (Suburban Residence Class 2)

Mr. Mooreland suggested that this case be deferred for one month pending adoption of the Pomeroy Ordinance which will allow a 12 ft. side setback in this zone. Mr. Mooreland recalled that other similar cases are being held in abeyance as it is expected that the setback will be changed and therefore clear these violations.

Mr. Lamond moved to defer this case for an indefinite time pending the rewrite and adoption of the new zoning ordinance; seconded, Mrs. Carpenter. Carried unanimously.

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3- L. A. SCHMIDT, to permit existing porch to remain as erected 12 feet from side property line, Lot 8, Section 1, Falls Hill (1515 Cedar St.) Providence District. (Suburban Residence Class 2)

Mr. Mooreland asked the same deferral in this case as in the previous one for the same reasons. Mrs. Carpenter moved to defer this case indefinitely, pending adoption of the rewrite of the Zoning Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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Since the Board was ahead of the time schedule on the agenda the Chairman asked that any special pending matters be brought before the Board.

Mr. Mooreland recalled that the Board had granted to M. F. Wallace in February 1958 a private school for pupils from the first to the sixth grade. They later came in for a swimming pool under the school name. Now they wish to operate as a summer day camp. Can they do that under the permit previously granted? This, Mr. Mooreland continued, is a twelve month operation. The pool would be used in summer in connection with the day camp. The Board agreed that the permit did not include a day camp.

April 14, 1959

NEW CASES

4- GRAND UNION COMPANY, to permit erection of six signs with larger area than allowed by the Ordinance (Total area 329 sq. ft.), north side of Belle View Drive, just east of Fort Hunt Road.(Belle View Shopping Center) Mt. Vernon District. (General Business)

Mr. Kelso represented the applicant. Mr. Kelso called attention to the fact that they had removed one of the signs originally proposed for the front of the building as they found it not necessary. This would eliminate 102 sq. ft. plus 15 sq. ft. He noted that the building has 175 ft. width. This would leave a total requested sign area of 209 sq. ft. (25 ft. for the two shields and 184 sq. ft. for the "Grand Union")

Mr. Barnes moved that the application be granted with a reduction of sign area including 184 sq. ft. in the Grand Union sign and 25 sq. ft. area for the two shields. Seconded, Mr. Smith. Carried unanimously.

Mrs. Henderson voted yes on this in view of the size of the building.

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5- CHANTILLY NATIONAL GOLF AND COUNTRY CLUB, to permit operation of a golf and country club with necessary structures thereto, southwesterly side of Braddock Road, Route 620 and southeasterly of Flatlick Run, Centreville District. (Agriculture)

Mr. Thomas Crouch, Attorney, represented the applicant. He located the property, stating that they plan to have one of the finest championship golf courses in the country -- it is beautiful property and well suited to this type of development. They wish to let the contract on construction as soon as possible to have it in operation by fall. They plan an artificial lake, fed by Flatlick Run. The barn now on the property will be used as the temporary club house.

This is a private masonic club, Mr. Crouch explained; the active members will be masons.

There were no objections from the area.

Mr. Lamond moved that this application of the Chantilly National Golf and Country Club to permit operation of a golf and country club with necessary structures thereto be approved. Seconded, Mr. Smith. Carried unanimously.

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6- STUART UPDIKE, to permit operation of a polo field and riding school, at southwest corner of U.S. #1 Hwy. and Rt. 235, Lee District.

NEW CASES

6-Ctd. The riding school is planned particularly to serve children between the ages of 6 and 15, Captain Updike stated. The polo club will serve mostly the ex-cavalry men from Fort Belvoir.

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The following letter from Meredith Johnson, Director of Woodlawn, was read:

"March 23, 1959

TO WHOM IT MAY CONCERN:

Captain Stuart F. Updike is planning a school for riding and a polo club which will charge admission for games on the Woodlawn property. If Captain Updike receives a use permit and it is agreeable with the County in so far as the Planning Commission and other interested bodies are concerned, he will have a lease for the fields belong to Woodlawn which lie between Route One and Route 235.

(S) Meredith Johnson, Director"

Captain Updike explained the plat showing that only about 37 acres of the Woodlawn property would be usable. He located the riding school at one end of the property, leading off of U.S. #1 and the polo field at the corner of U.S. #1 and Route 235. There is presently a riding ring near the old stable which will be used. This area has been used for a riding school some time in the past.

The Captain said the entrance to the polo field would be from Rt. 235 only. They would provide parking for 300 cars.

Mr. Lamond objected to an entrance and exit from U.S. #1 to the riding school, especially the exit which he contended would present hazardous traffic conditions. Mrs. Henderson also suggested that people from the polo field would be inclined to use the U.S. #1 exit also. However, Captain Updike said he could prevent that by a barricade between the riding area and the polo field. He noted that he already has the entrance to U.S. #1 and that it has been used for this purpose.

Mr. Lamond recalled that the Planning Commission and the County have made a great effort to protect the interests of Mt. Vernon and this general area; he felt that the Board should have a written statement from Mr. Cedil Wall, Director at Mt. Vernon, stating that this project would not be objectionable to the Mt. Vernon Assn. before taking final action. This is one of the approaches to Mt. Vernon, Mr. Lamond went on, and he felt concerned about granting a semi-commercial project in this particular location. He questioned whether Mr. Wall was fully aware of the extent of this proposed development. The Commission has been very conscious of Mt. Vernon, its approaches and preservation of the character of the area, Mr. Lamond continued; this is a commercial activity which probably

6-Ctd. should not be located in this area. He suggested deferring the case until the Board could have a letter from Mr. Wall.

Mr. Lamond moved that the application be approved subject to receipt of a letter from Mr. Acil Wall, Director of Mt. Vernon stating that the Association has no objection to this use of this land. It is also included in this granting that the ingress and egress for the polo activity will be on Route 235 only and specifically there will be no ingress and egress for polo operations on U.S. #1. Seconded, Mr. Barnes. Carried unanimously.

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7- LEE D. BUTLER, INC., to permit building and proposed addition to be used as a repair garage closer to sideline than allowed by the Ordinance, southerly side of Columbia Pike, Route 244, across from B. H. Runyon, Mason District. (General Business)

Mr. John Webb represented the applicant. He presented the letters of notification to nearby property owners along with a petition signed by seven people in the area favoring this use. This is an existing building located too close to the side line, Mr. Webb pointed out; he did not know why the building is in violation on this side, probably because of the topography. This is filled land and the building was placed in the most feasible location. There is a high bank at the rear which creates a natural barrier between this property and that adjoining. The repair garage would be in the rear against the bank. Actually the violating setback, Mr. Webb explained, is caused by the additional setback required for a repair garage, the normal setback plus 25ft.

Mr. Mooreland told the Board that he had given the applicant an occupancy permit for a sales and service business which permit does not include general repair. To get the repair permit the Board must first grant the use.

Since the building is already constructed and since there is a bank at the back of the building the added setback would not give any additional protection to other property owners and since it does not appear that this would adversely affect adjoining or neighboring property, Mr. Lamond moved that the requested permit be approved. This is granted according to Section 6-16 of the Ordinance. It is understood that there will be no storage of old cars or wrecked vehicles on the property. Seconded, Mr. Barnes. Motion carried.

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NEW CASES

8- VIRGINIA REALTY COMPANY, INC., to permit operation of a gravel pit, N.W. side of Telegraph Rd., southerly adjacent to Dewey Park, Lee District. (Rural Residence Class 2)

Mr. Andrew Clarke represented the applicant. After locating the property, Mr. Clarke stated that they have complied with all county requirements, their plats have been scrutinized by the Public Works Department, they will leave the property at a 2 - 1 slope along with other requirements, including the $1000 per acre bond.

Mr. Clarke went on to say that this ground will be rehabilitated and eventually used for home development. He pointed to other areas from which Mr. Pete Ball and Mr. DeGiullian have removed gravel and later developed, especially Rose Hill. He showed pictures of other land that had been restored for development after the gravel was removed. (the industrial area on the Shirley Highway developed for Rolls Royce and others)

Mr. Clarke continued explaining that some objection had been raised from the homes along Roxann Road because of the heavy hauling. They have agreed not to use Roxann Road for any of their hauling but will build a road from the gravel area direct to Old Telegraph Road for this purpose. Mr. Clarke stated that they are agreeable to having it stated in the motion to grant this application, that the use of Rosann Road for truck travel be prohibited. The following letter was read:

"14 April 1959

Mr. S. F. Scinta
Route 5, Box 449D'
Alexandria, Virginia

Dear Mr. Scinta:

Receipt is acknowledged of copy of your letter to the Fairfax County Board of Zoning Appeals raising an objection by the residents of Roxann Road for its use as an access by trucks and other equipment for the removal of gravel.

I have discussed this matter with Mr. Clarke, the attorney for the developers, and with the operators of the proposed gravel pit. They all advised me and have shown me their plan of the proposed gravel pit operation which substantiates their statement that they do not propose to use Roxann Road for access to the gravel pit. Their plan shows a separate roadway through their property to Old Telegraph Road, Highway No. 634, near its intersection with Telegraph Road, Highway No. 611, opposite the Coast Guard Station and Hayfield Plantation.

I understand that the Board of Zoning Appeals is considering the application on Tuesday, 14 April, and that the developers' presentation of the application will include assurance that Roxann Road will not be used.

(S) C.W. Porter, Director of Public Works

8-Ctd. P.S. I have just attended the meeting of the Board of Zoning Appeals in which they heard the application, and note that the permit was granted with the proviso that Roxann Road not be used for access to the gravel pit operations."

This ground is too valuable to leave undeveloped after the gravel is removed, Mr. Clarke stated, it is in a very fine location both for distribution of the gravel and for use after rehabilitation. The property is hilly therefore requiring very few cuts, the deepest would not exceed 16 feet. The digging process will not be observable from the highway. Mrs. Carpenter moved that the application of Virginia Realty Company to operate a gravel pit be granted as shown on the plat presented with the case, prepared by Richard W. Long, dated December 1958 and it is the understanding that no ingress or egress to the gravel pit shall be by way of Roxann Road. This is granted for a period of three years. Seconded Mr. Lamond. Carried unanimously.

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9- J. H. POLADIN, to permit operation of a day camp for Y.M.C.A. Residue Parcel D, Penn Daw Village, (westerly end of Poag Street) Lee District (Suburban Residence Class I)

Mr. Roger Sutton, Executive Secretary of the YMCA of Washington area introduced the case. Mr. Poladian and Mr. Havens, Executive Secretary of the YMCA, Alexandria Branch, were also present.

Mr. Havens read the following statement:

"THE NEED FOR DAY CAMPING

In the fast moving world of today, there is a need for people to be able to enjoy the wonders of nature, as God has provided them. Day camping offers this opportunity to the boys who attend.

The site for this type of program should provide natural resources for this type of program. These resources include wooded areas, areas with open places and low underbrush. A stream or lake should also be present.

The campers are exposed to the wonders of nature and taught to appreciate and understand them. Emphasis is placed upon the importance of conserving these resources and their value to man.

The site owned by Mr. J.H. Poladian at Penn Daw meets the necessary requirements for a challenging day camp experience. Such sites are not readily available in the National Capital area.

The following information deals with the proposed plans for the use of the site: Dates - June 22 to July 31, 1959 (6 weeks) Time at site: 9:30 a.m. to 4:00 p.m. (Overnights to be held once every two weeks.) Number: Maximum of 50 boys. Ages: 8 to 12 years old.

9-Ctd. Leadership: one counselor for each ten boys, counselors to be college students or the equivalent in age and experience. Mr. A.C. Havens, Jr., Executive Secretary will direct the operation. He has over ten years of camping experience, and has directed both day and resident camps and is a member of the American Camping Association and the Audobon Society.

Program: The major emphasis on program will be in camp craft, nature study, conservation work and crafts. Group games, such as softball, dodgeball, soccer, etc., will be a part of the activities, but will not be emphasized.

A swimming program will be held in one of the swimming pools in the area. This will probably be scheduled two or three times a week.

Special trips to historical sites, other camps or state or national parks will also be scheduled. There will be probably three such trips during the six weeks.

Health Standards: The camp will meet the health standards of the State of Virginia and the county of Fairfax. The total camp operation will be run in accord with the standards established by the National Council of the Young Men's Christian Association and the American Camping Association.

Transportation: The campers will be transported to and from camp by bus."

The following letter from Dr. Kennedy, County Health Officer was read:

"April 14, 1959

Mr. J.H. Poladian
15 W. Glebe Road
Alexandria, Va.

Re: Proposed Summer Day Camp, Penn Daw Village, Poag St. entrance

Dear Mr. Poladian:

The above named parcel was inspected by a Sanitarian of this department on April 9 and the site was found to be satisfactory for use as a summer day camp, provided approved toilet facilities and water supply are available to the premises for the campers.

Application to operate a summer day camp should be made to the State Health Commissioner at least thirty days prior to opening.

If you desire further information please contact us.

(s) Harold Kennedy, Director"

Mr. Havens showed on the map the location of the trails, the council ring for meetings and singing, activity area, and the shelter which would be an emergency structure 15' x 30' used only in case of rain. This structure would be down over the hill, not visible from the homes nor from Poag Street.

