The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Friday, November 7, 1969 in the Board of Supervisors Room in the new County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Clarence Yeatman and Mr. Joseph Baker.

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

The Chairman expressed gratitude to the citizens of Fairfax County, the Board of Supervisors and the County Executive for the beautiful new Board Room.

HORST KOBER, app. under Sec. 30-6.6 of the Ordinance, to permit erection of two car garage 13 ft. from side property line, 5703 Tinkers Lane, Centreville District, (RE-1), Map 77 ((1)) 19, V-189-69

Mr. Kober stated that the proposed location was the only place he could locate a garage as there is a large tree and well pipes which prevent him from putting it in another place. He has owned the property for three and a half years. He is the original owner. He needs a two car garage to house his two automobiles. He works as a mechanic and would like to have a place to work on his own cars. When he bought the house the builder told him there would be no problem in adding the garage.

This is a new house, Mr. Smith commented, and there is adequate space on the opposite side of the house to construct a garage or carport. Possibly the Board should take a look at this property and have the location of the septic field shown on the plats.

No opposition.

Mr. Yeatman moved to defer action for plats showing the location of the septic field on the property, and to view the property. Seconded, Mr. Baker. Carried unanimously.

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VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection of transmission lines and poles, from Bull Run substation to Prince William County line, Centreville District, (RE-1), Map 65 ((1)) 105, 97, 96, 43, 40, 44, 44A, 48, 47 and 50, 74 ((1)) 1, 4, 5, 12A, S-190-69

Mr. Knowlton reported that this application was approved by the Planning Commission under Section 15-1.456 of the State Code.

Mr. Randolph W. Church, Jr. represented the applicant. He described the location of the proposed facility and pointed out the existing lines in Fairfax County. He introduced Mr. R. W. Carroll, District Manager of the Potomac District of Virginia Electric and Power Company.

Mr. Carroll gave the following report: Vepco has a 34.5 kv line which extends from Bull Run Substation in Fairfax County to Cannon Branch Substation in Prince William County. A tap from this line serves the Town of Manassas delivery point. On this same pole line a second 34.5 kv line extends from Bull Run Substation a distance of approximately 0.7 miles to serve the Prince William Electric Cooperative "Harrison" delivery point in Fairfax County.

The total capability of the Bull Run-Cannon Branch line is 12,000 kw. The load in 1963 was 4,918 kw and in 1968 it had grown to 11,760 kw. Electric load growth in the order of 20% per year in this area make it necessary to increase the line facilities to serve their customers and also those in the Town of Manassas. This growth rate has been projected to be equaled or exceeded for the next five years, through 1973. Obviously, Vepco must find a way to deliver substantially increased quantities of electricity to its Cannon Branch substation.

Vepco proposes to rebuild the present 34.5 kv line from Bull Run to Cannon Branch Substation for 115 kv operation. Larger conductors will be installed on single poles and the line will follow the same routing. The new installation will have a greater capacity and will be capable of meeting the future needs in this area. Approximately 1.74 miles of this line is in Fairfax County. The route of the proposed line is to the south from Bull Run Substation near Route 28. Except in one location where a single concrete pole will be used, the line will be supported on single wooden poles having an average height of approximately 64 feet. The 34.5 kv circuit to the Harrison delivery point will be placed on these poles for a distance of 0.7 miles. The line is built to meet or exceed the requirements of the National Electrical Safety Code. It will create no new traffic which might be hazardous or inconvenient to the neighborhood, and it will not cause any interference with electronic equipment.

This line will follow the route of the present 34.5 kv line and no additional right of way will be required. The new poles in fact will be placed nearly in the exact location of the existing poles which will be removed. This proposal is for a substitution of facilities.

Virginia Electric and Power Company - Ctd.

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This proposed facility is necessary in order to continue to render dependable service to this area and the route selected is the best available, Mr. Carroll continued. While the basic purpose of the line will be to furnish power to customers in Prince William County, the line will become an essential part of a new loop which will make electricity available to the Bull Run Substation and the many Fairfax County customers served by it in the event of difficulty in the 115 kv line presently serving Bull Run from the west. Permission has already been secured from Prince William County for the approximately 5.3 miles that this line will cover.

Mr. Smith asked what would be the height of the highest pole.

The average height would be 64 ft. out of the ground for new poles, Mr. Church replied. The existing poles probably average about 40 ft. out of the ground. Most of the right of way is 50 ft. and in some places is an old easement of undesignated width. The only rights involved here is the right to locate new guy wires. In some cases they might be outside the 50 ft.

Mr. McK. Downs, real estate broker and appraiser presented a study that he had made of the surrounding area, concluding that subject application, if granted, would have no adverse effects on the area.

No opposition.

In application S-190-69, an application by Virginia Electric & Power Company, to permit erection of transmission lines and poles from Bull Run Substation to Prince William County line, located in Centreville District, also known as tax maps 65 ((1)) 105, 97, 96, 43, 40, 44, 44A, 48, 47, 50; 74 ((1)) 1, 4, 5, 12A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 7th day of November,, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The line is proposed to be erected on an existing VEPCO easement.
2. Present zoning of the property is RE-1.
3. Length of the proposed line is 9,200 ft.
4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required.
5. This application was approved by the Planning Commission under Section 15-1.456 of the State Code on November 3, 1969.

WHEREAS' the Board of Zoning Appeals has reached the following conclusions of law:

1. This application meets standards of use permits in R districts found in Section 30-7.1.1 of the Code.

NOW THEREFORE BE IT RESOLVED, that the subject application of Virginia Electric & Power Company, under Section 30-7.2.2.1.2 of the Code of Fairfax County, to permit erection of transmission lines and poles from Bull Run Substation to Prince William County line be and the same hereby is granted with the following limitations:

This line will be in conformance with plats and drawings submitted to the Board. Height of the poles will be a minimum of 45 ft. and a maximum of 90 ft. and all of them will be wooden poles except for one concrete pole.

Seconded, Mr. Baker. Carried 5-0.

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MRS. HAROLD L. BARR, JR., application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of dog and cat kennel, 7121 Bull Run Post Office Road, Centreville District, (RE-1), Map 64 ((1)) 60, S-191-69

Mrs. Barr stated that she formerly had a use permit and it has about run out. She does a lot of humane work and needs these facilities, and takes in boarding to support her hobby.

Mr. Woodson reported that there had been no complaints on the operation.

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MRS. HAROLD L. BARR, JR. - Ctd.

Mrs. Barr stated that she has been away and has had the place leased. She said she had talked with Mr. Woodson and he said she would have to make application and come before the Board.

Mr. Smith pointed out that Mrs. Barr would have to run this herself. If she moves, the other person operating the kennel would have to have a use permit or be made a part of the use permit. As long as the applicant owns the property it is possible the Board might add a name to this permit.

Mr. Barnes said he had been on the property and recommended it highly.

The plats do not show the distances from property lines, Mr. Smith noted. All of the buildings look like they meet the requirements but the plats should be updated for the record. He asked Mrs. Barr to have the distances put on and resubmit the plats within thirty days.

Mrs. Barr stated that she has about twenty dogs on the property, sometimes she has puppies and cats that she picks up and takes in. She could take care of about thirty cats and at the most would have 25 - 30 dogs. She helps with the animal rescue league and can take goats, horses or anything they don't have facilities to take care of. Sometimes she does humane work on her own. Her neighbors call her and she goes out and picks up animals.

No opposition.

In application S-191-69, an application by Mrs. Harold L. Barr, Jr., to permit operation of dog and cat kennel on property located at 7121 Bull Run Post Office Road in Centreville District, also known as tax map 64 ((1)) 60, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 7th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The subject property is owned by Harold L. Barr, Jr. and Katie D. Barr.
2. The present zoning of the property is RE-1.
3. The area of the parcel is 28,403 ac. of land.
4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required.
5. The Board of Zoning Appeals granted a special use permit for operation of dog and cat kennel on this property October 20, 1964 which has expired.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This use conforms to the standards for use permits in R districts under Section 30-7.1.1 of the Fairfax County Code.
2. Authorization of such use will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of said permit. Authorization of said use permit will not be injurious to the use of land and buildings in the vicinity or to the neighborhood.

NOW THEREFORE BE IT RESOLVED that the subject application of Mrs. Harold L. Barr, Jr., under Section 30-7.2.8.1.1 of the Code of Fairfax County, to permit operation of dog and cat kennel at 7121 Bull Run Post Office Road be and the same hereby is granted with the following limitations:

1. This is granted for three years with the Zoning Administrator impowered to grant one year extensions not to exceed a total of five years.
2. This is granted for a maximum of 30 dogs and 30 cats.
3. Plats are to be updated and resubmitted to the Division of Land Use Administration before occupancy permit is issued. Occupancy permit will be issued at such time as the applicant has complied with site plan requirements.
4. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

Seconded, Mr. Yeatman. Carried 5-0.

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ERNEST E. LOWEN, application under Section 30-6.6 of the Ordinance, to permit enclosure of existing screen porch for room closer to side property line than allowed, 3909 Mill Creek Drive, Mill Creek Park, Sec. 1B, Lot 57, Annandale District, (RE 0.5), Map 59-4 ((2)) 57, V-198-69

Mrs. Lowen stated that they have owned the property for almost three years. There is an enclosed porch there now which they would like to enclose for a bedroom as they need the extra space. They have public water and sewer now. This is a split level house with a one car garage, and they have air conditioning so the porch is practically useless. The lot is odd shaped, narrow and irregular in size. The house was built around 1959. Her husband is in the Navy and is taking a new tour of duty for two years. They would like to stay in this location as he will retire in six years and they plan to remain here.

Mrs. Coxey, living directly across the street, spoke in favor of the application.

No opposition.

In application V-198-69, an application by Ernest E. Lowen, to permit enclosure of existing screen porch for room closer to side property line than allowed by Ordinance, on property located at 3909 Mill Creek Drive (Sec. 1B, Mill Creek Park), Annandale District, also known as tax map 59-4 ((2)) 57, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 7th day of November 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. The present zoning of the property is RE 0.5.
3. The area of the lot is 26,130 sq. ft. of land.
4. The applicant has connected to public water and sewer.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This is an irregular shaped lot having topography of such that not to grant a variance would result in unnecessary hardship to the applicant.
2. Authorization of said variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of said variance. Authorization of the variance will not be injurious to the use of land and buildings in the vicinity, or to the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of Ernest E. Lowen, application under Section 30-6.6 of the Code of Fairfax County, to permit enclosure of existing screen porch for room closer to property line than allowed, 3909 Mill Creek Drive, be and the same hereby is granted with the following limitations:

This approval is granted to the applicant on the property indicated in this application and is not transferable to other land.

Seconded, Mr. Yeatman. Carried 5-0.

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Mr. Knowlton presented a letter regarding the proposed budget for the coming year as would affect the Board of Zoning Appeals. The Chairman was asked to draw up a letter endorsing the staff's proposal.

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HAMLET SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of three tennis courts, 8209 Dunsinane Court, McLean Hamlet, Dranesville District (R-17), Map 29-1, 29-2 ((1)) B, S-195-69

Mr. Birmingham, President of the Swim Club, stated that the original permit was granted November 28, 1967. They were under the impression that they had applied for the tennis courts in that application but found that the use permit did not include them. The application requests permission to construct three tennis courts to be used by the same members that use the pool. The club has 249 current family memberships and the facilities are designed and approval from the County gives them the right to have 400 family memberships. They have not been able to raise anywhere near that amount in their membership drives and subscriptions.