All activities would take place below the hill where they could not be seen from Poag Street. As to the noise factor, Mr. Havens pointed out, this camp would be run only during summer when trees are in full foilage and would act as a sound barrier. Also the natural topography would serve to break the noise.

NEW CASES - Ctd.

9-Ctd. Mr. Poladian stated that the houses shown on the map are all high above this site and are at least 200 ft. from the activity. This would be used much the same as a park and would be no more depreciating to property values than a park.

The chairman asked for opposition.

Mr. Thomas Spivey of 204 Breezy Terrace, whose property adjoins this project spoke in opposition. He presented an opposing petition signed by approximately 60 families, listing as their objections: reduction of property values, noise and confusion and nuisance value due to uncontrolled activities when camp is not in progress.

The Citizens Association heard of this project only last week, Mr. Spivey continued, they immediately called a meeting and asked Mr. Havens and Mr. Poladian to be present to explain their plans. They did so. The people listened and asked questions. After Mr.Poladian and Mr. Havens left the project was discussed and the 30 or 40 people present voted unanimously to oppose it. They set out immediately to circulate the petition among the people living on Breezy Terrace and School Street.

Mr. Spivey went on to say that the minister in the church in this area has stated that such an activity is unsuitable in a settled community. The church has a 100 acre day camp in an area adaptable to camping and recreational facilities, an area away from homes.

This project is within 40 ft. of homes. This is a good residential area which should not be subjected to this kind of thing. These boys will probably camp overnight, how can they be controlled by these five college students? The boys coming to this camp will be picked up from the streets of Alexandria; no doubt they need help, Mr. Spivey agreed, but not in the back yards of people who live in this immediate area. People would be afraid to leave their doors unlocked when they leave home. The stores in the shopping center would not be safe. This is unthinkable Mr. Spivey stated, that Mr. Poladian should do a thing like this. He went on citing the bitterness of people in the area against Mr. Poladian, the anxiety such a project would cause, lack of sufficient ground, the fact that this would take away the freedom now enjoyed in the neighborhood and noting that the stream is muddy and unusable ground is around it, therefore these activities would necessarily take place on the higher ground near the homes. Five people were present in opposition. Mr. Spivey stated that the Baylies people, adjoining property owners, object also.

NEW CASES - Ctd.

9-Ctd. This project would attract other boys and the confusion, mischief, and noise would be compounded, Mr. Spivey continued.

Mr. Lamond questioned the many names on the petition without addresses. Mr. Lamond said he knew this land and he recalled that the houses of those complaining are way up on the hillside, a considerable distance from this tract. Since this will be used for only about six weeks in the year, Mr. Lamond questioned if it would have any appreciable effect upon the devaluation of property values.

Mr. Sutton said they had no plan for overnight camping and would be willing to have that restriction laid upon the granting.

Mr. Lamond stated that there is considerable flat land near the stream which is usable. He noted that children play there now, uncontrolled by special supervision.

Colonel Tucker of 213 Breezy Terrace objected for reasons stated. He wished to retain the quiet of his present home.

A fire hazard was discussed. Mr. Sutton said there would be no fires, no cooking on the premises. The activities would be closely supervised. They would carry out their activities in small controlled groups, organized games, with little noise. There is a house on the property which would be used and would be locked when no activities were in progress.

Their activities will be greatly limited, Mr. Poladian stated, as they have little money for development.

The use of these grounds by others when the day camp is not in progress was discussed.

This property is not suitable for housing, Mr. Lamond told the Board; the County is looking for recreational ground, it is especially interested in ground along stream beds. This appears to be a good area for recreation, Mr. Lamond suggested.

Mr. Hugh McKane, who was not present to take part in this case, asked to be heard. He stated that he had something on his mind relative to the remarks made earlier in the hearing, by Mr. Spivey. He recalled to the Board the inference and prejudgment of the potential criminal capacities of the 50 boys, whomever they may be and he asked the Board to consider well the validity of the remarks made by Mr. Spivey in view of this cruel inference.

NEW CASES - Ctd.

9-Ctd. Mr. Lamond moved to defer the case until April 28 to view the site and the surrounding area. Seconded, Mr. Barnes. Motion carried. Mr. Lamond specifically stated that no further testimony would be taken on that date. Carried unanimously.

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10- BREN MAR RECREATION ASSOCIATION, INC., to permit erection and operation of a swimming pool, bath house and other recreational facilities, north side of Edsal Road, adjoins Turkey Cock Run. Lee District (Rur. Residence 1) Mr. Herbert Harris represented the applicant. Mr. Harris located the property in question, pointing out that it is not adjacent to many homes. There are only three which might be affected. However, they have notified all members of the Bren Mar Citizens Association of this hearing. Mr. Harris presented a copy of their articles of incorporation of this non-profit project.

The plat presented with the case indicated the location of a swimming pool, wading pool, filter house, bathhouse, and parking for 107 cars. The pool area would be fenced. They have sufficient ground for additional parking if necessary.

They have the signed applications for membership and the approval of 185 members. It is estimated that after the initial fee the annual cost to patrons is $40. There are approximately 412 homes in Bren Mar and within a short time 55 apartment units will be available. The pool membership will be open to these people and also to residents of Edsall Park. They plan a maximum membership of 300 families.

Mr. Harris went on to say that since the school serving this area is on a hill there is very little play area to serve the community.

No food will be sold on the premises. Later they will develop a picnic area.

It was noted that this ground is not affected by the flood plain around Turkey Cock Run; it is considerably higher than the Run. They have allowed 21 ft. for ingress and egress.

There were no objections from the area. Mr. Lamond moved that Bren Mar Park Recreation Association be granted a use permit to operate a swimming pool and bath house and other recreational facilities as shown on plat dated April 13, 1959 prepared by Joseph E. Wagner, Jr. and it is understood that there will be no parking on Edsall Rd., but that adequate parking will be provided on the site; seconded, Mr. Barnes. Carried unanimously.

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NEW CASES

11- JAMES A. SCHMITZ, to permit erection of work room closer to side lot line than allowed by the Ordinance, 11.76 ft. (7010 Everglades Drive) Mason District (Suburban Residence) Lot 29, Block T, Section 3, Parklawn

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Mr. Schmitz explained his plat showing the recreation room on the rear of the house and carport on the side, neither of which are in violation. The work room which is located at the corner between the carport and the recreation room and connecting the two is in violation on the side. It is a small 8' x 12' room.

Mr. Schmitz told the Board that he was asking this particularly because his boy has an allergy and cannot be outside in damp weather; the recreation room would be his play area. The home is limited in work space and storage area.

Mrs. Henderson suggested putting the work room back of the recreation room.

That Mr. Schmitz answered, would cut out window space and back yard area. The lot slopes slightly on both sides.

It was also suggested moving the carport to the front and putting the work tool room lengthwise, thereby cutting down the violation.

Mr. Mooreland suggested that this case be set aside until the new Ordinance is adopted, allowing a 12 ft. side setback.

Mr. Schmitz objected to any change in his plans saying it would look awkward and his neighbors who now have no objection to this violation may not like the odd looking structure. Mr. Schmitz said he did not wish to wait for the rewrite of the Ordinance. He cited his need and the added value to his house and neighborhood as reasons for the Board to grant his case.

Mr. Barnes moved that this case be denied as there is an alternate location for this addition which would meet ordinance requirements, or Mr. Schmidz has the alternative of waiting for the adoption of the new ordinance at which time he could have this addition without creating a violation. Seconded, Mr. Smith. Carried unanimously.

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12- POTOMAC BROADCASTING CORP., INC. to permit erection of radio transmission tower, on 11.249 ac., Joseph Baker property, approx. 2490 ft. north of Buckman Rd., Rt. 626, Lee District. (Suburban Residence Class 2)

Mr. Howard B. Hayes, Vice President of the Company represented the applicant.

Mrs. Henderson suggested that it was not necessary for the applicant to

12-Ctd..go into the technical working of the tower unless there was a special request to do so since this was thoroughly discussed at the last hearing. Mr. Hayes said that his company had found this site which meets their requirements and that they have obtained clearance from all federal agencies involved.

The Board was immediately concerned as to the location of the school site on Mr. Baker's property and asked whether the tower site conflicts with the school property.

Mr. Pope, from the School Board, was present and stated that their property was 385 ft. from the west boundary of Mr. Baker's property. He did not know where it was with relation to the tower site, but he had understood that this site involves part of the school property.

Mr. Baker said he had discovered just last evening that a portion of the school property is within this tower site. He told Mr. Pope that if these sites conflicted, as it appears they do, they could move the school property to entirely clear the tower site. Mr. Baker stated that Mr. Pope had assured him that that was satisfactory to the school board. Mr. Baker said he could change the school site to a location which he was sure would be satisfactory.

Mr. Pope stated that this was news to him. He had been told by the Planning Staff that these sites overlapped. If that is true, Mr. Pope stated, this application should be denied. The School Board bought this property in 1953 or 1954 and if the tower is erected on property adjacent to them, it would be very objectionable, as it could fall and cause untold damage. If there is to be a shift in the school property, it has not been discussed with the School Board, Mr. Pope stated. It may be all right but certain conditions must be met so this shift could be recommended to the school Board. They need time to work out these conditions, soil values, access, topography, utilities, etc. All must be studied before this transaction can be consummated. None of these things have been discussed and they must be resolved before the School Board will make any commitments.

Mrs. Henderson suggested that perhaps the radio tower could be moved to another location on Mr. Baker's property.

Mr. Baker discussed the question of the access road, about which he said some error had been made in the deed. The road is farther south on his property, south of the tower site. As he recalled he had thought the contract covering purchase of the school property called for it to be opposite that access road.

NEW CASES

12-ctd. Mr. Pope showed a plat with the access from Ashton Street in Mt. Vernon Woods.

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Mr. Hayes was very firm in his statement that the company could not again change the application for their site. They have submitted this exact location to F.A.C. and F.C.C. and it has been approved all the way through. The amount of detail involved in changing the site would probably throw this out entirely. They are in a difficult situation, this has been a long struggle to get a satisfactory location, they feel it impossible to start all over on another site.

Mr. Pope assured the Board that he was willing to cooperate in every way but he could make no commitments, that being the function of the School Board. He also stated that the School Board could be put to no expense which might result from a change of site. (Mr. Baker agreed to take care of any expense involved.) Mr. Pope said he would recommend the change to the School Board, but the decision would rest with them.

Mr. Lamond suggested a contingent granting which Mr. Hayes said would not allow them to move on this. He felt it very important that they have a clean cut definite decision.

It was agreed that the school situation would have to be resolved before this granting could become effective as the Board could not grant this use on School Board property.

The ability of Mr. Baker to renig on his contract with the School Board was discussed.

Mrs. Henderson read a petition from the Mt. Vernon Woods area opposing this use. Drainage as related to Mt. Vernon Woods was discussed.

Mr. Lamond moved that the Potomac Braodcasting Company be given a permit for erection of a radio transmission tower on 11 acres of ground located as shown on plat indicating site by pencil sketch, plat dated January 5, 1959 prepared by E. S. Holland #5-382, with the provision that Mr. Baker and the School Board agree on a site for the school that will not conflict with the property as outlined on this plat for the radio tower and that the land immediately abutting the property to the west, Mt. Vernon Woods, be so sloped as to drain the water away from that subdivision. Seconded, Mr. Barnes. Carried unanimously.

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13- MID-ATLANTIC PETROLEUM CORP., to permit erection and operation of a servic station, property on east side of Chain Bridge Rd., Rt. 123, approx. 200 ft. north of 33 ft. Rd. leading to School property, Dranesville District (General Business and Suburban Residence)

13-Ctd. Mr. Norman Keith represented the applicant. Mr. Keith pointed out that approximately 35 ft. along the frontage of this property had been reserved in the original granting of commercial zoning for road widening. They do not actually need this strip, which is in Suburban residential zoning as their installations will all be set well back, however, they are asking the Board to place it in a commercial classification to give their property unified zoning.

Mr. Lamond suggested that it might be well to put a fence across the rear of this property, since the school children are accustomed to cutting across this lot to get to the school at the rear.

There are woods at the rear of the lot, Mr. Keith pointed out, however, he agreed they could put up a fence if the Board desired.

Mr. Keith stated that this filling station would be for the service of gas only, no lubrication, no repairs, no tire changing. They would have the most modern installation.

Mr. Jack Smoot represented the seller of the property and his mother, who owns adjoining property and who does not object to this use.

Mr. Smoot said he had been somewhat disturbed by the number of filling stations in the area, but a check on the gas sales shows that there are not enough to supply the demand.

There were no objections from the area.

Mrs. Carpenter moved that a use permit be granted to Mid-Atlantic Petroleum Corp. for a filling station, provided that no storage of wrecked vehicles shall take place on the property and provided that the applicant will erect a fence across the rear lot line; this is granted for a filling station only under Section 6-16 of the Ordinance.

Seconded, Mr. Lamond. Carried unanimously.

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14- JOSEPH A. PROVENZANO, to permit two doctors to maintain an office in residence, Lots 13 and 14, Beverly Manor, on Falls Church-Annandale Road and Beverly Street, Falls Church District. (Suburban Residence Class 1)

Mr. Joseph Creigh represented the applicant.