The original motion specified that the applicant had to provide not less than 134 parking spaces for a maximum family membership of 400, Mr. Smith pointed out, this was a ratio of 1-3. This application proposes to drop the number of spaces to 77.

That is true, Mr. Birmingham agreed, on the basis of the present fenced parking areas. They have two with room for expansion. They did not contemplate expanding the parking areas until they had a better indication of need. They have the ability on one side of the turn around area to expand that reasonably close to double existing size. They have additional land back to the southeast of where they propose to put the tennis courts to provide additional parking spaces as they grew and need them.

Mr. Yeatman said he felt the membership should be reduced in accordance with the amount of parking. They could proceed with the tennis courts and later in the future bring in more members if they have enough parking.

Mr. Birmingham said he had a letter showing the approximate use that they have made of their parking spaces on the busiest days. On May 30 with over 500 people in the pool, 42 cars were on the lot. On the second day of operation they had 760 people using the pool facilities with 46 cars on the lot.

This apparently is the first summer they have operated, Mr. Smith said. Do they plan to hold swim meets?

Yes, Mr. Birmingham replied.

The Board has no authority to waive the parking requirements for a use permit, Mr. Smith pointed out. The Board granted the use permit based on 134 parking spaces.

The Board discussed the parking at length. Mr. Smith felt the Board should have new plats showing 134 parking spaces rather than 77. Why couldn't the tennis courts be put in another area, he asked? Perhaps the Board could give tentative approval to the application with certain stipulations if the applicant could submit new site plans showing the layout of the parking, tennis courts, proposed fence height, etc. within 30 days. This will have to have a new site plan anyway. The Board acted on a request in May 1969 by Captain Kelly for a utility shelter -- this was done without a formal application. Is this shown on the site plan, he asked?

Yes, it is shown on the as built site plan which they have just received County Approval on about a week ago, Mr. Birmingham said. The plat before the Board was prepared in August and they just had the as built plan made in October and submitted to the County. They have had a temporary occupancy permit but received the final one last week.

No opposition.

In application S-195-69, an application by Hamlet Swim Club, Inc., to permit construction of three tennis courts on property located at 8209 Dunsinane Court, McLean Hamlet, Dranesville District, also known as tax map 29-1, 29-2 ((3)) Lot B, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 7th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. Present zoning of the property is R-17 and RE 0.5.
3. The area of the lot is 4.57071 ac. of land.
4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required.
5. The Board of Zoning Appeals granted a permit to the applicant for a swimming pool, wading pool and bath house November 28, 1967.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This use conforms to standards for use permits in R districts under Section 30-7.1.1 of the County Code.
2. Authorization of such permit will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of said permit. Authorization of the permit will not be injurious to the use of land and buildings in the vicinity or to the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of Hamlet Swim Club, Inc. to permit construction of three tennis courts on property located at 8209 Dunsinane Court, be and the same hereby is granted with the following limitations:

HAMLET SWIM CLUB, INC. - Ctd.

1. Total membership shall not exceed 400 members with provisions for 134 parking spaces. A plat showing all parking spaces and existing improvements shall be submitted to the Board within thirty days of date of approval.

2. A chain link fence 10 ft. high interlaced with screening material approved by the County Planning Engineer shall be erected 8 ft. inside the property line around the tennis courts adjacent to the Elgin property.

3. Conformance with Article XI of the Zoning Ordinance will be required.

4. This approval is granted for the location indicated in this application and is not transferable to other land and is granted for the uses and buildings submitted on the plat. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

Seconded, Mr. Yeatman. Carried 5-0.

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SAMUEL L. & DORIS E. TROOBNICK, application under Section 30-6.6 of the Ordinance, to permit deficient lot area on Lots 2A, 3A, 4A, 5A; 6412, 6416, 6422, 6428 Pickett Street, Fairview, Lee District (R-17), Map 83-3 ((5)) 2, 3, 4, 5, V-194-69

Mr. Hunter Bourne represented the applicant.

There are actually four lots they are asking the variance on, Mr. Bourne stated. The plat shows the original lots as they are now platted of record. They are shown as Lots 1, 2, 3, 4, and 5. Lot 4 has the existing residence that would be on new Lot 500 and Lot 5 has the garage and summer house that would go with the existing residence on Lot 500. The driveway for the existing residence comes in off Kings Highway. The slope of the ground is from Lot 13 down to the existing houses shown on Lots 2A, 3A, 4A and 5A. There is a drainage ditch that goes along approximately the line between the properties that are being set up which drains the water out to Kings Highway and down to be disposed of. The properties in question were built over fifteen years ago by an owner who owned all of the property at that time. He built these houses along Pickett Street and rented them for a number of years. The present owner bought the land about five years ago, and has rented the properties. They would like to be able to sell off the small houses now. If the property was not divided this way, they would have to tear out the existing driveway to the house on Lot 500 and the garage would have to be torn down and the drainage situation completely revised because it is along these lot lines. They do feel that this is a hardship case. The neighbors have no objections to the request.

Mr. Smith felt the application was tantamount to rezoning. Unfortunately, the applicants purchased this problem; they were aware of the zoning laws when they purchased the land. There have been no changes since they purchased the land.

Mr. Bourne said the tax records show these lots as 1, 2, 3 and 4, and there were individual mortgages on them at the time of purchase and deeds setting this up as a breakdown of these lots. When they purchased the property they did not know that they bought two residences on Lot 4. They had a breakdown in the deed which transferred this property. They are recorded in the plat book but have never been submitted on an approved plat filed of record. The deed books and the tax records show a different description.

Mr. Long asked if the applicant would put in curb, gutter and storm sewer and upgrade the street, or would he sell the lots like they are?

This is an existing street now in the State system and it was not planned to upgrade the curb and gutter, Mr. Bourne replied.

Mr. Bourne stated that although the area is zoned R-17 there is an area behind it already zoned for apartments and a business community in the area. There is an application for rezoning across the street for town houses and there are existing apartments in the area. There will probably be rezoning of some higher density type zoning of the entire area.

Mr. Smith said this was an excellent argument for rezoning.

He could not comply with the requirements of R-17, Mr. Long commented, and some variances would be necessary.

The only thing he could apply for in order to do what he wants, Mr. Knowlton said, is R-10 zoning. This would be the only zoning classification where this Board could reduce the size of the lots this much.

Mr. Smith read from the Ordinance the section regarding variances -- in this case, the purchasers bought with the knowledge that this problem existed, he said.

SAMUEL L. & DORIS E. TROBNICK - Ctd.

They were not knowledgable purchasers perhaps, Mr. Yeatman suggested, but they should have been.

Mr. Smith read from the State Code -- the Board shall not have the power to rezone property or change the district boundaries as established by the Ordinance. If there is a hardship on this basis, the correct avenue would be to apply for a change of zoning or to re-establish the lines in a more realistic manner. This request is one that is not in keeping with the hardship section. This is a maximum request rather than a minimum.

Mr. Bourne requested that the matter be continued so he could resubmit plans for the application.

Mr. Smith felt that since the lots exist, they could be sold -- the only possible conflict would be on the one lot where there are two houses on the same lot (Lot 4) and possibly they would have to sell the garage with Lot 5 instead of the existing house.

Selling the lots would result in a landlocked house, garage and summer house, Mr. Bourne said.

Mr. Long suggested an easement through Lot 2 or 3. That would be no reason for granting a variance, he said.

Mr. Yeatman moved to defer for 30 days. Seconded, Mr. Baker. Carried unanimously.

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LT. COL. RAYMOND F. LATALL, app. under Sec. 30-6.6 of the Ordinance, to permit enclosure of existing carport and add small utility room closer to side property line than allowed by Ordinance, 6406 Wyngate Drive, Keene Mill Station, Sec. 1, Lot 34, Springfield District, (R-12.5), Map 89-1 ((9)) 34, V-215-69

Mrs. Latall stated that her husband is in the hospital and could not be present. The house is less than one year old. They purchased it with a carport because a garage was not available. There is a roof, floor and three pillars. No protection is given by the carport during a rainstorm. They would like to have the aluminum siding continued around the existing carport to give more protection. The salesman who sold them the house told them this could be done. There is a storm sewer easement of 10 ft. there and the total distance from the property line to the carport is 11 ft. There is a steep incline in the back of the house and the property drops down to the creek so they could not put a garage there. The lot is irregularly shaped -- it is narrow in the front and wide in the rear. Her husband is in the Marine Corps and they plan to settle here.

No opposition.

In application V-215-69, an application by Lt. Col. Raymond F. Latall, application under Section 30-6.6 of the Ordinance to permit enclosure of existing carport and to add a small utility room closer to side property line than allowed by Ordinance, on property located at 6406 Wyngate Drive (Sec. 1, Keene Mill Station) Springfield District, also known as tax map 89-1 ((9)) 34, Fairfax County, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 7th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. The present zoning of the property is R-12.5.
3. The area of the lot is 17,413 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This is an irregular shaped lot with narrow frontage and this is the minimum variance required.
2. Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of said variance. Authorization of the variance will not be injurious to the use of land and buildings in the vicinity or to the neighborhood.

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LT. COL. RAYMOND F. LATALL - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application of Rayjond F. Latall, to permit enclosure of existing carport closer to side property line than allowed by Ordinance, at 6406 Wyngate Drive, be and the same hereby is granted with the following limitations:

1. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to the date of expiration.

2. This approval is granted for the location indicated in this application and not transferable to other land.

Seconded, Mr. Barnes. Carried unanimously.

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W. O. QUADE, application V-437-66 - Request for additional extension of variance granted November 1, 1966 to permit division of lot with less frontage at the building setback line than allowed, Lot 49, Buffalo Hill, located on Nicholson St., Map 51-3

Mr. Quade said he still had not sold the house and would like some additional time. Unfortunately, he got carried away by the optimism of realtors and they assumed that they would be able to dispose of the property quickly. At the present time they have only one person who might develop into a prospect. He has lived at this location for 18 1/2 years and they would like to sell the house they live in and build another one. They cannot undertake construction of the new house until they sell the old one.

The Board granted permission to subdivide the lot, Mr. Smith said. All the applicant has to do is bring in the plat to the courthouse and put it on record. There is really no reason for more than a 90 day extension.

Mr. Quade said he would start subdividing right away.

Mr. Yeatman moved to grant a 90 day extension to allow the applicant to survey the lot, and put it on record. Seconded, Mr. Barnes. Carried unanimously.

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JOHN P. D. CRIST (Atlantic Refining Co.) for extension of use permit granted April 23, 1968 to permit erection and operation of service station, SE corner of U. S.#1 and Gunston Hall Road, Mt. Vernon District, Map 113 ((1)) 133, 134, S-785-68

The building proposed by 7-Eleven is essentially the same as the Fast Foods Store, Mr. Crist explained. He submitted a copy of the site plan submitted to the County Planning Engineer. There will be no sign in the front of the property. The only sign will be on the building. They have the building permit for the gas station now but it has been a long hard struggle. This is one of the reasons Mr. Price requested the extension. They will have to remove a considerable amount of dirt before they can start construction. There still is a lot of work to be done and it takes time. The use permit actually does not pertain to the 7-Eleven other than the development has to be the same. The 7-Eleven Store is shown on a different site plan and it has not been approved as they are waiting for approval of percolation on the ground. They have approved percolation for the service station.

Mr. Yeatman moved to grant an extension of one year from today's date. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion as the request was only until 23 April 1970.

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JACQUELINE S. NOVAK, application under Section 30-7.2.8.1.2 of the Zoning Ordinance, for erection and operation of riding stable, E. side of Hunter Mill Rd. at Washington & Old Dominion Railroad Right of way, Centreville District, S-702-67 - show cause why further extension of use permit should not be denied.

Mr. Koneczny reported that since the use permit had been granted he had been called out to the property on numerous occasions. A number of neighbors are concerned about horses getting off the property. One of the neighbors who appeared before the Board the day that this hearing was set up could not be present today because of illness in the family.

Two people appeared at a previous Board meeting, Mr. Smith explained, with photographs showing horses on their property. There have also been complaints made that people ride on Hunter Mill Road.

Mr. Koneczny recalled that a warrant had been obtained for Mrs. Novak by Mr. Peter Nordley for allowing horses to trespass on his property. The court case was set

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JACQUELINE NOVAK - Ctd.

for April of this year and dropped. There has been a lot of controversy about horses getting out. The Department of Recreation has been notified as they have a contract with Mrs. Novak and someone is supposed to be present at this meeting.

Mr. Conrad Marshall, attorney representing Mrs. Novak, asked the Inspector if he had seen any broken fences or evidence of horses getting out.

Mr. Koneczny replied that he had not gone over the entire property but in the early parts of the use there was no gate at the entrance. It was his understanding that the horses were getting through this area. Since then a gate has been installed and at all times he has found it locked.

Mr. Smith stated that at the time the Board granted the last extension, a copy of the lease and certificate of insurance were requested.

Mrs. Novak says there should be a copy of the lease in the file, Mr. Marshall said. She does have the required insurance.

The lease in the folder expired in September 1969, Mr. Smith stated. It might be a good idea to extend this use for another thirty days and in the meantime have Mrs. Novak submit copies of the lease and insurance coverage to the Board.

Representative from the Recreation Department said he had sent a letter to Mr. Covington regarding this, indicating the classes offered, the number of students attending, and length of service. They also indicated that they are satisfied with the services provided. They are very highly recommended and their contract with Mrs. Novak expires somewhere around December 5. This is contracted on a semester basis. They are now planning for their spring classes.

No opposition.

Mr. Marshall said that people were present to speak in favor of the application.

Mrs. Herbert Kraft, living in Wayside between Mrs. Kidwell and Mrs. Novak, stated that she went to every home in the area where people were at home and has twenty-eight signatures of people stating that in no way were they opposed to the use of a stable in the area. They find it a very helpful kind of recreation to have. In no case did anyone hesitate to sign the petition. All of these people live within a quarter mile of the riding stable.

Mr. Alan Smith, resident of Fairfax County for the past 18 years, said he believed a riding stable supplies a worthwhile recreation. Over the past eight years his daughter has ridden at four different riding stables in the County. He is familiar with the Hunter Mill Road area throughout all of this time. The Potomac Equitation Stable has been in existence throughout that entire time. He felt that from what he had seen of these stables, that Potomac Equitation is very carefully supervised. Children are not permitted to ride on the roads. The horses are well treated and well fed. He purchased a mare from the Novaks and has been boarding it there. He was certain that they Novaks had made every effort to keep the fences in good condition. Sometimes horses have been let out during the night -- no one knows who lets them out. The only instance he knows of when anyone rode on Hunter Mill Road was a couple of weeks ago when some of the members of the Novak family themselves took three of their horses to the horse show. This was not an activity of thePotomac Equitation Stable, but was action of the family with their own horses for personal purposes.

Mr. Smith felt that since this operation was under a use permit, any horseback riding on Hunter Mill Road would be a violation.

Mr. Barnes disagreed - the Board cannot stop anyone from riding horses on the road, he said.

Mr. Baker agreed. Riding their own horses was not a part of the school.

This was the only time they did it, Mr. Marshall stated, and if the Board feels they cannot do it, the Novaks will abide by this.

Mr. Koneczny said he had had no complaints about loose horses since June.

Mr. Yeatman moved to continue the hearing to December 9 with extension of the use permit until that time. In the meantime Mrs. Novak will bring in the information requested by the Board. Seconded, Mr. Baker. Carried unanimously.

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Mr. Koneczny reported that the Board of Zoning Appeals granted a use permit in 1964 to Miss Sharon Harrell for a riding school and boarding stable operation, with eleven horses on 200 acres of land.

November 7, 1969

SHARON HARRELL - Ctd.

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Since then there has been a reduction in the amount of land and an increase in the number of horses, Mr. Koneczny continued, and there have been many complaints from the principal of the school adjacent to the property, of horses getting out.

Mr. Mackall, attorney for the School Board, stated that horses have been on the School property many times. If Miss Harrell gets a use permit to move her horses to another location, there would not be any problem. He presented a letter giving times and dates when horses were on the school property.

Miss Harrell stated that they have been crowded out. The school was built on one side and apartments on the other. They are looking for another location and she spends every day trying to keep the horses up. They put up wooden posts and four strands of barb wire.

Mr. Barnes asked if the horses are fed properly?

They feed them complete feed and the horses look for holes in the fence, Miss Harrell replied. There are 55 horses on the property. They had 200 acres to start with and now they probably have 20 acres.

This operation should be phased out, Mr. Smith suggested, and the applicant should get rid of the horses there except for the eleven that were granted under the use permit. Possibly this could be phased out in sixty days. This area has changed since 1964 and this is no longer the proper place for this type operation.

They plan to send all of the school horses away and just keep the boarders there, Miss Harrell told the Board.

Mr. Smith did not recall granting a use permit for the boarding operation. This is in violation of the use permit. Fifty-five horses would not have been allowed on twenty acres of land.

After tomorrow there will only be thirty boarders left on this property and they are kept in their stalls, Miss Harrell said. They are only let out when their owners come in.

Mr. Smith suggested sixty days to remove all the horses from the property except for eleven. Mr. Barnes agreed.

Miss Harrell said she was trying to work out something about a new location, perhaps getting 68 acres of a 200 acre farm owned by the Hanes' - they would build a very large barn and it would be a nice place. There would be an indoor ring. The place has been fenced and the parking areas and rings bulldozed. They don't know whether to apply for the use permit now or wait since it seems there is going to be opposition to everything they do.

Mr. Yeatman moved to give the applicant 90 days to move the horses from this property -- 44 horses. If the Board gets any complaints within this 90 days from the School Board, she will have to move all of them. Seconded, Mr. Baker.

Mr. Smith voted against the motion - the application should be suspended before 90 days to protect the youngsters at the school, he said.

Mr. Smith asked Miss Harrell to submit a copy of her insurance policy for the record.

Mr. Fredrick Babson stated that he was a lawyer but he was not practicing today. However, Miss Harrell's plight concerns him. He understood that she came before the Board to ask for an out of turn hearing for another location in Great Falls. He understood that Mr. Hansbarger, her attorney, had told her not to say anything except she wanted an out of turn hearing for another meeting. It disturbed him that the young lady got no notice of this particular proceeding. If this is true, then this action was done without due process of the law. He sympathized with the School principal, and certainly shared the concern about the school children. She should have had ample notice of the charges and allegations and ample notice that she perhaps was to lose her means of livelihood. It also disturbed him that people in Great Falls would object to the proposed use of 200 acres surrounded by farm land. As pointed out by the Board members, pretty soon there will be no place left for riding schools.

Mr. Smith thanked Mr. Babson for his comments. The 44 horses spoken of are in violation of the use permit. This is not depriving her of her livelihood. The Board has seen fit to allow her to continue operating with 11 horses on which she has the original use permit. He was not aware that Miss Harrell came in to ask for an out of turn hearing, he said.

Mr. Yeatman said he would like to have the County Attorney's opinion as to whether a riding school or riding stable requires a special use permit.

Mr. Babson thought that would be helpful; he would ask him for it Monday morning, he said.

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SHARON HARRELL - Ctd.

In all fairness to the County Attorney, Mr. Smith said, the Board is responsible for interpreting the Ordinance. The Board should form an interpretation and if people do not agree, they would welcome discussion. If Miss Harrell wants to request an out of turn hearing, she should indicate this by writing the Department of Land Use Administration and it will be brought to the Board's attention.

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Miss Harrell said she did not know this was coming up. She cannot see her attorney until Monday morning.

The Board proceeded to the next item.

DAVID THEIS - Ponderosa Farm: Letter from Dennis Duffy, attorney for David Theis, stated that he could not be present November 18 and would like deferral.

Mr. Yeatman moved to defer to November 25, 1969. Seconded, Mr.Barnes. Carried unanimously.

Mr. Duffy indicated that no additional notice was needed.

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DUNN LORING WOODS SWIM CLUB - (deferred from October 21 for new plats and a question on the parking in flood plain)

Mr. Knowlton reported that Mr. Garza had reviewed the plans and found that some of the parking area extends into the flood plain but it is very negligible.

Representative for the applicant stated that the total membership is 425 and they propose to increase it to 625. They could provide 150 parking spaces.

The Board normally requires 1-3 parking, Mr. Smith said.

The original use permit for the pool was for 125 or 127 parking spaces with a total of 500 members, Mr. McNulty stated, with a total of 500 members. In 1968 they discovered when they got to 425 members it was overcrowded and to go beyond that would be senseless so the Board of Directors at that time reduced the membership from 500 to 425. Actually, they are only asking to increase the membership by 125. If they stay within the 1-4 ratio they would have to provide a total of 156 parking spaces. They have come up with 150.

Did the Board of Supervisors approve the parking in the flood plain area, Mr. Long asked?

The whole thing was revised so there would be no need for requiring a waiver, Mr. McNulty replied. He asked Mr. Strickhouser about setting aside an area for small car parking to give more than 150 spaces but he answered that he had no objection, however, the Ordinance requires parking spaces of minimum size as shown on the revised parking plan. This was something they could offer to the Board of Zoning Appeals, Mr. Strickhouser said. Between the creek and Cottage Street is a picnic area and originally they wanted to provide parking there but found out it was in flood plain. They can, if necessary, allow cars to park there. If they are held to the 1-3 ratio their plans for expansion will be in jeopardy. He presented a letter from the Dunn Loring Woods Citizens Association recommending approval of the use permit with the limited space they have, and endorsing the expansion program. All of the adjacent property owners are members of the Citizens Association except for two homes which are up for sale now, and they have no objection, Mr. McNulty said. They have kept records of attendance at their pool. On August 17 they show 24 cars at 2:00 and at 4:00 on the 17th 28 cars were on the parking lot. This was their greatest number of cars.

In application S-180-69, an application by the Dunn Loring Swim Club, Inc., to permit additional swimming pool, new bath house, move and change office to snack bar, increase membership and membership area, on property located at 8328 Cottage Street, also known as tax map 49-1 ((9)) (I) A, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 7th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

November 7, 1969

DUNN LORING WOODS SWIM CLUB - Ctd.

1. The property is owned by the Dunn Loring Swim Club, Inc.
2. Present zoning of the property is R-12.5.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This use conforms to standards for use permits in R districts under Section 30-7.1.1 of the County Code.

2. Authorization of such use will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of said permit.

3. Authorization of said use permit will not be injurious to the use of the land and buildings in the vicinity or to the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of Dunn Loring Swim Club, Inc., under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool, new bath house, move and change office to snack bar, increase membership and membership area, 8328 Cottage Street, be and the same hereby is granted with the following limitations:

1. That membership be limited to 685 family memberships, with a minimum of 150 parking spaces provided. The area between the parking and the stream is to be maintained in sod. All parking in connection with this use is to be confined to on-site.