Mr. Creigh gave the following facts: Dr. Provenzana is carrying on his medical profession in his home where he has lived and worked for approximately six years. He now has another doctor working with him. Mr. Mooreland has stated that this is in violation of the ordinance, Section 6-4-a-b. But, Mr. Creigh stated that he could find no place in the ordinance where he says that a member of a recognized profession

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14-Ctd. cannot employ another member of a recognized profession.

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Mr. Creigh went on to say that this is a matter of the health and welfare of this community, which he cited is not a wealthy area. Dr. Provenzana has, by virtue of having his office in his home, kept his fees moderate, within the incomes of his patients. If he were in an office building his fees would necessarily be higher, therefore he is performing an important service to the area in which he lives. It is necessary for professional people to spend a great deal of time in research, study of new methods and new medicines. The second doctor takes care of some of his patients and allows Dr. Provenzano time for study and research in order to keep abreast of his profession.

There is no safety hazard from cars coming and going; the large parking area is at the rear of the house along Beverly Drive. People have complained of the parking lot, but Mr. Creigh went on, those same people complained of parking on the street.

This area is near the proposed commercial planning for Annandale.

Mr. Creigh presented a petition favoring this request signed by 125 people. These people live in the area. However, the chairman noted that people signing the petition were from many other areas also.

Mr. Lamond suggested that the C-O district, under consideration by the Board of Supervisors might be applied to this area; he thought the case might be held off for the time.

Mr. Giangreco spoke, urging the Board to grant this request in the interests of the community, stating that there are only 127 general practitioners in Fairfax County, as against 185,000 people, showing the great need for doctors. Mr. Giangreco told of Dr. Provenzano's need for more time for study and research, his need for help in caring for his large practice, the long waits of patients and the long hours put in by the doctor. He commended the doctor highly on his unselfish dedicated service to the community, he is always available night or day.

Colonel McKane emphasized the fine contribution Dr. Provenzano has made to the community.

John Namey told of emergencies in the area which Dr. Provenzano has handled and expressed the appreciation of the fact that the doctor is within their community and is always available.

Mr. Creigh said he learned last evening of some objection to the parking lot. He offered to fence the lot if the Board wished. They would not object to waiting for the change in the ordinance.

14-Ctd. Mrs. Henderson pointed out that that would require a refiling of a rezoning application.

Mr. Lawrence Hoover of Beverly Drive stated that he was not appearing against Dr. Provenzano personally, but he was concerned over this expansion of his facilities. An area can easily be changed by such expansions, Mr. Hoover insisted. He felt it necessary to protect the investments of people in the immediate neighborhood; they are the only ones concerned in this matter. They have no objections to the doctor operating in his home by himself; in fact they feel that he has been an asset to the neighborhood. However, Mr. Hoover said there are 12 doctors within a mile of this location and on Rt. 236 they have a very fine medical clinic with all modern equipment; there are medical suites available in this clinic building. In fact some of the offices are being rented to non-professional people as not enough doctors have applied to fill the offices. Mr. Hoover noted that people come from everywhere to be treated by Dr. Provenzano. He thought they would come if he had an office in a professional building just as well. Mr. Hoover objected to the 6000 ft. parking lot, which he said a fence or anything else could not disguise. Since this is a dead end street, people come in and head into his driveway to turn around. Many cars doing this day and night is a nuisance, Mr. Hoover continued. The lights shine into their windows. This goes on all the time. A doctor with this size practice should be in a building where the public can come and go without disturbing a residential area. A single doctor with a reasonable home practice would not be objectionable in an area that is residential, but this has become too much. Mr. Hoover presented an opposing petition signed by thirty people living in the immediate area. These people objected because this is definitely a commercial activity; they do not want that in a residential area, and this is contrary to the intent of the zoning ordinance.

It was brought out that while there are many doctors in the area, only three are general practitioners.

Mr. Creigh stated that it would be too expensive for Dr. Provenzano to go into an office; he wishes to keep his fees down for the benefit of his patients. Dr. Provenzana said he has put the addition on his home for the office because no office spaces were available in the area. He had negotiated with Dr. Soresi but found the space not available. The doctor contended that this is not an expansion, it is merely sharing

14-Ctd. his practice with another man in order that they both might have more time.

Mrs. Henderson called attention to the fact that operating on such a large scale in the home gave Dr. Provenzano a considerable advantage over other doctors who pay full overhead costs. She realized that they all have the same problems.

Mrs. Elma Vizzolo, who lives on Rt. 236 told of the need in this area for the doctor and praised his work highly.

Mr. McNallen expressed the opinion that doctors in a residential neighborhood were very valuable, especially for night calls. He commented Dr. Provenzano on his fine work in the area.

Mr. Creigh discussed the section under which this case would be granted.

Mr. Mooreland noted that this could not possibly meet the requirements of a clinic.

Mr. McKane suggested granting this with limitations, which he believed the Board had the jurisdiction to do.

Mr. Lamond stated that the Commission is making a study of business around Annandale; he questioned how close this property might come to the future plan for business at Annandale. He suggested that this be deferred in order that the commercial line around Annandale may be determined.

It is possible, Mr. Lamond stated, that this property may be included within that future commercial plan.

Mr. Lamond moved to defer this case until April 28 in order that the Board may determine from Mr. Schumann just where the commercial line around Annandale will be drawn and where the line would be with relation to Dr. Provenzana's property. He suggested that both the Planning Staff and the Commission be contacted. Seconded, Mr. Barnes. Carried unanimously.

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15- L. W. SWEENEY, to permit erection of three signs with larger area than allowed by the Ordinance, (Total area 163 sq. ft.) Lots 1 and 2, Section 2, East Fairfax Park, Providence District. (Rural Business.)

Mr. Kinder represented the applicant. He located the property on which these signs would be placed, stating that they are the same type and size signs which the Board has previously granted on these stores.

Mr. T. Barnes moved that the request of L. W. Sweeney for these signs with a total area of 163 sq. ft. be granted. The signs to be located on Lots 1 and 2, Section 2, East Fairfax Park are granted in accordance with the plat presented with the case. Seconded, Mr. Lamond. All voted for

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15-Ctd. the motion except Mrs. Henderson who voted no, as she considered this too much sign for the size of the building. Motion carried.

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16- WILLIAM L. MEYERS, to permit erection of dwelling 39 feet from Birchwood Road, Lot 13, Section 1, Lakewood, Mason District. (Suburban Residence Class 3).

It would be difficult to locate this structure 60 ft. from Lakewood Drive and 40 ft. from Birchwood Road because of the high bank at the back of the property, Mr. Meyers explained. (He showed pictures of the lot indicating the sharp bank) and to stay away from the 50 ft. sewer easement. The State also has an easement which must be reserved for maintenance purposes.

Mr. Meyers described the topography stating that the lot slopes up from the corner; the back of the lot is about 20 ft. above Lakewood Drive and about 13 ft. above Birchwood Road.

Mr. Mooreland suggested that the Board grant a 38 ft. setback from Birchwood instead of the 39 ft. requested as this will be a brick house and the width of the brick has not been included in the setback measurements.

Mr. Lamond moved to approve this application because the topographic conditions under which the applicant must work make it impossible to comply with the ordinance setbacks. This is granted for a 38 ft. setback from Birchwood Road. Seconded, Mr. Barnes. Motion carried.

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17- COLUMBIA BUILDERS, INC., to permit carport to remain as erected 7.5 feet from the side property line, Lot 74, Section 3, Marlboro Estates, (4227 Rupert Street), Dranesville District. (Suburban Residence).

Mr. Tom Chamberlin represented the applicant. This house was originally planned with no carport and it was not located on the lot in such a manner that a carport could be added on the side. The foreman on the job decided that there was room for the carport, so he built it without checking with the office. It is completed, ready for occupancy. They moved the house back to within 50 ft. of the right of way rather than the required 40 ft. setback because of the turn-around in the front yard; this threw the house back to the part of the lot which narrows toward the rear. Had they taken advantage of the 40 ft. front setback no doubt they would not have needed the variance. The owner of Lot 73, adjoining on this side, has no objection to the variance.

Mrs. Carpenter suggested moving the posts in to a conforming position.

Mr. Mooreland showed that to make the posts conform they would necessarily

NEW CASES

17-Ctd. be moved in 2 1/2' which may create too much overhang.
There were no objections from the area.
The building permit was discussed, Mr. Mooreland stating that the builders sometimes get permits for 10 or 12 carports. This probably has not been inspected.
Mr. Chamberlin called attention to the large amount of building these people have done and noted that this is their first request for variance.
Mrs. Carpenter moved that this case be denied as there is no evidence of hardship and the carport could be located to the rear of the property.
Seconded, Mr. Smith. Carried unanimously.
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DEFERRED CASES:

18- JOHN C. AND NORMA JEAN HARLAN, to permit erection of warehouse 25 feet from Center Street and 14 feet from Moncure Avenue, part Lots 17 and 18, Section 1, Dowden Center, Mason District. (General Business)
Mr. Swayze represented the applicant. He gave the background of this case, saying that in 1953 a mill work office was established here by Mr. Harlan. This property has been subdivided and resubdivided, but Center Street has never been more than a 25 ft. unimproved lane. It is dedicated only to the end of this property. In the future this may continue on, Mr. Swayze stated, as a connecting street into another subdivision, but at present it is only a half block long.
Now, Mr. Harlan needs more space for his paint-shop addition. This would be a 40' x 70' building to be used especially for storing his millwork and assembly work. He is also requesting a small 20'x 25' building addition to be used as a paint room. They wish to come within 25 ft. of Center Street and closer than that to the 40 ft. side street, about 14 ft.
There are other businesses in the area, the owners of which have indicated they have no objection to this encroachment. Mr. Swayze insisted that this addition would be an improvement to the neighborhood. He presented a petition signed by 13 people in the immediate area asking that this request be granted.
Mr. Swzyae stated that a precedent for this setback has already been already established in this area by Mr. Dove who in 1947 built the sheet metal shop. In 1951 this property was subdivided and Center Street was dedicated; it was located within 24 ft. of Dove's building. He is asking a 25 ft. setback from Center St. Why distinguish between

these two people? Mr. Swayze asked. Mr. Dove was even allowed to add to his building without getting a variance. The street was put in before the addition was put on to Dove's building. That was an addition, Mrs. Henderson stated, but this, according to the plat, is a separate building.

Under Section 6-12-g the applicant must show some exceptional topographic condition, Mr. Swayze noted. Here the lot is triangular in shape which precludes the applicant from any expansion unless he has a variance. It has not been shown that this would in any way adversely affect the neighborhood and there is no plan to put the street through. Parking would be provided along Center Street at the front and back of the building.

Mr. Schumann expressed the opinion that the parking as shown is not desirable (it would be necessary to back out into the street to turn.)

Mr. Lamond objected to the encroachment on the corner and too much building for the lot.

Mr. Lamond moved to defer the case to view the property. Seconded, Mr. Barnes. Motion carried.

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Mr. James Miller came before the Board asking a rehearing in the Little League case granted by the Board at the previous meeting.

Mr. Miller stated that he lives at 4111 North Westmoreland, across from the project, that he was present at the last meeting and gave testimony. However, he claimed that many unruly and loud talking, profane youngsters had been playing on this property since the case was granted.

After considerable discussion of Mr. Miller's complaints and his difficulties, the members of the Board expressed sympathy with his problems and while they considered them unfortunate they could see no evidence which would justify reopening the case. The matter was closed.

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The meeting adjourned.

Mary L. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, April 28, 1959 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present; Mrs. L.J. Henderson, Jr., Chairman, presiding.

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

NEW CASES:

1- SCANWELL LABORATORIES, INC., to permit operation of a scientific research laboratory, property off Franconia Road, Route 644, westerly adjacent to Springfield Estates, Section 1, Lee District, (General Business)

Mr. Lamond told the Board that this case had been reviewed by the Planning Commission at its meeting of April 27 and had recommended that the case be granted, calling attention to the fact that this use is proposed in a General Business district and therefore would not be subject to the provisions of the Melpar amendment pertaining to setbacks, etc.

Mr. Shoemaker, representing the applicant, presented the following letter describing the operations of the laboratory and their needs:

"April 27, 1959

Planning Commission
Fairfax Courthouse
Fairfax, Virginia

Gentlemen:

Scanwell Laboratories was organized and incorporated under the laws of the State of Virginia on 15 December 1958 to conduct research and development in the field of antennas and related components. The company presently occupies 1400 sq. ft. of office and laboratory space in the Arlington-Fairfax Savings and Loan Association building located at 363 W. Lee Highway, Fairfax, Virginia.

Mr. William E. Matthews, 6408 Brookside Drive, Alexandria, Virginia, has under construction a modern, brick building (60' x 80') off Franconia Road, Springfield, Virginia on a parcel of land extending 325' North of the Socony Mobil Oil Company Station and extending 150' West of Section 1 of Springfield Estates.

Scanwell Laboratories is interested in leasing the above building from Mr. Matthews for use as an antenna research and development laboratory. The facility would be used for conducting antenna studies, as well as the design, development, fabrication and evaluation of experimental models. Scanwell Laboratories would not cause any objectionable noise or odors as the result of this scientific work.