2. Proposed development shall be in conformity with site plan filed with this application dated August 18, 1969, revised November 4, 1969.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

Seconded, Mr. Yeatman. Carried 5-0.

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LEVITT & SONS - Request for out of turn hearing on two applications in Greenbriar.

The Board granted out of turn hearings on December 9.

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GEORGE NIXON SUMMERS - Request for extension of variance to December 3, 1970.

Mr. Baker moved to grant the request; seconded, Mr. Long. Carried unanimously.

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Mr. Koneczny reported that he had not been able to obtain the required information from Fairfax Hospital regarding the accidents that took place in connection with the David Theis or Ponderosa Riding Stable.

Mr. Long moved that the Board send a letter to the Commonwealth's Attorney or County Attorney asking him to obtain the necessary information from the hospital. Seconded, Mr. Baker. Carried unanimously.

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Mr. Knowlton informed that from now on, because of the pressures of the workload in connection with rezoning applications, he would be unable to sit with the Board. Mr. York Phillips would be assisting the Board after today.

The Board members expressed regret as they have had a tendancy to depend on Mr. Knowlton during this time.

The meeting adjourned at 6:05 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

December 16, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 18, 1969 in the Board Room of the County Administration Building. Those present were: Mr. Daniel Smith, Chairman, Mr. George Barnes. Mr. Joseph Baker and Mr. Clarence Baker. (Mr. Richard Long was absent.)

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

A. EUGENE THOMAS, application under Section 30-6.6 of the Ordinance, to permit variance from side and rear for carry-out restaurant, 5635 Telegraph Road, NE corner of Telegraph Rd. and Kings Highway, Lee District, (C-G), Map 83-1 ((1)) 43, V-196-69

Mr. Stan Parris represented the applicant.

Mr. Smith stated that the applicant is not the owner of the property and in accordance with the Ordinance, the owner is the only person under the Ordinance who should apply under the hardship section for a variance. Any other person could not be aggrieved simply because they do not own the land.

This is a long term land lease tantamount to fee simple conveyance, Mr. Parris stated. Both the applicant and the property owner are out of town and he was unable to secure written authority from Mr. Thomas to act as his agent. He hoped the Board would hear the case and approve the application subject to delivery of the appropriate letter of authorization within the next several days. Mr. Stephan is one of the principals, along with Mr. Thomas, proposing the project on the property and he is present.

Who is going to operate the proposed carry-out shop, Mr. Yeatman asked?

Mr. Thomas and Mr. Stephan, Mr. Parris replied; it is a Mexican food carry-out operation.

What is in back of the property, Mr. Yeatman asked?

It is a street and that is basically why they are before the Board, Mr. Parris stated. They have relocated Old Kings Highway where it swings down into Telegraph Road and technically the property immediately behind this property is still highway right of way and requires normal setback from highway property. Insofar as the 5 ft. variance 50 ft. being the normal setback, this would be a 5 ft. variance from existing Kings Highway right of way. This simply is the remainder of a pre-existing right of way and goes nowhere and serves no purpose. There is no traffic on it. It is basically used as a parking area for local residents. The old frame house will be torn down. Mr. Hellwig has suggested to them that in the absence of variances on this property, the maximum size building that could be put on the property would be about 10 ft. square. In the event that the rear lot property setback requirement is not waived, the property would be basically unusable. They have discussed the matter with Mr. Brett of the Highway Department and he has primarily approved the access and the like. They are requesting the 5 ft. side line variance so as to have a utilitarian size building and the rear lot variance setback from a no longer usable highway right of way.

The Ordinance does not allow the Board to grant a variance to anyone other than the owner of the property, Mr. Smith again pointed out. If the owner is aggrieved, then some consideration should be given to this application.

Mr. Parris said he was confident that they could obtain approval in writing satisfactory to the Board as soon as they can get to the people involved. Mr. Lucas could appoint or designate Mr. Thomas as his agent for the purpose of this application and indicate his request for variance.

Mr. Yeatman moved that the application be changed to read Mr. Lucas instead of Mr. Thomas if that would be agreeable to the applicant's representative. Seconded, Mr. Baker.

Mr. Yeatman amended his motion by adding "if that meets the approval of Mr. Lucas". Mr. Baker accepted, Carried unanimously.

Mr. Stephan stated that this would be a franchise operation which is based in Santa Anna, California. This will be the first of this nature of franchise in the Virginia area. It is basically a Mexican food carry-out with minimum seating arrangement set forth inside. There is a format that they follow in construction of the building. This is a unique piece of property. Parking will comply with Fairfax County regulations. The building could be larger or smaller, depending on parking.

The Board discussed signs on the property. Mr. Yeatman pointed out that the applicant would have to comply with the new sign ordinance and site plan.

Is this the entire extent of land owned by Mr. Lucas, Mr. Smith asked?

A. EUGENE THOMAS - Ctd.

Yes, Mr. Parris replied.

No opposition.

In application V-196-69, amended to read T. Paul Lucas, for a variance from side and rear for carry-out restaurant, on property located at 5635 Telegraph Road, also known as tax map 83-1 ((1)) 43, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case and

WHEREAS, the Board of Zoning Appeals has made the following findingsof fact:

1. The owner of the subject property is Tolbert Paul Lucas.
2. Present zoning of the property is C-G.
3. Area of the lot is 11,944 sq. ft.
4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This is an irregular shaped property and there is an abandoned street in the rear.
2. This property was denied the full right by condemnation of the side of the property for Kings Highway.

NOW THEREFORE BE IT RESOLVED, that the subject application of T. Paul Lucas, under Section 30-6.6 of the Code of Fairfax County, to permit variance from side and rear for carry-out restaurant at 5635 Telegraph Road, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. It is understood that the building will be constructed by Mr. Stephen and Mr. Thomas with permission of Mr. Lucas.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application.

5. The Board should have a letter from Mr. Lucas authorizing the change in the name of the applicant from A. Eugene Thomas to T. Paul Lucas.

Seconded, Mr. Baker. Carried 3-1, Mr. Smith voting against the application.

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THOMAS B. CLAGETT, app. under Sec. 30-6.6 of the Ordinance, to permit erection of two car carport closer to street than allowed by Ordinance, 6800 Rosemont Drive, West Grass Ridge, Lot 18, Block 2, Section 2, Dranesville District (R-12.5), Map 30-4 ((28)) (2) 18, V-197-69

Mr. Clagett stated that he wants protection for his two cars from the weather. It will add to the attractiveness of the property and increase the value. He bought the property in July 1963 and plans to continue living here. There is no carport or garage at the present time. Out of thirty houses that he can see from his property, probably three of them do not have carports. It would not be possible to put a carport or garage on the other side of the house because it would be closer to the line than this would be, and in the back of the house is a hill. This is a corner lot and that is another problem. The two adjacent property owners are in favor of the application.

No opposition.

In application V-197-69, an application by Thomas B. Clagett, for erection of two car carport closer to street than allowed by Ordinance, on property located at 6800 Rosemont Drive, West Grass Ridge, also known as tax map 30-4 ((28)) (2) 18, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the

THOMAS B. CLAGETT - Ctd.

by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The subject property is owned by the applicant.
2. The present zoning of the property is R-12.5.
3. The area of the lot is 14,495 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The topography of this lot prevents the applicant from putting a carport in any other location on his property, thereby limiting the reasonable use of the property.

NOW THEREFORE BE IT RESOLVED, that the subject application of Thomas B. Clagett under Section 30-6.6 of the Code of Fairfax County, to permit erection of carport closer to street than allowed, at 6800 Rosemont Drive be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Baker. Carried unanimously.

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WOODLEY RECREATION ASSOCIATION, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of community building, storage and maintenance, 7421 Camp Alger Avenue, Providence District, (R-10), Map 60-1 ((1)) 5, S-199-69

Mr. Farnum Johnson represented the applicant. This is a community association, he said, and they propose to build another building to be used primarily for storing equipment and supplies. In the past they have used the bath house for storage and had problems with vandalism. The new building would also provide a place for keeping their records. This location is well screened from the properties around it. The pool has been in existence for a number of years. This building would not affect their parking in any way as they are not adding any more members. The school is next to this property and they have on occasion used the pool's parking and have told the community association that they can use the school property for overflow parking. The original use permit was granted June 15, 1954. The proposed building will be 24 ft. wide and 52 ft. long. They have between sixty and eighty parking spaces.

Under the present Ordinance a 390 family membership would require 130 parking spaces, Mr. Smith pointed out. The ordinance has been changed since this permit was originally granted. All parking must be on the applicant's property or if they have an arrangement with the School Board to use their property, this would be permissible, but there should never be any parking on the street.

No opposition.

In application S-199-69, an application by Woodley Recreation Association, Inc. for erection of community building, storage and maintenance, property located at 7421 Camp Alger Avenue, also known as tax map 60-1 ((1)) 5, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicatle State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The subject property is owned by the applicant.
2. The present zoning is R-10.
3. The area of the lot is 4.5 acres.

WOODLEY RECREATION ASSOCIATION, INC. - Ctd.

4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required, and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This application meets requirements of Section 30-7.1.1.1, Standards for Use Permits in R districts.

NOW THEREFORE BE IT RESOLVED, that the subject application of Woodley Recreation Association, Inc. under Section 30-7.2.6.1.1 of the Code of Fairfax County, to permit erection of community building, storage and maintenance, at 7421 Camp Alger Avenue, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be reevaluated by the Board of Zoning Appeals. This includes changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

Seconded, Mr. Baker. Carried 4-0.

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FOSTER BROTHERS, INC., application under Section 30-6.6 of the Ordinance, to permit total side yard of 17.7 ft. for dwelling rather than the required total of 19 ft., 8531 Pappas Way, Foster Brothers Addn. to Willow Woods, Lot 5, Annandale District, (R-17 cluster), Map 70-1 ((15)) 5, V-200-69

Mr. Art Foster represented the applicants.

When they made application for the variance they were told that they could make it in their names since they were responsible for the mistake, Mr. Foster said. They sold the house in August to Mr. and Mrs. Couch. They were not told that the application would have to be made in the new owners' names.

At the time the application was filed the Board had not made this decision, Mr. Smith said, but Mr. Foster could act as agent for the new owners.

Mr. and Mrs. Couch are present, Mr. Foster stated.

Mr. Baker moved that the applicant's name be changed to Mr. and Mrs. Warren A. Couch. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Foster stated that the house is occupied but the occupancy permit is pending the outcome of this hearing. The carport has been built -- it was completed in August. When the final survey was made and submitted to the Zoning Office it was found that there was a problem. The problem came about because in building the 12 ft. carport, they allowed for clearance for the chimney. They did not realize that this was in violation. They have been in business in the County for six years and this is their first mistake. The carport was optional but the house was designed for a 12 ft. carport. They put on a 14 ft. carport and if the house had been moved back further there would have been no problem.

No opposition.

The following motion, made by Mr. Yeatman and seconded by Mr. Baker was passed by a vote of 4-0:

In application V-200-69, an application by Foster Brothers, Inc., amended to read Mr. and Mrs. Warren A. Couch, for total side yard of 17.7 ft. for dwelling rather than the required total of 19 ft. on property located at 8531 Pappas Way, also known as tax map 70-1 ((15)) 5, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

FOSTER BROTHERS, INC. - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners, as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Warren A. Couch.
2. Present zoning of the property is R-17 cluster.
3. Lot area is 10,823 sq. ft.

and WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

This application meets requirements of the mistake clause of the Ordinance under Section 30-6.6.5.4. There was a mistake made by the builder in locating the carport on the property.

NOW THEREFORE BE IT RESOLVED, that the subject application of Mr. and Mrs. Warren A. Couch, under Section 30-6.6 of the Ordinance, to permit total side yard of 17.7 ft. rather than the required 19 ft. at 8531 Pappas Way, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals. This includes changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

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DR. NICHOLAS B. ARGERSON, app. under Sec. 30-6.6 of the Ordinance, to permit erection of office building closer to Beauregard Street, located intersection of N. Beauregard St. and N. Chambliss St., Mason District (C-O), Map 72-2 ((1)) 67, 68, V-204-69

Mr. Paul Kincheloe represented the applicant. Subsequent to some of the property being taken for widening of the road, the property was zoned C-O, he said. There is a 50 ft. setback requirement for the front of this building. Unfortunately, when the highway department took some of this parcel they got into a problem that no one has solved. There is a storm drainage easement on the corner and a culvert sticking up about six inches along the curb where the water drains into it. If the doctor has to measure 50 ft. from the gutter he cannot locate the building on the property and it would be unusable. The opposition is concerned about the traffic and access problems, Mr. Kincheloe continued. Originally when this property was zoned C-O by the Board of Supervisors, they put a requirement on there that on the front part of the property there would not be access onto North Beauregard Street, but that access would be on North Chambliss Street. Citizens are afraid that this application will give him the other access. Of course, he could not do that and he is not attempting to do that. At one time this past summer they were negotiating with the "Shrimp Boat Restaurant" but they felt that it would create traffic concern also. They are not going to do that. They propose to go along with this building which would not be used for any type of restaurant. They are merely trying to obtain BZA approval to let the applicant take the 50 ft. setback requirement from the front of the property and not from the storm drainage easement. Dr. Argerson owned the property at the time of rezoning.

The proposed building would contain 4,900 sq. ft. of space, Mr. Kincheloe continued, and would be a one story building, of brick construction. This would be used for the Doctor's own office and for several other doctors and attorneys.

Mr. Smith felt the application was a reasonable one since the applicant is holding the building to one story and because of the irregular shape of the lot. He was sure that had the Highway Department known of this problem they would not have done this.

Opposition: Mr. Giles D. Tabor spoke in opposition based primarily on the traffic situation and read a letter from the Lincolnia Hills Citizens Association.

DR. NICHOLAS B. ARGERSON - Ctd.

The Board discussed the traffic situation at length.

Mr. Phillips reported that originally the state wanted a 110 ft. right of way but have since decided that 80 ft. would be adequate, therefore everything around this property now is considered adequate. There is a pending rezoning application No. C-59 and the staff report on that case gets into the traffic problem between Chambliss and #236 and recommends solutions to some of the problems. A lot of things along here are in limbo because the adopted plan for this area is very old. The study done earlier this year was a neighborhood study which is preliminary information. From it a new plan may be drawn.

Mr. Smith asked Mr. Phillips if he felt the proposed office building would interfere with planned expansion of the roadways?

Mr. Phillips replied that he did not think so as the building is set back adequately for eventual construction. He was sure that site plan process would provide the curb, gutter, etc. to meet current standards. Any new plan for this area would probably be a year or two away.

Mr. Edwin Brown, 1101 Argen Court, Lincolnia, stated that they do their shopping in this area, and he also expressed concern about the traffic situation.

The proposed use is a reasonable use and a very minimum use rather than a maximum one, Mr. Smith said. This is an unusual situation and one which this Board has never had before.

The following motion, made by Mr. Yeatman, seconded by Mr. Baker, was passed by a vote of 4-0 by the Fairfax County Board of Zoning Appeals, at their meeting of November 18, 1969:

In application V-204-69, an application by Dr. Nicholas B. Argerson, for erection of office building closer to Beauregard Street than allowed, on property located at the intersection of N. Beauregard Street and N. Chambliss Street, also known as tax map 72-2 ((1)) 67, 68, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The applicant is the owner of the property.
2. The present zoning is C-O.
3. The lot area is 18,635 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. There is an unusual condition existing on this property because of the storm drainage easement and strict application of the setback requirements of the Ordinance would place an undue hardship on the owner.

NOW THEREFORE BE IT RESOLVED, that the subject application of Dr. Nicholas B. Argerson, under Section 30-6.6 of the Code of Fairfax County, to permit erection of office building closer to Beauregard Street at the intersection of North Beauregard and N. Chambliss Street be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to date of expiration.

4. This approval is granted for the buildings and uses indicated on plats submitted with this application.

5. The only direct entrance or exit will be on North Chambliss Street.

6. This is for a one story office building as shown on the plat.

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November 18, 1969

THE MINCHEW CORPORATION, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain closer to side property line than allowed by Ordinance, 10408 Hunt Countrylane, Centreville District, Wayside, Section I, Lot 111 (RE-1), Map 27-4, V-208-69

Mr. Paul Kincheloe represented the applicant. This application was filed by Herman Courson and Minchew Corporation is the owner, he said, and he would like to amend the applicant to read "The Minchew Corporation".

Mr. Barnes moved to amend the application as requested. Seconded, Mr. Yeatman. Carried unanimously.

This was a mistake made by Springfield Surveys in laying out the building, Mr. Kincheloe explained and it was not picked up until the dwelling was well under construction. For some reason, the gentleman working there was thinking in terms of a 30 ft. setback requirement rather than 40 ft. and they found out that the house was too close to the line. These are very large lots -- this lot contains 20,773 sq. ft. There was a building permit applied for and obtained for this construction prior to the mistake being made. Construction on the house has been stopped.

No opposition.

In application V-208-69, an application by Herman L. Courson, amended to the Minchew Corporation, to permit dwelling to remain closer to side property line than allowed, located at 10408 Hunt Countrylane, Centreville District, also known as tax map 27-4, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969, held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the Minchew Corporation.
2. Present zoning of the property is RE-1.
3. Area of the lot is 20,773 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This application meets requirements of Section 30-6.6.5.4 of the Ordinance as this was the result of an error made in the location of the building on the lot.

2. The mistake willnot impair the intent of the district and the granting of the variance will not be detrimental to the use and enjoyment of other property owners in the area.

NOW THEREFORE BE IT RESOLVED, that the subject application of the Minchew Corporation, under Section 30-6.6 of the Code of Fairfax County, to permit dwelling closer to side property line than allowed, located at 10408 Hunt Countrylane be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried 4-0.

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DEFERRED CASES:

GERRY WENDE, app. under Section 30-6.6 of the Ordinance, to permit swimming pool 2.4 ft. from house, Lot 144, Sec. 3C, Rutherford, 4308 Selkirk Drive, Annandale District, (R-17), Map No. 69-3 ((6)) 144, V-167-69 (deferred from Sept. 23)

Mr. Smith reminded the Board that this had been deferred for Board members to view the property and for the applicant to begin application for building permit.

GERRY WENDE - Ctd.

Mr. Hunter Smith of the Pool Company stated that application was made for building permit and it was stopped in the Zoning Office.

The following motion, made by Mr. Yeatman and seconded by Mr. Baker, was passed by a vote of 4-0, by the Fairfax County Board of Zoning Appeals, at their meeting of November 18, 1969:

In application V-167-69, an application by Gerry Wende for swimming pool 2.4 ft. from house on property located at 4308 Selkirk Drive, also known as tax map 69-3 ((6)) 144, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. The present zoning is R-17.
3. The area of the lot is 15,000 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This application meets the requirements of Section 30-6.6.5.4 of the Ordinance.
2. The Board finds that such non-compliance was a result of an error in location of the pool on the lot; that the mistake will not impair the intent of the district, and that granting the variance will not be detrimental to the use and enjoyment of other property in the area.

NOW THEREFORE BE IT RESOLVED, that the subject application of Gerry Wende, under Section 30-6.6 of the Code of Fairfax County, to permit pool 2.4 ft. from house, at 4308 Selkirk Drive, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

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WILLIAM GILES, app. under Sec. 30-6.6 of the Ordinance, to permit frame shed to remain 5 ft. from side property line, 4206 Duvawn Street, Ridgeview, Sec. 3, Block C, Lot 18, Lee District, (R-12.5), Map 82-3 ((10)) (C) 18, V-187-69 (deferred from Oct. 28)

Mr. Smith recalled that the application was deferred for the applicant to obtain a building permit.

Mr. Giles said he has made application for the building permit and the Zoning Office is holding the papers on it. The shed was inspected about ten days ago.

Mr. Phillips checked with the Building Inspector's office and reported that the shed was inspected and approved as being in compliance with the Code.

In application V-187-69, an application by William Giles, to allow shed to remain 5 ft. from side property line, located at 4206 Duvawn Street, also known as tax map 82-3 ((10)) (C) 18, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS' the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The property is owned by the applicant.
2. Present zoning of the property is R-12.5.
3. The lot contains 11,592 sq. ft.

WILLIAM GILES - Ctd.

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AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. This application meets the requirements of Section 30-6.6.5.4 of the Code.
2. The Board finds that the non-compliance was the result of an error in locating the building on the lot, and that the mistake will not impair the intent of the district or be detrimental to the use and enjoyment of other properties in the area.

NOW THEREFORE BE IT RESOLVED, that the subject application of William Giles, under Section 30-6.6 of the Code of Fairfax County, to permit shed to remain 5 ft. from side property line, at 4206 Duvawn Street, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of the Board and is for the locationindicated in the application and not transferable to other land.

Seconded, Mr. Baker. Carried 4-0.

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THE MADEIRA SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit dormitory for non-profit independent girls' preparatory school, 8328 Georgetown Pike, Dranesville District, (RE-2), Map 14-3, 20-1 ((1)) 14, S-224-69 (out of turn hearing)

Mr. William O. Snead, Business Manager of the School, stated that the building is designed for thirty-four students and one faculty family consisting of two people. In the first year of occupancy, they suspect that they will have twenty new students in this dormitory, bringing the total resident population from 180 to 200. There are five dormitories in the school at the present time which were constructed around 1931. The school has been in operation on this site since 1931. This school was started prior to the Ordinance and that is why they have never had a use permit. The Board has now decided to bring the entire school under a use permit to make it conforming. Total acreage involved in this school tract is 245 acres with an additional 130 acres on the east donated to the school, bringing the total acreage to 375 acres.

Mr. Yeatman noted that the staff report requested that a 12 ft. deceleration lane be constructed.

Mr. Snead was agreeable to this as he said it would increase the safety of vehicles entering the school.

Mr. Manning Gasch, 8501 Georgetown Pike, asked to see a site plan and to know the reason for this particular location. After reviewing the site plan he stated that he had no objections and thanked the Board for letting him be present.

In application S-224-69, an application by The Madeira School, to permit dormitory for non-profit independent girls' preparatory school, on property located at 8328 Georgetown Pike, Dranesville District, also known as tax map 14-3, 20-1 ((1)) 14, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 18th day of November, 1969 held a public hearing on this case, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the Madeira School, Inc.
2. The present zoning is RE-2.
3. The area of the property is 375 acres.
4. Conformance with Article XI of the Zoning Ordinance (Site Plans) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

Under Section 30-7.1 the Board finds that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan for the area and embodied in the Zoning Ordinance.