We believe that this type of laboratory would be an asset to Fairfax County and to the Springfield area in particular.

(S) L.E. Shoemaker
Vice President"

Mr. Shoemaker also made it plain that no manufacturing would take place in this operation, that they build models only. Their work is purely experimental -- no mass production.

Mr. Lamond cautioned that the applicant must provide adequate parking. Mr.

NEW CASES:

1-Ctd. Shoemaker stated that they would use the space between the building and the filling station on the adjoining property. They will have about 20 employees.

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Mr. Lamond moved that the application of Scanwell Laboratories, Inc. for a use permit to operate a scientific research laboratory be approved. Seconded, Mrs. Carpenter. Carried unanimously.

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Since the Board was ahead of schedule, Mr. Mooreland stated that he had had a complaint against a widow (a practical nurse) who is boarding four elderly women in her home. They are all 80 years of age, or older. They are not patients, she has no nursing care. No sign is displayed. The women are simply living there. The question has been asked whether application should be made for a convalescent home.

The Board agreed that the woman who was caring for these people is filling a great need in the County; they did not consider a permit necessary.

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2- PHYLLIS M. PAKENHAM, to permit operation of a dancing school in dwelling, Lot 13, Row's Addition to Lee Boulevard Heights (425 Row Place), Mason District. (Suburban Residence Class 2)

Mr. Pakenham represented the applicant. This dancing school was granted a one year permit by the Board in October of 1958, Mr. Pakenham told the Board. The term is completed in May 1959 and in order that the pupils may know that the school will definitely be continued in the fall they are asking extension of the permit now.

Mr. Mooreland stated that his office had received no complaints of the School.

Mr. Pakenham called attention to the fact that the people whom they notified of this hearing are all near neighbors and all have stated that they have no objection to continuance of the school; no traffic problems have been generated and they do not feel that the school is detrimental to their property or to the neighborhood.

The school is open from 12:30 to 5:30; approximately 60 pupils total. The pupils are scheduled in groups, arriving in car pools. They started with 40 pupils in October and may have as many as 80. It is estimated that this requires only about 12 cars a week in addition to normal home operation. The classes have no more than 8.

NEW CASES:

2-Ctd. The classes vary; one day they hold only one class, other days they run from either 2:30 to 5:30 or from 12:30 to 5:30.

There were no objections.

Mr. Barnes moved that this use permit to operate a dancing school be extended for the period of the Pakenham's residency in the house at 425 Row Place and the permit is granted to the applicant only. This is granted because there have been no complaints against the operation of this school and it does not appear that this adversely affects the neighborhood. Seconded, Mr. Smith. Carried unanimously.

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3- H. GRANVILLE WILEY, to permit division of lot with less area than allowed by the ordinance, on west side of #676, rear of Chapel Hill Subdivision, Providence District. (Agricultural)

Mr. Wiley explained that he has a one acre tract with two houses on it. He would divide the acre so each house would have approximately one-half acre. Each house has its own well and septic. Mr. Wiley stated that his purpose in requesting the division is so he may sell one of the houses. A 15 foot right of way runs to the back lot. One house has been here for 32 years, the other 11 years. They were on one-half acre lots which conformed to the zoning in this area before the Freehill Amendment.

Mr. Schumann stated that Mr. Maurice Fox, Mr. Waple and Mr. Verlin Smith had expected to be present in Mr. Wiley's behalf, at this hearing, but were unable to get here. Mr. Wiley is on the mail route in the area in which Messrs. Fox, Waple and Smith live and has been for many years. The Federal Government says he must live in the area in which he works. He would move to the area in which he works if he can sell this house. People in this area are very eager to keep Mr. Wiley on this route.

Mr. Barnes moved that the application of Mr. Wiley, to permit division of one acre into two one-half acre lots, as shown on plat presented with the case dated March 25, 1959 be granted as one of these houses was here long before the Ordinance, and because Mr. Wiley must move in order to live in the territory in which he is now carrying mail. This division of the property would not be a detriment to the health or welfare of the community, and it is understood that the surveyor will show on the linen of this plat that this variance is granted as of this date. This shall be done before the property is conveyed. Seconded, Mr. Smith. All voted for the motion, except Mrs. Carpenter

3-Ctd. who refrained from voting stating that she had not seen the property and did not know the section well enough to vote. Motion carried.

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4- MAX SINGLETARY, to permit erection of garage 11 feet from side property line, Lot 30, Section 1, River Oaks, Dranesville District. (Rural Residence Class 2.)

Mr. Singletary explained that the house he proposes to put on this lot is too wide to allow for a garage and still meet setback requirements. He had planned to put on a carport but the people on the adjoining lot do not want the carport; they think it would not be in keeping with the house nor with the neighborhood. They would rather have the encroachment of a garage; however, the lot is practically level, sloping slightly to the rear, and Mr. Singletary admitted that a garage could be located in the back yard.

Mrs. Henderson stated that in her opinion there was no justification for granting this, she could see no hardship.

Mr. Singletary said the hardship was his conscience; he did not want to put a 10 ft. carport on a $35,000 home. A garage in the back yard would not be convenient nor would it conform to the house plan. Also he noted that the septic system is at the rear which would interfere with the garage. He does not wish to go into an area and build something which the people in the community thought would be detrimental to them. He thought a 12 ft. garage might be satisfactory.

Mr. Singletary showed the plan of the house pointing out that a 10 ft. carport would be too narrow and out of proportion and completely inadequate. He was unable to buy property from the lot next door as that is built upon. He was willing to settle for either a 12 ft. carport or a garage.

Mrs. Carpenter moved that the application of Max Singletary be denied as according to the Zoning Ordinance this is not a hardship case and the Board can see no reason for granting the request. Seconded, Mr. Smith. Carried unanimously.

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5- LOUIS AND DORIS MENSH, to permit erection and operation of a service station and permit pump islands 25 feet from the right of way line of Huntington Avenue, Part Lot 3, Div. of Joseph P. and Elizabeth Kleckner Property, Mt. Vernon District. (General Business)

Mr. Bennett from Sinclair Oil Company represented the applicant. Mr.

NEW CASES

5-Ctd. Mooreland asked the Board to defer this case until the applicant can come in with a plat which will show that this business will not cut down on the parking space for the apartments which adjoin this property at the rear. The apartments have a right of 25% coverage. He suggested that a plat be presented showing the adjoining property with parking. This was a two acre tract which has been divided into three lots, Mr. Mooreland stated and while the apartments are located on general business zoning, they can cover only 25% of the land.

They have plats showing that this division would leave a 20,000 sq. ft. area for apartment house, Mr. Mensh stated, however, he did not have that plat with the case.

Mr. Lamond moved to defer the case for presentation of the plat showing the adjoining property -- defer two weeks. Seconded, Mr. Smith.

Mr. Everhart, owner of Huntington Apartments, stated that they have 90 families living in their garden type apartments, which property borders this proposed filling station property on three sides. He objected to a filling station on this lot, saying it would be highly undesirable and a nuisance in a residential area. It would be depreciating to property values and to his business. He noted that there are nine other filling stations near here, all of which are struggling for business. Another apartment or an office building would be in keeping with the area, Mr. Everhart continued, but a filling station would be a nuisance.

Mr. Mensh recalled that when this property was zoned for general business uses in 1951 it was planned to have a filling station along with stores. They bought this property with that in mind. The Board of Supervisors had considered the proposed uses when the property was zoned. Then it was thought that a shopping center would go in here, Mr. Everhart recalled, but it was found that the area would not support stores, so they stopped the commercial development and put in apartments. They have plans for more apartments. This is a quiet residential neighborhood of apartments and semi-detached homes; it is not suitable for commercial development.

Mr. Mensh was of the opinion that the increase in traffic in this area since 1951 would make this a good area now for commercial uses, especially for the purchase of gasoline.

Mrs. Henderson pointed out that this land is zoned for commercial uses and if residential development invades business zoning they must live with the consequences. However, she thought the Board should see the plat of

NEW CASES

5-Ctd. the adjoining property. Mr. Mensh objected to a delay.

Mr. Mooreland and Mr. Mensh discussed the permit for the apartments. Mr. Lamond also suggested that the Board should know something of the State Highway plan for this area. Mr. Mensh was asked to show Lot 3 on his plat.

Motion carried to defer to May 12.

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6- BLUM'S INC., to permit erection and operation of a service station and to permit pump islands 25 feet from Street right of way lines, Part Lots 51 and 52, Rock Terrace Subdivision, Mason District. (General Business)

Mr. Burnett and Mr. Tolbert represented the applicant. This area has been commercially zoned for several years, Mr. Burnett stated, it is surrounded by business zoning. There is only one other filling station in the immediate area. He is asking the same pump island setbacks as granted on the filling station near this property, 25 ft. The Highway Department has made no request for street widening. Mr. Burnett noted that they show a proposed outlet on Gorham Rd. which will be used when that road is improved.

The use is compatible with the area, Mr. Burnett pointed out, the property adjoins the airport property; the general character of the area has been established for a long time.

There were no objections from the area.

Mr. Lamond moved to grant ~~a~~use permit to Blum's Inc. to permit erection and operation of a filling station as shown on plat presented with the case, dated April 7, 1959, prepared by Merlin McLaughlin. This is granted for a filling station only. Seconded, Mr. Barnes.

Mrs. Henderson asked if the Board has granted a 25 ft. setback for the pump islands on the Sunset Manor filling station. Since no one was entirely sure, Mr. Lamond amended his motion to state "with setbacks for the pump islands allowed to be the same as granted on that of Cities Service on Seminary Road." Mr. Barnes accepted the addition.

Carried unanimously.

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7- HOLLIN HALL VILLAGE, INC., to permit operation of a research laboratory SW corner of Fort Hunt Rd., Rt. 629 and Shenandoah Rd. (Hollin Hall Village Shopping center) Mt. Vernon District (General Business)

Mr. Lamond stated that the Planning Commission at its meeting of April

NEW CASES

7-Ctd. 27, 1959 recommended to the Board of Zoning Appeals that this case be granted.

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The following statement from Mt. Vernon Research Laboratory was read:

"April 2, 1959

We list below the purposes for which we will use space leased in the Hollin Hall Village Shopping Center:

1. General office work
2. Engineering design and drafting, including handling of classified documents.
3. Light electronic tests and assembly work
4. Light model shop work
5. Physical research employing vacuum system and electronic measuring devices
6. No explosives, propellants or highly volatile chemicals are involved.

(S) Mount Vernon Research Lab."

Mr. Monk was present representing the research company, stating that most of this space which they are leasing will be occupied by offices with some space devoted to laboratory work. They will operate in the 70' x 34' basement of the existing building. They will have both front and rear entrances. The ceiling is sound proofed and plastered. They will employ a maximum of ten people. The shopping center area contains ample parking space to include this business.

Mr. Price told the Board that five Planning Commission members saw this building. They found it well located for this purpose. The shop next to this laboratory on the lower level is occupied by a radio and television sales business. The recommendation to recommend the granting of this permit was unanimous, Mr. Price concluded.

There were no objections from the area.

Mr. Lamond moved that the application of Hollin Hall Village, Inc. to operate a research laboratory be approved; it is understood that the business will be conducted on the lower level of the Hollin Hall Shopping Center buildings. Seconded, Mr. Barnes. Carried unanimously.

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8- MARY I. LLEWELLYN, to permit erection and operation of a kindergarten and elementary school thru fourth grade, property on southwesterly side of Great Falls Street, approximately 970 feet south of Magarity Road, Route 650, Dranesville District. (Suburban Residence Class 1)

Mrs. Lois Miller represented the applicant, locating the property and pointing out that the school is to be operated on a 4.5 acre tract. The building proposed to be built, a floor plan of which was presented with the case, will contain approximately 5,000 sq. ft. of floor space as well as living quarters for the manager. The school will be conducted

8-Ctd. for kindergarten and the first four grades. It will be about a $65,000 investment.

The old house now on the property will be removed.

This school is located very near several subdivisions which, Mrs. Miller pointed out, should be a good location. They will have two classrooms in the basement and one on the first floor to be used when necessary. They plan to have 20 children to the room. (total capacity 80 children) This school will be donducted on a half-day session basis for the present time. They plan a "pick up" service. The school will be named "Bonnie Brook School".

Mr. John Dickmeyer, who lives on Olmi Road stated that he was present representing 75% of the land owners immediately adjacent and near this property. A letter from these five people was read.

Mr. Dickmeyer questioned why the four people immediately adjacent to this property were not notified of this hearing. However, it was determined that the applicant had met all requirements of notification.

Mr. Dickmeyer objected saying that the intent of the Ordinance was to notify interested people. That was not done, he charged. They know very little about this project, he continued. All in this area have substantial investments in their homes and they feel they should know what is planned on property which would affect their homes in one way or another. He hoped they would not have to look out on a parking lot.

Mr. Clinton D'Young agreed that Mr. Dickmeyer; he was concerned over encouragement of other business in this residential area.

Most homes in the area are on lots ranging from 1/2 to 3/4 acre. It was noted that zoning in this area would permit 12,500 sq. ft. lots.

Mrs. Llewellyn stated that she plans a brick cape cod house, it will resemble a dwelling. Pupils will be in school only during the morning from 9:00 to 12:00. They are not sure at the present time if they will have a pick-up service.