THE MADEIRA SCHOOL - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application of The Madeira School under Section 30-7.2.6.1.3 of the Code of Fairfax County, to permit dormitory for non profit independent girls' school at 8328 Georgetown Pike, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to date of expiration.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

5. The applicant has agreed to construct a 12 ft. deceleration lane along Georgetown Pike.

6. This is for a total of 300 students. It is understood that the Board in this action approves the existing structures and existing use and notes that this has been in operation for a number of years. The entire operation is now covered by this use permit.

Seconded, Mr. Baker. Carried 4-0.

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DAVID THEIS (Ponderosa Farm), application under Section 30-7.2.8.1.2 of the Ordinance, to allow operation of riding stable, 9600 Leesburg Pike, Dranesville District (RE-1), Map 19-1 ((16)) 21, S-845-68 (for review and show cause hearing under Sec. 30-6.7.1.2)

At the Board's last meeting, Mr. Smith recalled, the attorney for the applicant requested deferral and this was deferred to November 25 at his request, due to circumstances beyond the control of the applicant.

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Letter from John H. Aylor requested extension of use permit for Cities Service Oil Company, located on Lots 6 & 6B, Sec. 2, Franconia Hills. The Board voted to grant an extension of this application No. S-998-68 to December 3, 1970.

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JACQUELINE S. NOVAK - Request for extension of use permit for riding stable:

Mr. Konczny, Zoning Inspector, stated that there was one person in opposition to this application at a previous hearing and that he had notified that person of the hearing today. Again, they indicated that they could not be present and that their interest now has changed.

Mr. Barnes stated that he had personally checked this and he thought the woman who made the complaint would probably not appear before the Board again.

Mr. Smith indicated that the Board had received a copy of the lease dated 19 December 1969 between C. Reid Thomas and the applicant covering about 53 acres, and a copy of the insurance certificate.

On the former lease, Mrs. Novak explained, she had the entire 53 acres which included one tenant property. Since there was a problem on this, he has now excluded the Mott property of less than one acre but the land is still described in the same way. It is roughly the same acreage and excludes a one acre parcel with house and fence. It is still probably more than fifty-two acres.

Is there a provision in the lease to allow Mrs. Novak to renew the lease, Mr. Yeatman asked?

Mr. Marshall said the property has been put up for sale and the owners are looking for a buyer. If a buyer is found, about four months notice would be given Mrs. Novak.

Mr. Baker moved to allow the use to continue as originally granted. This is to the applicant only, not transferable, and is granted to August 31, 1970 unless the lease is terminated before then. Seconded, Mr. Yeatman. Carried unanimously.

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The meeting adjourned at 3:40 p.m.
Betty Haines, Clerk

Daniel Smith 1/13/70

Daniel Smith, Chairman Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 25, 1969 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Yeatman, Mr. Long, Mr. Barnes and Mr. Baker.

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

GULF RESTON, INC., app. under Sec. 30-7.2.2.1.3 of the Ordinance, to permit installation and maintenance of carrier television reception tower and antenna not to exceed 350 ft. in height, W. side of Wiehle Ave., Reston, Centreville District, (RE-2), Map 17-2 ((1)) pt. 11, S-201-69

Mr. Richard R. G. Hobson represented the applicant. The application is for a carrier television reception tower and antenna, he said, and presented a revised site plan. The attendant house will not exceed 3,000 sq. ft. and will provide eighteen parking spaces. Reston now has a limited carrier television station but no facility for origination of programs of local interest, he said. The building will set back 85 ft. from Wiehle Avenue, 148 ft. from the north property line, and 140 ft. from the south property line. The area slopes down from both sides from the industrial area, therefore the tower will be at a level lower than Wiehle Avenue which is above the site. The tower will be 250 ft. high rather than 350 ft. as stated in the application. This will pick up TV waves from the area and transmit by carrier cable through the ground attaching on to the existing cable lines in Reston and have a small studio there so in addition to giving a better picture to everybody in Reston, it will permit programs of local interest in Reston to be transmitted through the carrier television system. There will be an optional charge of approximately five dollars a month for this. It will also permit a truck or mobile unit to go to any location in Reston to photograph any special event.

Application has been made to the Federal Communications Commission for approval, Mr. Hobson continued. They are anxious to get the tower started and the would like the Board to include in its motion a suggestion to the staff that unless the staff has any objection thereto, that it might permit the start of the tower before the building site plan has been finally approved. There are about 2,000 homes in Reston with a population of about 7,000 people.

No opposition.

Mr. Phillips reported that this has been heard by the Planning Commission and they recommended approval.

In application S-201-69, an application by Gulf Reston, Inc., an application under Section 30-7.2.2.1.3 of the Ordinance, to permit installation and maintenance of carrier television reception tower and antenna not to exceed 350 ft. in height, on property located on the west side of Wiehle Avenue, Reston, also known as tax map 17-2 ((1)) pt. 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owners of the property are Gulf Reston, Inc. and John Hancock Mutural Life Insurance Company.

2. That the present zoning is RE-2.

3. That the area of the lot is 3.0815 ac. of land.

4. That compliance with the Site Plan Ordinance is required, and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts, as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant and their subsidiaries only, and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or any additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Floor space in the building is not to exceed 3,000 sq. ft.

5. Parking spaces are not to exceed 18 spaces.

6. Television tower and antenna are not to exceed 250 ft. in height.

Seconded, Mr. Barnes. Carried 5-0.

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JOHN R. GROVE, application under Section 30-6.6 of the Ordinance, to permit garage closer to Petros Court than allowed by Ordinance, 9108 Petros Court, Skybrook, Lot 23, Providence District, (RE 0.5), Map 58-4 ((17)) 23, V-202-69

The garage itself will be almost 60 ft. from Petros Court, Mr. Grove said, however, at the arc of the cul de sac he would not have 50 ft. there. This is an irregular lot and there is no other place on this half acre to put the garage.

Mr. Barnes suggested putting the garage closer to the house.

The way the house is constructed, there are four windows on that side to provide cross-ventilation, Mr. Grove stated, and that is why he had to go to a freestanding garage. If he puts the garage closer to the house it would close off the windows and that would not be desirable. He bought the house new, about four and a half years ago.

Mr. Smith noted that the Board is authorized to grant minimum variances -- this seems to be the maximum. A 28' x 24' garage is a large structure and he felt the applicant should reduce his request to more nearly comply with the Ordinance.

Mr. Grove agreed to cut the size to 26 ft. rather than 28 ft.

Mr. Long pointed out that the required setback is 50 ft. and the variance requested is 27 1/2 ft. This is a variance of over one half the setback and he thought this was unreasonable.

Mr. Yeatman asked if the applicant had air conditioning in his house.

Mr. Grove said that his house was air conditioned.

Then the cross-ventilation would not make much difference , Mr. Yeatman said.

In the pictures, Mr. Barnes said he noticed that two windows were above and two below and the two below are almost covered.

These are basement windows and behind those windows now is a bedroom and bath, Mr. Grove said. The garage will be 13 ft. 6 in. high, and will follow the same roof line as the house. It would do away with all four windows if it is attached to the house.

Mr. Baker suggested putting a flat roof on the garage.

Mr. Grove did not agree because of esthetics, he said.

Mr. Smith suggested building a large one car garage or attach a two car garage to the house. This request far exceeds the jurisdiction of the Board under the hardship section of the Ordinance.

No opposition.

In application V-202-69, an application by John R. Grove, under Section 30-6.6 of the Ordinance, to permit garage closer to Petros Court than allowed by Ordinance, 9108 Petros Court, Skybrook, Lot 23, Providence District, also known as tax map 58-4 ((17)) 23, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

(1) that the owner of the subject property is the applicant,
(2) that the present zoning is RE-0.5,
(3) that the area of the lot is

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

(1) that the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: the lot is especially irregular in shape and the buildings unusually located on the lot,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

(1) This approval is granted for the location of the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

(2) This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

(3) The garage shall be of brick construction and regular in size and the right rear corner of the garage shall not be closer than 35 ft. to the property line on Petros Court. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA DOCTORS PROPERTIES, INC., app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit enlargement of existing nursing home to 250 beds, 6710 Columbia Pike, Annandale District, (RE 0.5), Map 60-4 ((10)) B, S-203-69

Mr. R. J. Lillard represented the applicant. He stated that they have a contract to buy the additional land, the narrow tract to the west of the nursing home. Since this application was filed the land formerly owned by Sleepy Hollow Manor, Inc. has been conveyed to the Virginia Doctors Properties, Inc. therefore he would like to amend the application to the new owners' name -- Virginia Doctors Properties, Inc. The application at this time covers the entire combined tracts because it is for 250 beds.

Mr. Baker moved to accept the amendment. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Lillard stated that the property which is the subject of this application is made up of two parcels, one containing 5 1/4 ac. upon which a nursing home of 111 beds presently is in existence and in operation. The other parcel contains 1 3/4 ac. and borders the present nursing home on the west and makes a total acreage of roughly seven acres. The desire of the owner is that a special use permit be granted to create an extension to the existing nursing home providing a total capacity of not to exceed 250 beds. There is in the file a site plan showing all the basic information about the total site and about the two parcels. There is also in the file a modified site plan by the architect showing the layout of the proposed addition. This plan shows 137 parking spaces which they believe will be adequate and shows screening along the north and west boundaries of the property. The privacy and integrity of neighboring residential properties will be retained by this plan. The building will be of residential character with cedar shake mansard roof.

Mr. Lillard stated that he believed this met every consideration listed by the staff in its report of June 1969. The proposed operation will not bring traffic into the nursing home from any street of the adjacent residential area. The proposed construction of a service drive between this newly acquired acre and three-fourths parcel

will complete the service drive along Columbia Pike from the street lying immediately west of this property to the east of this property, and all access to this property would be from the service drive. There will be no access from the streets of the subdivisions abutting this property.

Mr. Smith read the Planning Commission recommendation for approval.

Mr. Long asked Mr. Lillard if he would consider constructing a brick wall or standard County screening.

Mr. Lillard said he had not considered a brick wall because no one had suggested it. He said they would be willing to meet any reasonable requirement that the Board should see fit to make and willing to go to any reasonable length in complying with the wishes of the neighbors. They will provide screening and landscaping which would be pleasing to the people who look at it.

Opposition:

Mr. Louis E. Wack, owner of property adjoining the proposed addition, pointed out that the advertised address of the nursing home was 6713 Columbia Pike and it should have been 6710. The posting sign was put on the nursing home property and not on the property proposed for development.

Mr. Smith asked if Mr. Wack had ever seen an overflow of parking at the nursing home. He replied that he had not.

Mr. Wack continued that what is being requested is a 100% increase in capacity in a land area which is about 1/3 the size of the existing land. He felt that the proposed addition represented a serious invasion of privacy of the surrounding property owners. People would probably roam around on his property as these old people get lonely. He requested that no air conditioning equipment or any nuisance type structures be placed on the west side of the building immediately adjacent to his property, if the application is granted. The point made by Mr. Yeatman and Mr. Long about the brick wall is certainly very desirable from his personal standpoint. An 8 ft. brick wall would probably be the best way to do it. This normally would be placed 12 ft. inside the property line and appropriate plantings would be placed on the outside of the wall so they would not be looking at the wall itself. He was also concerned about the grading along his property -- he hoped it would be in keeping with the present landscaping along that area and would like to see the 100 ft. setback made a matter of record. He also asked for assurance that the upper story of the building would be free from all except emergency exit from the building.

The Board discussed the advantages of a brick wall in lieu of standard screening normally required by the Board.

Mr. Lillard's feeling was that to put a brick wall of a height greater than 4 ft. would do a disservice to the neighbors as well as the nursing home people. A brick wall 3 or 4 ft. in height can be made very attractive and would not give the appearance of enclosing something like a prison or something that is objectionable from the other side. He would register opposition to anything higher than 4 ft.

Mr. Wack was concerned about what a 4 ft. wall would do so far as screening his property. The other two property owners on that side have no such problem, he said, as they are at a distance, but because of the topography, a 4 ft. wall might not give him any screening. Also, if a brick wall is placed there, with planting on the outside of it, who would maintain the plantings?

The County has found that some trees usually die after a short period of time, Mr. Long said, so that is why they are considering the brick wall.

Mr. Paul Kamalouchi, living on the north side of the proposed addition, discussed the screening and said the building would be hard to screen because of the way the land slopes. He felt the best way to screen would be to continue the fence and the evergreen arrangement that they have already established.

To require planting outside of the brick wall would not work, Mr. Smith said, as the plantings would die. Possibly, large trees could be planted inside of the wall to screen the building from the adjacent property owners.

A gentleman in the audience who did not identify himself asked if the brick wall would go around the entire property?

No, this would not include the section of the property that is already fenced and screened, Mr. Smith replied.

VIRGINIA DOCTORS PROPERTIES, INC. - Ctd.

The Board discussed screening at length.

In application S-203-69, an application by Virginia Doctors Properties, Inc., an application to permit addition to nursing home to 250 beds, on property located at 6710 Columbia Pike, also known as tax map 60-4 ((10)) B, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

WHEREAS the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1) the property is owned by Virginia Doctors Properties, Inc.,
2) the present zoning of the property is RE-0.5,
3) the area of the lot is 1.7224 acres of land,
4) the adjoining tract containing the present facility is 5. 2 acres of land also zoned RE 0.5.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1) the applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

2) the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant and their subsidiaries only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use, or additional uses whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes in ownership, changes of the operator, changes in signs, o r changes in screening or fencing.

4. Total number of beds shall not exceed 250.

5. A standard brick wall shall be constructed 4 ft. inside the property line where new standard screening is required. (The wall will be 4 ft. high back to the 50 ft. setback equirement, and 6 ft. from there on.) Planting outside the brick wall is not required as the County has found this is not a satisfactory arrangement.

6. All lighting in connection with this operation shall be confined to the property itself and not overflow onto adjacent properties.

Furthermore, the applicant should be aware that granting of this action by the Board does not constitute exemption from the various requirements of the County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Seconded, Mr. Yeatman. Carried 5-0.

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J. HORACE JARRETT, application under Section 30-6.6 of the Ordinance, to permit lot with less width at building setback line, 747 Leigh Mill Rd., Dranesville District, (RE-2), Map 13-1 ((1)) pt. 65, 66, V-205-69

Mr. Jarrett said the application is for access only, and he presented new plats showing

the building site. The lot on Georgetown Pike has been sold. He cannot sell the outlot until the access is approved.

Mr. Smith was confused about the wording of the application.

Mr. Long explained that the frontage is measured at the building restriction line. The 21 ft. is not considered the frontage. If you come back 50 ft. from the property line, that is where the frontage is measured.

Mr. Jarrett said they were talking about the width at the building restriction line. Lot 2 contains 80,000 sq. ft. and Outlot 1 contains 99,000 sq. ft.

Mr. T. R. Gray appeared in opposition to the application and presented a petition against the application. A couple of years ago when the property was up for sale, they checked to see what could be done about the property and the County said nothing. The only opening they were told, would be on #193. They felt that the price was not proper because there was only the one access and then someone bought it and divided it into three parcels, one of which has been sold. This was about two years ago and the property was sold with full knowledge of the restrictions on it.

Mr. Smith asked Mr. Jarrett how he would get access to Lot 3?

He said there was a 20 ft. access over Parcel 1. He had signed the contract to sell off one lot when he discovered that Mr. Gray had not recorded the deed, otherwise he would not have had to come under Subdivision Control. The deed has to be recorded prior to 1947 and it was not recorded until afterward.

Mr. Gray said the real estate people have looked into this and have told him that this is not right.

Mr. Smith said he felt that the application has merit -- the land area is adequate and this is the only problem in connection with it.

Mr. John R. Bird objected as a matter of principle.

Mr. Jarrett said he had checked this before he bought it, and if he had known of the problems involved, he would not have bought it. He has owned the land for one year and eleven months and it was recorded the first of January 1968. He knew of the frontage on Leigh Mill Road, he said, and the real estate people asked him to prove that there was frontage. He surveyed it and they would not pay for it. He bought it to keep them off his back.

In application V-205-69, application by J. Horace Jarrett, to permit lot with less width at building restriction line, 747 Leigh Mill Road, also known as tax map 13-1 ((1)) pt. 65, 66, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25 day of November 1969, and

WHEREAS, the Board of Zoning Appeals has reached the following findings of fact:

(1) That the owner of the subject property is the applicant,
(2) That the present zoning is RE-2,
(3) That the area of the lot is 99,952 sq. ft. of land,
(4) Required frontage at the building restriction line is 200 ft., and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: exceptionally irregular shape of the lot, and the lot is a narrow lot. Also, topography is such that it would be difficult to develop the property otherwise.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

November 25, 1969

J. HORACE JARRETT - Ctd.

(1) This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

(2) This proposed house will be a minimum distance of 200 ft. from the center line of Leigh Mill Road. This puts it in conformity with the required setback.

Furthermore, the applicant should be aware that granting of this action by the Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion as he was not satisfied with the facts involved here.

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ROBERT A. & JOAN A. LORD, application under Section 30-6.6 of the Ordinance, to permit erection of addition closer to rear property line than allowed, 3105 Wayne Road, Westlawn, Sec. 3, Lot 277, Mason District, (R-10), Map 50-4 ((17)) 277, V-206-69

Mr. Lord stated that he would like to build an addition on the back of his home, using the existing back door of the house to go into the new addition, closer to the present garage and property line than allowed. He has owned the property for six years and will continue to live there. The addition is for the benefit of his family. The addition would be used as a dining area and recreation room. There is no basement in the home.

No opposition.

Mr. Smith noted that this would put the garage in a non-conforming status as to separation between the two buildings.

In application V-206-69, an application by Robert A. and Joan A. Lord, to permit erection of addition closer to rear property line than allowed, 3105 Wayne Road, also known as tax map 50-4 ((17)) 277, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicants are the owners of the property.
2. Area of the lot is approximately 9,000 sq. ft.
3. Present zoning of the property is R-10.
4. 2.9 ft. variance is required from the rear and a 6.5 ft. variance is required from the garage.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicants have satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot; (b) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. Granted for the location and specific structure indicated on the plat and not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures. Seconded, Mr. Yeatman. Carried 5-0.

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November 25, 1969

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ANTONIO CANADAS, application under Section 30-6.6 of the Ordinance, to permit construction of garage closer to side property line than allowed, 3429 Farm Hill Circle, Lake Barcroft Shores, Sec. 4, Lot 426, Mason District, (RE 0.5), Map 61-1 ((11)) 426, V-209-69

Mr. Barry Murphy represented the applicant. Dr. Canadas wishes to build a garage within 10 ft. of the side property line, Mr. Murphy explained. He purchased the property in August 1969 and has contemplated since then adding a two car garage. This garage will be 27'3" x 28'3", and will give a place to store the riding mower and garden tools, etc.

This is a maximum rather than a minimum request, Mr. Smith noted, and under the Ordinance the Board has only authority to grant a minimum variance to relieve a demonstrable hardship. Certainly 22' x 24' would be an adequate two car garage.

Opposition: Mr. Richard Waterval appeared on behalf of the next door neighbor, Mr. McGerr, and presented letters from other adjoining property owners in opposition.

The letters refer to "rezoning" Mr. Smith said, and this certainly is not a change in zoning.

Mr. Waterval showed photographs of the Canadas home and stated that the Foster house is identical to this one and it has a two car garage in the same location. There was a garage in the Canadas house which was made into a fifth bedroom. Dr. Canadas acquired his home with full knowledge of the situation. He can have a one car garage without getting a variance or changing the covenants. There is more than adequate room between the rear of his property and the required rear setback for him to excavate further and put the total two car garage there if he likes. It would be interesting to note that this house, if the application is granted, would become the longest house in the neighborhood and would be the closest together of any two houses in the neighborhood and it would be contrary to established neighborhood plan. This would permit him to have a three car garage as a personal convenience. Hardship must be based on the property.

Mr. Murphy, in rebuttal, stated that the level of the Canadas lot drops off to a valley and comes back up. For that purpose, the retaining wall has been installed. The retaining wall is higher than the Board of Zoning Appeals' desk. To excavate there is a hardship. This request would not change the character of the neighborhood. This is only a garage to be attached to a single-family structure and he would amend the application to cut down the size of the proposed garage to 22 ft. The existing garage is on the far back of the house and he has improved the house recently, putting in a washer and dryer in order to make more space in the recreation area. When he bought the house, the previous owner told him that he knew the regulations of the area and that he could put on a two car garage. When the architect drew the plans and they proceeded to get building permits, they found this out, and that is why they are before the Board.

Dr. Canadas stated that he is a general surgeon and is called to Fairfax Hospital emergency room quite often. His office is in a Medical Building in Washington. The garage would be built of the same materials as the house -- antique brick.

A letter from Eugene T. Smith, 3504 Farm Hill Drive, stated that he had no objection to the application.

In application V-209-69, an application by Antonio Canadas, an application to permit construction of garage closer to side property line than allowed, located at 3429 Farm Hill Circle, Mason District, also known as tax map 61-1 ((11)) 426, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. The area of the lot is 23,630 sq. ft.
3. The zoning of the lot is RE 0.5.
4. Required side line setback is 20 ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

November 25, 1969

ANTONIO CANADAS - Ctd.

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/orbuilding involved:

(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing buildings,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted in part with the following limitations:

(1) This approval is granted for the location and specific structure indicated on plats presented with this application, not transferable to other land;
(2) The garage shall not exceed 22 ft. in width or be closer than 15 ft. from the side property line;
(3) The garage shall be constructed of antique brick similar to the existing dwelling.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

Seconded, Mr. Barnes. Carried 5-0.

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DEFERRED CASES:

SUN OIL CO., app. under Section 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed, N. W. corner Route 50 and Downs Drive, Centreville District, (C-G), Map 34 ((1)) A, B1, V-124-69 (deferred from September 23)

Letter from the attorney, Mr. L. Lee Bean, requested deferral to January as they still have not solved their sewer problems.

Mr. Yeatman moved to defer to January 27. Seconded, Mr. Baker. Carried unanimously.

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ROBERT L. SWEITZER, app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit nursing facilities - 80+ beds, located S. side of Elkin St. opposite Lombardy Lane, Mt. Vernon District, (R-12.5), Map 102-3 ((1)) 40, S-186-69 (deferred from Oct. 28)

Mr. Smith referred to the Planning Commission recommendation for danial of the application.