Mr. Barnes moved that the application of M. I. Llewellyn to erect and operate a kindergarten and classes through the fourth grade be granted to the applicant only, as shown on plat presented with the case, dated March 27, 1959 prepared by O. C. Paciulli. It is understood that this school will be run from 9:00 to 12:00 and that it will be approved by the Health Dept. and Fire Marshal and all other county ordinances and regulations pertaining and that the applicant is required to furnish adequate parking on the premises. This is granted as it does not appear that this would adversely affect the use of neighboring property.

NEW CASES

8-Ctd. Mr. Smith seconded the motion to grant. Carried unanimously.

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9- MCLEAN CITIZENS ASSOCIATION, to permit erection and operation of a service station and to permit pump islands 35 ft. from right of way line of Rt. 123, property on east side of Rt. 123 just north of 33 ft. road leading to the school property, Dranesville District. (General Business)

Mr. Shands represented the applicant.

Mr. Schumann showed a map which included this entire area, intersection of Rt. 123 and Old Dominion Drive, in all directions. He also indicated the Carper property on which a filling station was approved subject to approval of location of the islands and entrances. Mr. Schumann suggested that if this case is approved it be subject to the building being placed well back on the property and the pump islands 35 ft. from the line as shown on the plat he presented, in order that they can accomplish free movement for a right turn lane. This would continue the lane from the filling station on the adjoining property.

Mr. Brittingham from the Sun Oil Company was present and stated that while he was not an engineer, he believed the company would go along with this.

Mr. Schumann suggested that this granting be made subject to approval by the Planning Commission and the Highway Dept. for exits and entrances.

It was noted that this property requested for rezoning is the strip which was originally excluded in the zoning, for street widening. The Highway Department has no definite plans for improvement or for purchase of right of way in this area.

Mrs. Carpenter called attention to the fact that school property lies immediately to the rear of this lot. She suggested that the company be required to put up a fence across the rear line as a barrier against children cutting through the station. Mr. Brittingham agreed to this.

There were no objections from the area.

Mrs.Lamond moved that the application of McLean Citizens Association to permit erection and operation of a filling station on this property be apppoved. It is understood that the pump islands will be placed at least 35 ft. from the property line and this is granted subject to the report of the Planning Staff and subject to the approval of the Planning Staff and the Highway Department for entrances and exits. It is also granted provided an adequate fence be placed across the back of the property; seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- MELPAR, INC., to permit building 6 to be used for scientific laboratory, N. E. corner of Leesburg Pike and Hardin Street, Mason District. (General Business)

Mr. Brandon Marsh represented the applicant. (He came with pansies for the three ladies.)

This is the same application which was brought before the Board some time ago; it involves adequacy of parking. Mr. Marsh showed pictures of the plant and the parking space used for the other buildings on Columbia Pike.

Mr. Schumann stated that the parking for these buildings has been of considerable concern to the Planning Staff. The Staff has studied the parking plan submitted by Melpar and has made a few changes. He showed the map indicating parking as approved by the Staff.

Mr. Schumann suggested that if this is approved it be made subject to the following conditions: that the number of employees on the premises shall not exceed 590, unless more parking space is provided; that the parking spaces be marked on the hard surfaced lot in accordance with the parking plan prepared by the Planning Staff, accomplished within 90 days of occupancy of the building (No. 6); and that entrances to Rt. 7 and Hardin St. and the location of the curb on both roads be subject to approval of the Highway Dept. and the Planning Staff. Such entrances and curbs to be installed within 90 days of occupancy of Building No. 6.

Mr. Lamond moved that the application of Melpar, Inc. to permit use of Building No. 6 for scientific laboratory purposes be approved with parking restrictions to be in accordance with Planning Staff's report:

That the number of employees on the premises shall not exceed 590 unless more parking space is provided; that the parking spaces shall be marked on the hard surfaced lot in accordance with the parking plan prepared by the Staff, this to be accomplished within 90 days of occupancy of Bldg. No. 6; and that entrances to Rt. 7 and Hardin St. and the location of the curb on both roads be subject to approval of the Virginia Department of Highways and the Planning Staff. Such entrances and curbs to be installed within 90 days of occupancy of the building (No. 6.)

Seconded, Mr. Barnes. Carried unanimously.

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2- J. H. POLADIAN, to permit operation of a day camp for YMCA, Residue Parcel D, Penn Daw Village, (westerly end of Poag St.) Lee District. (Suburban Residence)

DEFERRED CASES

2-Ctd. This case was deferred to view the property.

Mr. Lamond stated that he had received word from the Bayliss family who own property adjoining Mr. Poladian and who were reported at the last meeting to be opposed to this case. The Bayliss family now stated that they signed the petition opposing this use when they did not fully understand what was proposed. They now wish their name stricken from the opposing petition.

Mr. Lamond moved that this application for a day camp be approved with the following limitations: that no use shall be made of the area within 150 ft. of the rear property line of the homes on Breezy Terrace, and that the use of the property be restricted to a ballfield and development shall take place on the flat part of the land near the stream, and also on the adjoining land across the stream; the balance of the land may be used for nature walks and nature studies.

Other members of the Board objected to the 150 ft. restriction on the area adjoining homes on Breezy Terrace, therefore Mr. Lamond changed this to read 100 ft. from the rear property line of the homes on Breezy Terrace.

This property along the 100 ft. strip adjoining the Breezy Terrace homes shall be left in its present state.

It is understood that this day camp will be permitted to run for eight weeks, five days a week, from 9:00 a.m. until 4:30 p.m. and there shall be no overnight camping except during the period of clearing the land, getting it in readiness for use.

It is also understood that at least one counselor shall be provided for each ten boys and the counselors shall be at least 17 years of age or older in order to qualify.

This is granted for a period of three years after which time the use shall be subject to review by this Board. Seconded, Mr. Barnes. Carried unanimously.

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3- JOSEPH A. PROVENZANO, to permit two doctors to maintain an office in residence, Lots 13 and 14, Beverly Manor, on Falls Church-Annandale Rd. and Beverly St., Falls Church District. (Suburban Residence Class 1)

Mr. William Hansbarger represented the appliant, in the absence of Mr. Creigh. Mr. Hansbarger asked that the case be deferred until the adoption of the Pomeroy Ordinance as he thought the new ordinance as proposed would take care of this situation.

DEFERRED CASES

3-Ctd. Mrs. Henderson pointed out that the new ordinance is a long-time from adoption and the second doctor is there; what will the Board do about him? Mr. Hansbarger suggested that he be allowed to remain for the present, the only objectionable thing about the situation, he argued, is the parking lot. Actually the people in the area have no objection to the doctor's office as such.

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If the Board would defer this case for six months, Mr. Hansbarger continued, by that time the Ordinance would surely be adopted, and this could be settled.

It was made clear that the second doctor should have no identification in the way of a sign if he is to remain.

Mr. Lamond suggested that the Board had been adopting parts of the Pomeroy Ordinance, especially parts which are pertinent and for which there is a great need. It is not unlikely that the provision covering this type of operation may be lifted out of the new ordinance and incorporated into the present ordinance. It would hardly be fair, Mr. Lamond stated, to stop this man when within a short time his operations might be made to conform to the ordinance.

Mrs. Henderson agreed that it would not be fair to Mr. Hansbarger not to defer this for the new ordinance, since the Board has deferred many other cases for the same purpose.

Mr. Lamond moved to defer this case pending the outcome of the Pomeroy Ordinance with the provision that there will be no identification for the second doctor.

The opposition discussed this further, the large parking lot, and the doctor's large practice, which they claimed made an unpleasant impact upon the area.

It was brought out that under the Pomeroy Ordinance Dr. Provenzano would be allowed to have two employees.

Mr. Mooreland stated that he had been informed by the Commonwealth's Attorney and members of the Board of Supervisors that those things which are now in violation, but which will be corrected by the Pomeroy Ordinance should be held in abeyance. If a warrant were served on this man today, it would not be acted upon, it would wait for the Pomeroy Ordinance.

Mr. Barnes seconded this motion. Mr. Lamond added to the motion that the wing used for office space must not be changed, in other words, the Board would not allow further expansion. Mr. Barnes agreed to this addition.

Motion carried unanimously.

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DEFERRED CASES

8- I. and HILDA KATZ, to permit erection of an office building on property line of Elm Street and 13 ft. from Electric Avenue, Lot 6 and part lot 5, Block 4, Ingleside, Dranesville District. (General Business)
The Planning Commission requested deferral of this for further study of this property. The Board agreed to this deferral without motion.

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

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

7- ANNIE E. MUCH, to permit conversion of existing single family dwelling to two family dwelling on with less frontage and area than allowed by the Ordinance, on west side of Route 712, 1/4 mile north of Rt. 236, Mason District. (Suburban Residence Class 3)
All of these cases were deferred until June 23 upon request from Mr. Schumann.

4- JOHN C. AND NORMA J. HARLAN, to permit erection of warehouse 25 ft. from Center St. and 14 ft. from Moncure Ave., Part Lots 17 and 18, Section 1, Dowden Center, Mason District. (General Business)
Mr. Roy Swayze represented the applicant. The Board had viewed the property.
Mr. Swayze stated that the Highway Department has said that they do not think Moncure Street will be cut through to Columbia Pike; it is not used at present and if there is a plan to make it a usable street, no one knows when that will be, however, Mr. Smith stated that the road is now being used as a cut-off.
This is a matter of outgrowing a building, the same thing as a family outgrowing a house, Mrs. Henderson observed. If the man cannot expand without too much variance, he must move.
Mr. Swayze contended that this is purely a jurisdictional matter, one which the Board can handle.
Mrs. Henderson objected to deliberately locating a building within 14 ft. of a dedicated street.
Mr. Schumann suggested that this may be a chance to cut off some of the traffic at the crowded intersection, he thought the street should not

April 28, 1959

DEFERRED CASES

4-Ctd. be vacated. Mr. Schumann asked that this case be deferred to the first meeting in May or at least not beyond May 26. Mr. Lamond so moved; seconded, Mr. Smith. All voted for the deferral except Mrs. Henderson who voted no, as she thought the case should be denied at this time. Motion carried.

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Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

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The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, May 12, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, all members present: Mrs. L. J. Henderson, Jr., Chairman, presiding.

NEW CASES:

1- JEAN H. WHEELER, to permit operation of a nursery school in present dwelling, Lot 21, Block 56, Section 17, Springfield (7506 Lauralin Place), Mason District. (Suburban Residence)

Mrs. Wheeler told the Board that she had notified all of her neighbors of this hearing and they have agreed that they have no objection to the nursery school. Mrs. Wheeler stated that these children (15) come three days a week; Monday, Wednesday and Friday from 9:00 to 12:00. They are transported in car pools; no more than three cars are used for the transportation. The children are very young -- three and four years. She has no plan to expand the school. She started the school mostly because of her own children.

The Fire Marshal has inspected the house and made certain requests for changes. Those changes have been made, but the Fire Marshal's office has not yet made the final inspection. (Letter from Fire Marshal collaborating these statements is on file with the records of this case.)

Mr. Lamond moved that the application of Jean H. Wheeler to operate a nursery school in her present dwelling, 7506 Lauralin Place, Springfield, be approved with the understanding that the regulations of the Fire Marshal and other County agencies applying to this use be complied with. This is granted to the applicant only. Seconded, Mrs. Carpenter. Carried unaninously.

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2- MISTER DONUT SHOP, to permit donut shop closer to Street lines than allowed by the Ordinance, south triangle of U. S. #1 and Old U. S. #1, Mt. Vernon District. (Rural Business)

Mr. Robert Duncan and Mr. Kemp represented the applicant. This is a triangular shaped piece of ground, Mr. Duncan pointed out and while it is difficult to put a business on it and meet setbacks, it is a very valuable location and should be put to some good use. This would appear to be the highest and best use. There is a large brick structure now on the property which will be removed and replaced by this modern structure which will occupied by Mr. Donut, a chain restaurant operating from Maine to Florida and selling only coffee, milk, donuts and the like.

NEW CASES

2-Ctd. Mr. Duncan noted that they have submitted alternate locations for the building; both, however, require variances.

Mr. Duncan suggested that the reduction in setback from old U.S. #1 is not of great importance as that road is little used now. It has become not much more than an alley; it is merely an old by-pass which goes no place and is not used as access to any other area.

Mrs. Henderson suggested ~~reusing~~ changing the shape of the store so it could come nearer to conforming in setbacks. Mr. Kemp said it would be difficult as this is the standard store they are using which includes 17,000 sq. ft. It would be almost impossible to get full utilization of the building without this amount of space. They have already cut the size of the store by over 1500 sq. ft. They have tried many ways of locating the building on the property, but cannot come up with anything that does not require a variance. This building contains 16' x 40' of selling space and a 38' x 32' kitchen, smaller than the other buildings up and down the coast. Mr. Kemp explained that they had bought a small triangle of ground at the entrance and eliminated the road between this property and the motel next adjoining.

Mrs. Henderson stated that the land is simply too small for the building.

Mr. Dan Smith suggested limiting the kitchen space further by bringing the food in from the Alexandria place. These businesses are under different management, entirely separate leases, Mr. Kemp answered, that would never do.

The amount of parking was questioned, but Mr. Kemp explained that this is a fast operation; people stay a very short time and they never have an accumulation of many cars.

The Board members made suggestions for location of the building, bringing it forward, reducing the size, turning it to parallel the rear line; still the Board considered the necessary variance too much.

Mr. Mooreland stated that if the property back of Old U.S. #1 is developed, they would use that street for access.

The only solution the Board could offer was for the applicant to withdraw the case and put in for a rezoning of the property to general business. That would allow a 35 ft. setback from both roads. Then for the applicant to come in with a variance from the 35 ft. setback which the Board might consider more favorably.

Mrs. Abernathy, owner of this property and of the motel adjoining, asked just what this procedure would entail.

NEW CASES

2-Ctd. Asked if she could not take out some of her cabins to give Mr. Donut more space, Mrs. Abernathy answered that she could not do that as it would jeopardize her loan.

Dr. Darrow who owns property back of this site, objected to this setback, stating it would ruin his entrance to "Skyway Market", his business. It was also stated that old U.S. #1 is used as an entrance to Hollin Hall and Hollin Hills subdivisions.

Mr. Duncan and Mr. Kemp agreed to withdraw the application and re-submit it after they have had the land rezoned.

Mrs. Carpenter moved that the Board approve the withdrawal. Seconded, Mr. Barnes. Carried unanimously.

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3- MISTER DONUT STORES, INC., to permit erection of two signs with larger area than allowed by the Ordinance, (Total area 339 sq. ft.), south triangle of U.S. #1 and old U.S. #1, Mt. Vernon District. (Rural Business).

Mr. Lamond moved that this application be deferred until the property has either been put up for rezoning and resubmitted to the Board, deferred indefinitely. Seconded, Mr. Barnes. Carried unanimously.

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

Mr. Wiggin, who is an architect, brought a small scale model of his home showing contours of the ground and a small replica of his house located as required by the zoning ordinance. Mr. Wiggin said he did not wish to raise the house level as the property has a 12 ft. drop and the slope, together with the very lovely trees in the front yard, which he wishes to preserve, make a perfect setting if the house is kept close to the ground. He is trying to retain as much as possible of the natural landscape. The neighbors on both sides have no objection to this setback.

Mr. Wiggin showed the relative position of both houses on adjoining lots indicating that his house would not appear to be out in front of the other houses because of the jog in his front line.

Asked how the drainage on this steep lot would be handled, Mr. Wiggin said he would take the surplus water from the front on down to the stream at the rear of his house, about 60 ft. away. The stream is on the other side of the sewer line. The sewer easement would be about 50 ft. from his house.

NEW CASES

4-Ctd. Mr. Lamond questioned if this house could be in a flood plain; Mr. Wiggin said he did not know, but he thought not. The elevation is sufficient to confine any flood plain to the streambed.

It was noted that the main projections beyond the setback restriction line are the little four foot projections in front and the roof.

Mr. Lamond thought the condition of the stream and the possible flood plain more important than the setback. He suggested that Public Works should be asked to check the flood plain area to assure the fact that the house would not be subject to flooding.

Mr. Lamond moved to defer action on the case of Mr. Richard Wiggin pending a report from Public Works indicating where the flood plain is located on this lot. Seconded, Mrs. Carpenter. (Defer to June 9.) Carried unanimously.

Mrs. Henderson also asked that it be shown on the plat where the sewer easement is located. The Board agreed that that should be shown.

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5- KARLOID CORPORATION, to permit operation of a biological laboratory (research and development) property on northerly side of Route 7, opposite Route 676, Dranesville District. (Agricultural)

A letter was read from Mr. Lytton Gibson asking the Board to defer this case until June 9 as Mr. Hazelton could not be present until that time.

Mr. Lamond so moved; seconded, Mrs. Carpenter. Carried unanimously.

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6- HOMES OIL REALTY COMPANY, INC., to permit relocation of a pump island 20 feet from Forest Drive, Parcel 2, Block 1, Barley Farms, Mt. Vernon District. (Rural Business)

Mr. Homes said he had gotten a variance from U.S. #1 but they moved the kerosene tank for diesel oil not realizing that they would need a variance from Forest Drive, which, although it is a 50 ft. dedication, is not used as a thoroughfare. They have been granted a 31 ft. setback from U.S. #1.

Mr. Mooreland told the Board that a drainage problem exists here which was reported to his office. The inspector went to check the drainage and discovered the pump island which was being installed too close to Forest Drive, and that no permit had been requested for this pump island.

Mr. Duran whose property adjoins this tract objected when Mr. Homes improved Forest Drive. Mr. Homes had filled on Forest Drive to such an extent that it turned the water onto the property across Forest Drive. In time of flash floods that property is badly flooded.

NEW CASES

6-Ctd. There is a drainage problem here, Mr. Mooreland explained, because the land is all very low and level and water is practically always puddling. With so much land, Mrs. Henderson suggested that this pump island could easily be located some other place where it would conform. This tank is mostly for their own use, Mr. Homes answered; it is in a convenient place for customers who can back up to the pump and fill a five gallon tank without taking it out of the car.

It was noted that there are actually three parcels of land here; a restaurant is on the parcel immediately adjoining; Mrs. Henderson thought the plat should be more detailed, showing everything on the property.

However, Mr. Lamond called attention to the fact that the Board was concerned only with the filling station and the requested variance. He noted that Mr. Homes had put in curbs to keep people from driving in from Forest Drive.

Yet this man has located his pump island 20 ft. from Forest Drive, without a permit, when it should be 50 ft., it was pointed out.

The situation as Mr. Homes is planning it, Mr. Lamond suggested, is very convenient for people patronizing the place; the island is out of the way of the other pump islands and it is on an unimproved street where there is no entry. No one uses the street nor takes care of it except Mr. Homes. He has spent a considerable amount on improving conditions and is not creating anything of a hazard.

Mr. Lamond moved that the application of Homes Oil Realty Company to permit relocation of a pump island within 20 ft. of Forest Drive be granted because it would not adversely affect neighboring property and because Mr. Homes has done a considerable amount of improving to this particular area. Seconded, Mr. Barnes.

For the motion: Messrs.Lamond, Smith and Barnes.

Against the motion: Mrs. Carpenter and Mrs. Henderson. Motion carried.

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7- RICHARD FERRANTI, to permit operation of a kiddie ride through the month of September 1959, NW corner of Bland Street and Brandon Avenue, (Lynch Shopping Center) Mason District.

No one was present to support the case, therefore it was placed at the bottom of the list. Mrs. Carpenter so moved; seconded, Mr. Lamond. Motion carried.

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NEW CASES

8- MILDRED F. WALLACE, (Suburban School, Inc.) to permit operation of a summer day camp in connection with private school, property at the end of Colfax Avenue, 6000 Colfax Avenue, Mason District. (Suburban Residence Class 2)

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Mrs. Wallace presented the following statement of her intentions:

"STATEMENT FOR PRESENTATION TO

BOARD OF ZONING APPEALS, COUNTY OF FAIRFAX, VIRGINIA,
ON MAY 12, 1959

BY MILDRED F. WALLACE (SUBURBAN SCHOOL, INCORPORATED)

I am here to request a special exception to permit the operation of a Summer Day Camp in connection with Suburban School. Some of you will recall that I appeared before the Board on February 25 of last year for a special exception to permit the operation of a private school at 6000 Colfax Avenue. That application was approved by the unanimous vote of the Board and I thought that the special exception granted was all that I needed for a private school to be operated on a 12-month basis.

I have examined the statement which I read to the Board at that time, and I find this:

'Our plan of operation would be substantially similar to that followed at Busy Bee (Busy Bee Child Care in Aurora Hills, Arlington) in that the school would be closed on weekends and all government holidays.'

By that statement, I intended to convey the idea of a 12-month program in that I stated we planned to be closed on weekends and government holidays, and not that we planned to be closed on weekends, government holidays and during the summer months.

In fact, we opened the school for the first time during the summer of 1958 and we operated under Summer Camp Permit no. 152, issued by the Commonwealth of Virginia. We have complied with all requirements of the State and County Health, Fire and Welfare Divisions.

Suburban School is in an ideal location for a summer day camp. We have six acres of park-like playground at the dead end of Colfax Avenue. We are located very near Bailey's Crossroads, which is rapidly becoming one of our largest business areas, and several of our children have parents employed in that section. We are within a short distance of manybusinesses and traffic arteries, yet completely off the "beaten path" -- in an ideal location for the safety and welfare of the children.

At the hearing on February 25, 1958, the Board's summation, as it appears in the record, indicates that the logical location for any school is in a residential neighborhood. Our school has the additional advantage of being in a residential neighborhood yet in a location which preserves privacy both for its neighbors and itself.

I would like to emphasize a statement which I made at the February 25 hearing, which is that many of the children are from homes where both parents work, or from homes where one parent is dead. In either case, care is needed for such children during the hours of a normal work day. This condition is not limited to the winter months only, but thesechildren must be cared for the year round.

This year, the need for this type of care will be far greater in our area than last, because one school nearby, despite its earlier advertising of a summer day camp program, has decided to close for the summer. The director of this school has asked if he could refer parents to us since his school will not be able to accommodate them. Actually, we are already operating at the peak of our small capacity.

There was never any question in our minds that we had authority from the Board for a 12-month operation as a private school until we applied for a building permit for a swimming pool.

NEW CASES

8-Ctd.

Several months ago my husband and his brother, who is a swimming pool builder and distributor of swimming pool equipment, went to the Health Department and discussed its requirements with Mr. Boland. Mr. Boland informed them that the plans must be submitted to his department, and after approval there, the building permit would be obtained from Mr. Croy's office.

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A few weeks later the plans were submitted and approved by the Health Department, but when presented to Mr. Croy's office we were informed that they first must be approved by Mr. Mooreland's office (Zoning.) At Mr. Mooreland's office our file was removed, and when he noted that the Certificate of Occupancy read "Private School", he indicated that the matter would have to be taken up with this board, which would meet in about two weeks from that date.

This completely unforeseen circumstance created a serious problem. My brother-in-law's schedule was such that he had to start construction immediately or delay all operation until late summer -- which would have meant no swimming pool this summer. We, therefore, for this reason decided to apply for the building permit in our names, as the owners of the property.

I attended the Board meeting to which Mr. Mooreland referred, anticipating that I would have an opportunity to be heard on this matter at that time. When this matter had not come up by 4:00 I went to Mr. Mooreland's office to inquire about its status. I was then told that the matter had been discussed informally with the Board and that an application would have to be made for this hearing. Mr. Mooreland was then very helpful in assisting me in the preparation of this application.

If you have any questions, I will be happy to try to answer them."

Mrs. Henderson said the only complaint she had heard of this project was of the traffic on Colfax Road which is a very narrow high-crown road. Otherwise, Mrs. Henderson stated that in her opinion this is an ideal location for a school.

Mrs. Wallace answered that they have no school buses, that they transport the children in their two volkswagons and two of the teachers come in and out once a day with their cars. Their volkswagons make about ten trips a day total. One parent brings her child. Otherwise just the normal flow of traffic comes to their home, deliveries and their own guests. There are four other houses on Colfax Road, Mrs. Wallace continued, which also have a normal flow of traffic. This is such a secluded area that the only traffic on the road is that generated by the home owners themselves, with the few extra cars coming in for school purposes. The traffic is actually far less than normal traffic flow in a subdivision. Mrs. Wallace also pointed out that a Mr. Saunders is contemplating purchase of another part of the Godwin property for development purposes. The traffid is actually far less than normal traffic flow in a subdivision. If this deal is consummated there will be another 50 ft. outlet adjoining the Wallace property, and which they could use.

They have an enrollment of 40 chileren operating from 8:30 to 4:30 five days a week. They cannot take more children with their present facilities; they are only filling vacancies. Since they have been operating for the

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8-Ctd. full year they will carry on the same operations this summer as last. The only change will be the swimming pool which they are constructing. Actually having the swimming pool will lessen the traffic as last year they carried the children to another pool for swimming, which did create more coming and going.

They had two parties last year during the summer. The children came mostly from Mason District, Springfield, and south Arlington.

Mrs. Wallace also called attention to the fact that the land back of them may be purchased by the County for a park; it is so designated on the public facilities map.

There were no objectors present.

Mrs. Wallace explained that the summer program would be merely a continuation of the winter except for the addition of swimming instruction and classes in crafts. They also have special classes during the summer for children who need to be brought up to the class level.

Since the only objection seems to be to the traffic, Mrs. Henderson suggested that Mrs. Wallace instruct her drivers to take great care on this narrow road.

Mr. Lamond moved that Mrs. Mildred F. Wallace be allowed to operate this summer day camp in connection with her private school which she is now operating at 6000 Colfax Avenue as it does not appear from the information before the Board that this would adversely affect neighboring property. This is granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

9- FAIRFAX COUNTY FALLS CHURCH BRANCH OF YMCA, to permit operation of a recreation area, property at corner of Prince William Drive and Route 236, Providence District (Rural Residence Class II)

Mr. Roger Sutton, Assistant Secretary to the YMCA discussed the case along with Mr. Dehn, Executive administrator. Mr. Sutton explained that this is a lease agreement for use of this property for 12 months as a family center.

Mr. Sutton presented the following statement:

> "From the Fairfax County-Falls Church YMCA Branch of the YMCA of the City of Washington
>
> A. Lawrence R. Dehn, Executive administrator of the YMCA, Family Center, having 34 years in the various program and leadership activities of the YMCA, Church, Boy Sco uts and Industry. With administrative and Financial background in the above as well as Cancer Fund Drives and Community Chest and United Fund Campaigns. Has held several positions of Honor in various organizations and has served in many ways the groups listed above.
>
> B. The Fairfax County-Falls Church YMCA is an Association of thoughtful persons, (Men, Women, Boys and Girls) who have banded

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9-Ctd. together for a realization of the finest and best in life, endeavoring to create, plan and carry on worthwhile programs which will help meet the spiritual, mental, social and physical needs, concerns and interests of its membership and the community.

C- A planning Committee has been formed to evaluate and prepare activities that will not create a nuisance or cause undue noise and confusion. As the location of our County office, supervision will be available for the safety of the neighborhood and this should make surrounding property more valuable.

D- A $60.00 family membership will be issued. 350 families have asked to participate. This is a yearly membership and will allow for fall and winter activities, benefiting their children the year round. Programs are for all ages. Properly trained leadership will supervise each program. A Committee of Management consisting of Citizens of Fairfax County and Falls Church, oversee the functioning of this program through the Executive. Boys and Girls in other areas will receive benefits because of better training of leadership at the Center. Leadership is assigned to groups of 10 to 15 in certain activities. During the summer months, day camp, tennis, softball and swimming will be important. About 75 are in day camp, 60 in tennis, 50 in softball and 200 in swimming. Proper leadership at the pool will be on a schedule and under a supervisor. Attention of the equipment will be hourly. All Health Department standards will be met. Toilet facilities are adequate in the house and at the pool. No open food is served. Vending machines will be used and paper cups will be supplied instead of glass bottles. Trash will be collected each week and will be kept in suitable container. Grass will be mowed weekly as needed. Signs to be erected will be decorative and appropriate to the surrounding area.

E- The YMCA Family Center will be open Monday thru Sunday after school closes with a regular schedule for all ages and sex. Opening at 9:00 A.M. and closing at 10:00 P.M. Sunday opening will be from 1:30 P.M. till 8:30 P.M. approximately. Special programs will be scheduled such as water ballet, diving and swimming competition. "

The house located on the property will be used for headquarters and offices. The property is fenced. They have ample space for parking as this is an area of 4.6 acres. They hope to purchase this property, Mr. Dehn stated, and make it their permanent headquarters for the County.

Mr. Dan Smith moved that the application of Fairfax County-Falls Church Branch of YMCA for permit to operate a recreation area at the corner of Rt. 236 and Prince William Drive be granted because it does not appear that it would adversely affect the adjoining property nor property in the area and it does not appear that it would adversely affect the welfare of the County. Seconded, Mr. Barnes. Carried unanimously.

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10- HERBERT A. L. FACCHINA, to permit erection of dwelling 38 ft. 6 inches from Arbor Lane, Lot 60, Section 3, River Oaks, Dranesville (Rural Residence Class 2)

Mr. Henry Mackall represented the applicant. Mr. Mackall presented a topographic map of this portion of River Oaks Subdivision indicating the situation of this lot and the need for a variance.

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10-Ctd. Mr. Mackall read the following letter from Dr. Kennedy:

"Dear Mr. Mackall:
Due to the topography of the above named lot it is necessary that the sewage disposal system be installed on the east portion of this lot.

If we can advise you further please let us know.
(S) Harold Kennedy, M.D."

Mr. Mackall pointed out that the lot is very large and would allow sufficient room to comply with all setbacks, if it were not necessary to locate the septic system as requested by Dr. Kennedy. This is the low side of the lot; the only location feasible for proper drop into the septic field.

The topography in this area is rough and all lots are large, but are restricted in house location because of the contour of the ground. This house contains 2,510 sq. ft.; it is attractive and is well placed on the lot from the standpoint of ground area.

There were no objections from the area.

Unless this is granted, Mr. Mackall pointed out, they would have to put up an 18 ft. house which would detract from the type of house they are building on these lots.

Asked if the house could be moved a little to the east to make it conform, Mr. Bartol Ray stated that there is about a 20 ft. drop in this lot and if the house were moved farther east it would be difficult to locate the house.

Mr. Mooreland noted that if the houses on Lots 61 and 59 were set back the required 50 ft. this house would be out of line at the required setback. He did not think the setback requested would adversely affect the other lots.

It was agreed that the topographic condition and the letter from Dr. Kennedy were reasons of hardship.

Mr. Barnes moved that the variance requested by Mr. Facchina for permit to locate dwelling 38 ft. 6 inches from Arbor Lane be granted as shown on plat of River Oaks Subdivision, Lot 60, Section 3, due to the topography of the lot and also because of the letter from Dr. Kennedy, Health officer, dated May 12, 1959 regarding location of the septic system. Seconded, Mrs. Carpenter. Carried unanimously.

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NEW CASES

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

Mr. C. Nickmar, Chairman of the Executive Committee and Mr. Frank Hillman, Director of Vocational Center in Arlington came before the Board.

Mr. Roy Swayze, representing a group of citizens opposing this use, asked the Board to speak for a few minutes in the interests of saving time. On behalf of his clients he asked that the Board defer this case at which time full evidence could be presented.

This is a colored area, Mr. Swayze stated, and the people in this vicinity are very eager to maintain the good character of their neighborhood; they are very active civicly.

They have purchased the property (nine acres) immediately across from this proposed shelter for a civic center and recreation center. Many people in the neighborhood are greatly concerned over this development. Several do not live in the area, although they own property. Since they did not know of this hearing until May 8, when the property was posted, those not living in the area have not had the opportunity to present their opposition, some do not even know of it. Mr. Swayze said he was contacted only this day to present their opposition. He could not notify all the people concerned, but since there will be substantial opposition, he would like time to organize the opposition. It was pointed out that all legal requirements had been met, advertising and posting.

While the Board agreed that people living in the immediate area were more concerned than non-resident property owners, it was suggested that it was unfair to impose a use in a neighborhood without a full hearing before all concerned and without all having been advised of the proposed project.

About ten people living in the immediate area were present in opposition. Five were present favoring the project.

Mr. Lamond suggested that since it is known that there is substantial opposition they should get together and make an effort to resolve some of the differences before this case comes back to the Board.

NEW CASES

11-Ctd. Mr. Nickmar said they wanted people in the area to know their purpose; they would welcome the opportunity to explain their plans to the people. They do not want future opposition. They believe this project will enhance the community rather than detract from it.

Mr. Lamond moved that the case be deferred until May 26, during which time the applicant and the opposition will discuss the project. Seconded, Mr. Barnes. Carried unanimously.

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12- FLINT HILL PRIVATE SCHOOL, to permit erection and operation of a school and a private school recreational area, property on easterly side Route 671 at intersection Route 665, Centreville District. (Agricultural)

Mr. Hugh and Mr. Nicholson represented the applicant.

This school is now operating just outside of Oakton on Route 123, Mr. Nicholson recalled to the Board; they take pupils from kindergarten through high school. The school has been operating for a number of years without opposition. They conduct a summer day camp, having an enrollment of 400 children. One of the activities of the school is horseback riding. They now have the horses on rented ground. They do not know how long that property will be available and since they are getting more and more crowded on their own land they have contracted to buy a portion of the Maurice Fox farm where they will keep their horses and will conduct the summer day camp. They can shuttle back and forth easily between the two tracts as the Fox farm is only about five minutes from the school administration buildings. They may in the future move all of their activities to the Fox farm, but for the present, Mr. Nicholson said he would build his own home there which may in time be used as the administration building. They will also build a large stable. This tract comprises about 103 acres.

There were no objections from the area.

Mrs. Carpenter moved that the application of Flint Hill Private School be granted to permit construction and operation of a school and private school recreational area, on property located on the easterly side of Route 671, at intersection with Route 665, as it does not appear that this use would adversely affect the use of neighboring property. Seconded, Mr. Lamond. Carried unanimously.

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

NEW CASES

13-Ctd. Mr. Seone represented the applicant. This would be rented out for painting and repair of small foreign cars, Mr. Seone explained. He also stated that he had 100% cooperation from all the neighbors and property owners on the street. The building will be of masonry construction and Mr. Seone said he realized that no storage of wrecked cars would be allowed.

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Mr. Cerney and Mr. Peterman who will do the body work and painting were present.

Mr. Seone was of the opinion that this would clean up this corner; the business operations would be under roof and both Mr. Cerney and Mr. Peterman agreed that there would be no storage of wrecked cars.

Asked if another business would be put on this lot, Mr. Seone answered that this operation would occupy 50 ft. x 117 ft. and that he would put up another building.

Mrs. Henderson questioned sufficient parking area for two businesses. These men will employ four body men and three painters along with office help, probably eight employees. Mr. Seone figured they could park in front within the 35 ft. setback.

It was noted that the only access to the rear of the property is through the building. The Board questioned adequate space for their operations and parking plus parking for the eight employees.

It was suggested that this operation should have an area of at least 100 ft. x 117 ft. and should have access to the rear of the building other than through the building.

Mr. Schumann said that the Land Planning Office had also been concerned about the parking space. He suggested deferring the case for two weeks to give the Land Planning Office time to work up a plan to show how the property can provide off street parking.

Mr. Lamond so moved -- that the case be deferred until May 26 as suggested by Mr. Schumann. (Mr. Schumann said they would get together with the applicant.) Seconded, Mr. Smith. Carried unanimously.

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14- PEGGY M. ARRITT, to permit operation of a nursery and kindergarten, on north side of Spring Good Avenue and westerly adjacent to Lot 9, Springwood Subdivision. Dranesville District. (Agricultural)

Mrs. Arritt showed pictures of her home which would be used for the school. She stated that it is her plan to operate from 9:00 to 12:00 with from 12 to 15 children. They have a 1096 sq. ft. basement where the school

14-Ctd. will be conducted. Adequacy of the building has been discussed with the Fire Marshal and they will meet all County requirements. The well and septic are adequate. The lot is sufficiently large to permit off-street parking. The children will be brought by their parents. While they have a large play yard at present, this may be enlarged.

There were no objections from the area.

Mrs. Carpenter moved that the application of Peggy Arritt to operate a nursery and kindergarten on the north side of Spring Wood Avenue be granted with the understanding that the applicant comply with the requirements of the Fire Marshal and the Health Department.

Seconded, Mr. Barnes. Carried unanimously.

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15 - RAYMOND BELL, to permit division of lots with less area than allowed by the Ordinance, Lots 29 and 30, Section 1, Beulah Heights, Providence District. (Rural Residence Class 2)

Miss Mary Bell, Attorney and Mr. Bell appeared before the Board.

Miss Bell gave something of the background of these lots, explaining that the subdivision was put on record in January 1946 and Lots 29 and 30 were recorded in April of 1951. At a later date lots 29 and 30 were divided again, leaving an area between a house is built on the easterly part of Lot 30.

This area was zoned at that time for one half acre lots, but neither Lot 29 nor 30 nor the area between conformed to the area requirement.

The Town of Vienna has stated that they will furnish sewer and water to these lots. The lots in the Town are smaller, in the neighborhood of 12,500 sq. ft. Since these lots border the Town this reduction in area has little bearing on other lots in the County. The creation of a legal lot between 29 and 30 would establish a fair sized lot, and would straighten out the area along the County line and the Town. The lots are all wide, having a frontage of 135 ft. plus. Miss Bell stated that no variances would be needed for the homes to be built on these lots.

There were no objections from the area.

Mr. Smith moved that the application of Raymond Bell be granted to permit the division of Lots 29 & 30, Sec. 1, Beulah Heights, with less area than required by the Ordinance; this property is presently zoned Rural Residence Class 2 in accordance with the residential plan adopted by the Board of Supervisors. This is granted in accordance with plat presented with the case dated April 17, 1959. Granted under Section 6-12-g of the Ordinance.

Seconded, Mr. Barnes. Carried unanimously.

NEW CASES

16- ARLINGTON COUNCIL OF GIRL SCOUTS, to permit operation of a day camp, on north side of Route 620, Braddock Road, easterly adjacent to Centreville School property, Centreville District. (Agricultural)

Mrs. Askegaard represented the applicant. This tract, containing approximately 19 acres was given to the Council by Mr. Ed Holland, Mrs. Askegaard told the Board, for the purpose of conducting a day camp.

Mrs. Askegaard read the following statement of their intentions.

"This plan as to development is an unofficial estimate. We will not be able to plan the exact location of camp sites, shelter, well, toilets, etc. until we consult with our National Camping Advisor and get competent engineering advice.

Roughly, our number of units should be from 4 to 6, with each one taking care of from 16 to 20 girls.

We hope to develop this site as little as possible (that is, leave the trees as much as possible) in keeping with good camping standards. Another idea in the minds of some of us is to have a screen of trees around the camp, and fence it if financially possible.

Day camping is the primary purpose. That means the girls will come out for the day and go back home at night. There will be some tent camping for older units who want to bring out pup tents for overnight camping. At present we plan no permanent camp sites for longer rangee camping.

(s) Mildred E. Askegaard, Pres."

They plan one counselor for each eight girls, the counselors to be 21 years or older. This is set up for Arlington County only. The registration is approximately 4800. Mrs. Askegaard made it plain that their plans, location of camp sites and all facilities will meet requirements of the National Camping Adviser of the Girl Scouts. At present it is likely that they will have six sites; they will have no more than 80 girls at the grounds at one time. Camping will take place from 10 to 3 for four or five days a week, with no activity on weekends.

Mr. Smith stated that in his opinion this project was very worthwhile; it is proposed to be located in a rural area, no homes are near and there appear to be no objections to it.

Mrs. Carpenter moved to grant a use permit to the Arlington Council of Girl Scouts to operate a day camp located on the north side of Braddock Road, easterly adjacent to the Centreville School, as this does not appear that it would adversely affect neighboring property. Seconded, Mr. Barnes. Carried unanimously.

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17- W. W. OLIVER, to permit erection of one triangular sign (total area 747 sq. ft.) on southerly side of Rt. 7, approximately 300 ft. northerly from Route 244, at Bailey's Crossroads, Mason District. (General Business)

NEW CASES

17-Cd. Mr. Jack Stone represented the applicant. He displayed an overall picture of the shopping center and the relative location of the sign, pointing out that this sign is of the same pattern as that used on the Hot Shoppe. The sign has an overall height of 60 ft.

They have asked the triangular sign rather than back to back as they need to attract motorists coming from three directions. They would agree to turn the illumination off whenever the Board says, Mr. Stone volunteered, and they could reduce the square footage to 200 sq. ft. per side if the Board thought the size objectionable, but they need the three sided sign to overcome the knolls and to attract traffic on the three approaches to the intersection. The sign must also be high to be in full vision of the traveling public. These shopping centers are becoming very competitive, Mr. Stone stated, and they must have attractive signs and sufficient sign area.

Mr. Lamond called attention to the shopping center at Hollin Hall Village which is dignified and adequate without the large garish signs which add a honky-tonk atmosphere.

Mr. Lamond moved to send this application back to Mr. Stone for revision and reduction, something the Board could approve; not to exceed 250 sq. ft. of total sign area.

Seconded, Mrs. Carpenter.

Mr. Lamond suggested a back to back sign with 250 sq. ft. A lengthy discussion followed, Mr. Stone insisting that anything less than 200 sq. ft. for each sign on the tripod would be completely inadequate; that the back to back sign would eliminate one entire traffic artery, which he felt they much reach because of such active competition in shopping centers.

Mr. Lamond withdrew his motion; Mrs. Carpenter agreed.

Mr. Smith suggested taking out the background.

Mr. Stone asked for a total of 500 sq. ft.

Mr. Lamond moved to deny the case; seconded, Mrs. Carpenter. Motion carried unanimously. More discussion followed, Mr. Stone claiming the Board had taken an unrealistic attitude, that the owner is entitled to reasonable identification for his shopping center. Mr. Lamond moved to reconsider the case. Seconded, Mr. Smith. Motion carried.

Mr. Dan Smith moved that a permit be granted to W. W. Oliver with one double faced sign not to exceed 225 sq. ft. per side or a triangular sign not to exceed 135 sq. ft. per face. Seconded, Mr. Barnes.

NEW CASES

17-Ctd. For the motion: Mr. Smith and Mr. Barnes.

Against the motion: Mr. Lamond, Mrs. Carpenter and Mrs. Henderson

Motion lost.

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In view of the Board's refusal for the large Acme sign at Hollin Hills shopping center they have worked out attractive and adequate signs, Mr. Lamond noted; he thought the same thing could be done here.

No further motions were made; refusal of the lost motion by Mr. Smith was considered denial of the case.

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18- HOLMES RUN ACRES RECREATION ASSOCIATION, to permit extension of pool facilities, 86,431 sq. ft. formerly Lot 7, Block 1, Holmes Run Acres, Falls Church District. (Suburban Residence Class 2)

Mr. Eugene Powell, member of the Board of Directors, represented the applicant. Mr. Irman, Vice President, was also present. This recreational facility has been established for some time, operating under a non-profit corporation. They wish now to expand their facilities. The present facilities consist of a pool 75 ft. x. 30 ft., a wading pool and bath house. The additional pool will be 75 ft. x 40 ft. and they will enlarge the bath house facilities. Both pools will be fenced. Parking space (15,000 sq. ft.) allows for 56 cars; since approximately 300 people live within walking distance of the pool it is believed the 56 car parking area is sufficient.

The parking lot has never been used to capacity except when they have had a special swim meet when many spectators have been present. That happens only two or three times during the summer.

At present, 270 families use the facilities. With this expansion they will take in up to 350 families. Their original charter allowed for 1000 members but they have no intentionnof expanding to that number.

Nineteen persons were present favoring this extension and no objections.

Mrs. Carpenter moved to grant the application of Holmes Run Acres Recreation Association for the requested extension of pool facilities with the understanding that sufficient parking space will be provided on the property and that there will be no parking on Holmes Run Road.

Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- LOUIS AND DORIS MENSH, to permit erection and operation of a service station and permit pump islands 25 feet from the right of way line of Huntington Avenue, Part Lot 3, Div. of Joseph P. and Elizabeth Kleckner

DEFERRED CASES

1-Ctd. Property, Mt. Vernon District. (General Business)

Mr. Mensch presented a plat showing the entire proposed development on this property, pointing out that the additional area between the parking lot and the lease line of the filling station which could be used for parking or for play area.

A letter from Huntington Apartments was read opposing this filling station as an undesirable nuisance, depreciating to property values, and out of keeping with a residential neighborhood, also citing the many filling stations nearby which are not profitable.

Mr. Mensh stated that he could not put apartments on this property and compete with Hungington as that apartment was built under an old loan from FHA and the rents are very low. He could not meet those rents. They will build the one unit with eleven apartments, but could not go further with apartment construction. They feel that the filling station will be something of a buffer between the apartments and noisy Huntington Avenue.

Mr. Mooreland stated that the parking shown on the plat meets with approval of his office, however, he asked that if this is granted, that it be written on the plat that this is a lease line and not a dividing line for sale purposes. If this property is sold, it comes under Subdivision Control. Mr. Mensh stated that the dividing line between the filling station property and the apartment property is definitely a lease line only.

Mr. Lamond moved that the application of Louis and Doris Mensh to erect and operate a service station be granted with the property line at the rear designated as "lease line" and that the pump island be allowed to come within 25 ft. of the right of way line of Huntington Avenue. This is granted for a filling station only and there shall be no storage or resting place for trucks or any other business on this property; this is granted as per plat dated May 9, 1959 prepared by Rodgers Brothers and Associates. Seconded, Mr. Smith.

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

Mrs. Henderson refrained from voting saying she did not like to see a filling station next door to apartments, but when an apartment locates in a business zone, it does so knowing practically any type of business may spring up around it.

2- JOHN C. AND NORMA J. HARLAN, to permit erection of warehouse 25 ft. from Center St. and 14 ft. from Moncure Ave. part Lots 17 & 18, Sec. 1, Dowden Center, Mason District. (General Business)

DEFERRED CASES

2-Ctd. Mr. Swayze represented the applicants. While waiting for Mr. Schumann to return to the room, Mr. Mooreland read a letter from the Mt. Vernon Yacht Club asking if they could store gas for the convenience of their members. This was not included in the granting of the application. Mr. Mooreland asked if the Board would allow sale of gas to members or should the Club make application to the Board for this additional use. Most Yacht clubs do sell gas, Mr. Lamond noted, to their members. It is a great convenience; it should be allowed, he suggested, but should be done under the control of the Board. Therefore, Mr. Lamond moved that a new application be required, but it was the understanding of the Board that this sale of gas would be to members only. No second to this motion, but it was generally agreed to by the Board.

Mr. Schumann pointed out the following facts in this case: Setback requirements from Center Street are 35 feet; this application asks for a 25 ft. setback. The required setback from Moncure Street is 40 ft.; this application requests 14.

The Planning Commission discussed this at length, Mr. Schumann stated; they were of the opinion that Moncure St. might serve as a by-pass for the Baileys Crossroads intersection some time in the future. But, he continued, the real question is not the by pass, it is the setback. The Commission asked why not observe the required setback here the same as in any other general business district. How can the Board grant a large variance here and deny it in other cases? This is a 26 ft. variance. Why, Mr. Schumann asked, is this so different as to require this variance? The Board has jurisdiction (page 96) to grant variances in case of topography or other extraordinary conditions. What extraordinary or exceptional condition exists here? Mr. Schumann asked. It is an angle. Is that basis for the Board to amend the Ordinance? Mr. Schumann thought not. If the setback requirement is wrong, then the Ordinance is wrong and should be amended by the Board of Supervisors. The Planning Commission recommended to deny the case.

Mr. Schumann again quoted from the ordinance saying the ordinance does require that the Board state its full reasons for granting a variance (Page 92 paragraph 6). This is a question of principle, not a personal matter, Mr. Schumann continued. The Board cannot go along with a property owner, Mr. Schumann continued, who wants to come closer to a street right of way line just because he wants to do so.

Mr. Swayze insisted that the Commission did not make the statements which Mr. Schumann had just made. They merely took a unanimous vote against

2-Ctd. the granting, but practically without comment.

If the Board has no authority to grant this, then there is no reason to have a Board of Zoning Appeals, Mr. Swayze argued. There are more reasons to grant this than simply the fact that the man wants it. The status of this street is an important question. It stops at this property and there is no assurance that it will ever be continued further, but it might some day go on to Columbia Pike and therefore become an important link, but if a by-pass of Baileys Crossroads is ever planned, this would not be it-- the entrance into Columbia Pike is too dangerous and it is too close to the intersection. Traffic-wise this would present an even greater problem than that which exists.

Here we have a street that really does not exist, Mr. Swayze went on, and we have a man who wants to put his land to its highest and best use, asking a variance on a dead-end street. These are extenuating circumstances.

Mr. Swayze calls this "extenuating circumstances" Mr. Mooreland stated, he could pull almost any subdivision plat and find one or more situations just like this; there is nothing extenuating about this corner.

Mrs. Henderson asked if Mr. Swayze had considered vacating the street.

Mr. Swayze answered that he had but had not considered it seriously as he knew Mr. Schumann would oppose it before the Board of Supervisors. (Mr. Schumann agreed that he would oppose such a proposal)

Mrs. Henderson asked Mr. Swayze to explain the hardship in this case.

The man finds himself hemmed in with streets that do not exist; the setback has no meaning. The man wants to stay in the area, his holdings are here and his business established; he is held back by a mere technicality which the Board of Zoning Appeals can relieve; he is stifled as it is.

Mr. Lamond suggested that Mr. Swayze take this back to his client with the thought of planning a building which would more nearly conform to requirements, something that would not take an amendment to the Ordinance to handle.

The discussion continued at length, with suggestions that the applicant consider a triangular shaped building which could be adapted to the lot with a 35 ft. setback from Center Street and if the paint shop were cut off the corner of the building, Mr. Smith agreed that something should be done if possible, for Mr. Harlan, but nothing like the request in this application. Seconded, Mr. Barnes. (Defer to May 26.)

For the motion: Messrs. Smith, Barnes and Lamond. Mrs. Carpenter and Mrs. Henderson voted against the motion for the reason that in their opinion the proper action to take was denial as no exceptional condition nor

DEFERRED CASES

2-Ctd. hardship were shown. Motion carried to defer.

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NEW CASES:

7-Ctd. The case of Richard Ferranti was deferred to May 26 as no one was present to support the request.

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Mr. Mooreland told of a series of letters and copies of letters received in his office regarding compliance of the American Legion Post No. 176 with the Board's motion of November 10, 1958. The complainants are members of the Springvale Civic Association. The trees to be planted as a buffer screen were, according to the Board's motion to be in place by May 1, 1959. The Association contended that the planting as they request it, has not been done and they are not living up to their contract.

Mr. Mooreland suggested that the Post make formal application for extension of time in the planting.

The Board agreed that that is the proper procedure.

Mr. Smith said he would like to see the property before the hearing on the extension.

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Mr. Mooreland reported to the Board that the Dodd Medical Building is completed and it does not observe the setbacks granted by the Board of Zoning Appeals. The Board agreed that the setbacks be approved as they exist.

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Mr. Mooreland read a letter from Mr. Bright, neighbor to the Max Singletary house which variance the Board denied at a recent hearing, asking the Board to reppen the case for a rehearing. Mr. Bright considered the carport a detriment to his property. He wished the Board to consider granting a garage.

The Board recalled that there was an alternate location for a garage on this property and therefore no reason to reopen the case. It had been given full consideration at the public hearing.

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Mr. Schumann read a letter from Mr. Richmond whose variance was granted in October 1958. Mr. Richmond has been afraid to start his construction until he knows the location of the highway. It has not yet been located and he has no assurance of just where it will go. Mr. Richmond asked an extension of time to start his construction.

Mr. Smith moved to extend the time for one year; seconded, Mr. Barnes.

Carried unanimously.

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The meeting adjourned.

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