Mr. Sweitzer told the Board that he was aware that there were several items that did not meet the criteria. He and his wife were issued a use permit in the past and did operate a nursing home on this property for a while. The last time they operated the nursing home was in 1951. There is a sixty bed facility about a mile from here, the Oak Meadows Nursing Home.

Mr. Long asked Mr. Sweitzer if he pointed out at the Planning Commission hearing that Mr. Keene plans to improve Elkin Street and the subdivision next to Fort Hunt Shopping Center so this street will be improved?

Mr. Sweitzer said the road is being widened now. It is widened almost to his property and he would have direct access to it. He understood that his application would qualify for a 50 bed facility under the newly adopted amendment.

Mr. Smith's understanding was that a 50 bed facility would still require frontage on a major arterial highway.

Mr. Woodson agreed with Mr. Smith.

Mr. Peter Brenisher, President of Little Hunting Creek Citizens Association, told the Board that the so-called shopping center has been in the planning stage for construction for a score of years and does not exist now.

However, it is zoned for this use and the Board must take this into consideration, Mr. Smith stated.

Mr. Brenisher continued -- Elkins Street goes from Fort Hunt into Collingwood and is a purely residential street. It was widened for one purpose. Mr. Keene built a number of homes and added a street which comes into this. There is no plan to continue Elkin Street at the extreme end of the Sweitzer property.

November 25, 1969

ROBERT L. SWEITZER - Ctd.

Mr. Baker moved to defer decision for clarification from the staff regarding the new amendment on nursing homes. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Brenisher asked that the Board reopen the case as he had not been allowed to give his testimony in opposition. He represents 4,000 people and appeared before the Board at a loss of his leave time on October 28 and did not have a chance to oppose the application.

The Board agreed to reopen the case.

Mr. Brenisher stated that at a recent meeting of the Citizens Association, this application was thoroughly investigated and the vote was to deny the application. The Master Plan for this area specifies this as a residential area. This land is suitable for building homes. He did not believe the nursing home operated previously by Mr. Sweitzer was what he plans now, that was in a smaller area.

Mr. Sweitzer said that Mr. Brenisher represents only one citizens association in the area, but there are three or four. Not all of the taxpayers are against this.

Mr. Baker moved to defer for interpretation of the amendment as to whether it covers nursing homes of only fifty beds. Seconded, Mr. Barnes. Carried unanimously.

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DAVID THEIS (Ponderosa Farm), application under Sec. 30-7.2.8.1.2 of the Ordinance, to allow operation of riding stable, 9600 Leesburg Pike, Dranesville District, (RE-1) Map 19-1, ((16)) 21, S-845-68, for review and show cause hearing under Sec. 30-6. 7.1.2 of the Ordinance

Mr. Woodson requested a thirty day deferral as the Zoning Administrator's report was not ready.

Mr. Duffy, attorney for the applicant, had no objection todeferral.

Mr. Baker moved to defer to December 16, tentatively, if this schedule is all right with Mr. Duffy. Seconded, Mr. Yeatman. Carried unanimously.

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HORST KOBER, application under Sec. 30-6.6 of the Ordinance, to permit erection of two car garage 13 ft. from side property line, 5703 Tinkers Lane, Centreville District, (RE-1), Map 77 ((1)) 19, V-189-69 (deferred from Nov. 7)

Mr. Phillips reported that the applicant had called the office and requested that the application be withdrawn.

Mr. Barnes moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Long. Carried unanimously.

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Letter from Earl A. Hancock requested extension of use permit at 4616 Ravensworth Road to January 28, 1971. Mr. Baker moved to grant the request. Seconded, Mr. Barnes. Carried unanimously.

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Letter from Miss Frances Duffy requested that the Vienna Day Care Center be allowed to accept children ages 2 thru 6 rather than 3 thru 6 to enable them to take children under 3 years of age who have matured enough to have day care. Mr. Barnes moved to grant the request as of today to include 2 - 6 year olds. Seconded, Mr. Long. Carried unanimously.

The meeting adjourned at 4:00 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman, 1/13/70
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 9, 1969 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Clarence Yeatman, Mr. Richard Long, and Mr. Joseph Baker.

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

B. EDWARD & RITA B. SHLESINGER, JR., app. under Sec. 30-6.6 of the Ordinance, to permit erection of dwelling 46.9 ft. from Rive Drive, 3913 Rive Drive, Mt. Vernon District (RE 0.5), Map 110-4 ((4)) 17, V-210-69

Mr. Shlesinger stated that his lot is located on a curve and he is asking a 3 ft. variance on the front corner of the lot. He could put the house on the lot within the limits of the Ordinance, however, it would have to be set at an angle on the lot and would not look as nice. All of the other houses on the street are set straight on the lots. If the variance is granted, it will not be noticeable as there is a 10 ft. right of way beyond the 50 ft. setback and the house will not appear to be closer to Rive Drive. Neighbors have not indicated any objection and people he has talked to feel this would be more attractive, and would me more harmonious with existing development in the area. These houses are built by individual builders.

Mrs. Jo Meese, 3915 Rive Drive, stated that she has lived here seven months and her house is almost identical to the one Mr. Shlesinger proposes to build. She has no objection to the application.

No opposition.

This is a narrow, irregular lot and does present problems in setting the house in the normal manner, Mr. Yeatman said. A 3 ft. variance would enhance the subdivision and be more in harmony with existing development.

In application V-210-69, an application by B. Edward & Rita B. Shlesinger, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 46.9 ft. from Rive Drive, 3913 Rive Drive, Mt. Vernon District (RE 0.5), Map 110-4 ((4)) 17, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE 0.5.
3. That the area of the lot is 21,170 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deppive the user of the reasonable use of the land and/or buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and not transferable to otherland or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

B. EDWARD & RITA B. SHLESINGER, JR. - Ctd.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Seconded, Mr. Barnes. Carried 5-0.

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FRANK B. HENNION, app. under Sec. 30-6.6 of the Ordinance, to construct two car garage, bedroom and bath closer to Littleton St. than allowed, 4038 Elizabeth Lane, Lee Forest, Sec. 2, Lot 93, (RE-1), Map 58-4 ((5)) 93, V-211-69, Providence District

Mr. Hennion explained that be wished to construct a two car garage with bedroom and bath in the rear of the house. At the time the house was built in 1950 Littleton Lane did not go on the side. It was shown as a street on the map but was not built. Because of the location of the septic tank and well he could not build there. This is the only suitable location for an addition. The large bedroom and sitting room combination would be used by his elderly parents. Sewer is in Guinea Road now but it is a gravity sewer and the topography is such that he cannot get sewer up his way. He is the original owner and would continue to live here. Littleton Street is a 50 ft. street and there is no curb and gutter.

No opposition.

Mr. Hennion presented a list of signatures in favor of his application.

This is a large variance, Mr. Long commented, and this would project out in front of the adjoining houses.

None of the houses in the area are in a row, Mr. Hennion said. The house to the rear of his is on a curve and the house across the street is set well back on the lot. Two houses across the street from him on Littleton are on a curving street. The terrain is such that it alleviates the idea of a regular row of homes.

Mr. Long feared that granting this application would set a precedent.

The fact that Littleton Street was not constructed at the time the house was built has some bearing on this, Mr. Smith pointed out. Would the new construction conform to the existing dwelling, he asked?

The existing dwelling is brick, Mr. Hennion replied. The addition would be of frame because of the difficulty in matching the existing brick. The architect has suggested that this would lend itself to the existing construction.

In application V-211-69, an application by Frank B. Hennion under Section 30-6.6 of the Ordinance, to permit construction of two car garage, bedroom and bath closer to Littleton Street than allowed, on property located at 4038 Elizabeth Lane, also known as tax map 58-4 ((5)) 93, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning of the property is RE-1.
3. The area of the lot is 28,480 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) unusual condition of the location of existing buildings.

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FRANK B. HENNION - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. Proposed addition shall be in harmony with the existing dwelling.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures. Seconded, Mr. Yeatman. Carried 5-0.

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JOHN P. RIDDELL, app. under Sec. 30-6.6 of the Ordinance, to permit variance to density to permit resubdivision of Lot 55A, Sec. 7, Sleepy Hollow Woods as proposed on plat dated June 1969, 6715 Capstan Drive, Sleepy Hollow Woods, (R-12.5), Map 60-4 ((19)) 55A, V-212-69, Annandale District

Mr. Riddell stated that he was seeking a variance in the density to subdivide the lot. When he purchased his property, the last house that was built in the development, he noticed nothing in his deed that stated that he could not subdivide. Based on that he had surveyor submit a proposed resubdivision to the County and that was given preliminary approval. He was unaware of the fact that there was a density rule. This is 40,000 sq. ft. and the vacant lot is very steeply terraced. It is not suitable for any type of recreational activity or gardening. This is the only vacant lot in the subdivision. It meets frontage and area requirements and would in no way be detrimental to the community and residents of Sleepy Hollow.

Mr. Smith said he knew of no section in the Ordinance that would authorize the Board to grant this.

Mr. Yeatman stated that he was puzzled why the builders left this vacant land.

Mr. Riddell said he thought they did intend to build on it originally. When he bought the property he checked with the County and was told that he could subdivide. It is a burden on him trying to keep the property clean and keep the grass cut.

There are probably many lots like this in the County, Mr. Long said, that have the same problem.

No opposition.

Mr. Yeatman moved to defer for information from Mr. Chilton as to what would happen in the subdivision if the Board grants this application, and for an opinion from the Board of Supervisors. Seconded, Mr. Baker. Carried 5-0.

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WASHINGTON GAS LIGHT CO., app. under Sec. 30-7.2.2.1.8 and 30-7.2.2.1.3 of the Ordinance, to permit erection and operation of natural gas metering and regulating station and associated radio tower, located at the end of Old Mill Rd. adj. to VEPCO right of way, Centreville District (RE-1) Map 65 ((1)) pt. 43, S-214-69

Mr. Randolph W. Church, Jr. represented the applicant.

Mr. Phillips reported that the application was heard last Saturday by the Planning Commission, adopted as part of the Public Facilities Plan, and recommended for approval. It is located in a Public Facilities corridor.

Mr. Church stated that there are two interstate pipelines traversing the western section of Fairfax County -- the Transcontinental Gas Pipeline and the Atlantic Seaboard Corporation. The Gas Company has constructed a line that connects with Transco in Prince William County. Where Colonial Pipelines crosses the VEPCO easement, they propose to erect a natural gas metering and regulating station and associated radio tower which is necessary for the pipe line. The Board recently approved a similar tower at Reston. He introduced Mr. Donald L. White, Superintendant of Gas Supply for Washington Gas Light Company and employed by the Company for 32 years, who gave the following report:

"Washington Gas Light Company retails gas in the metropolitan Washington area and in adjoining areas of Virginia and Maryland. As you know, the population of this area has grown rapidly since World War II and is expected to continue to grow very substantially in the years immediately ahead. With population growth has come a rising

"demand for natural gas. In the Virginia section alone we anticipate an increase in the maximum day requirements from 276,000 MCF to 396,000 MCF by the winter of 1974-75, an increase of over 40 per cent.

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Two interstate gas companies, Transcontinental and Atlantic Seaboard, run through Western Fairfax County and supply gas from the gas fields to the companies which in turn supply gas to retail customers in the metropolitan areas of the east and north.

In order to meet Washington Gas Light Company's increasing demands, the Federal Power Commission has granted a certificate of convenience and necessity to the Transcontinental Gas Pipeline Company to sell additional gas to Washington Gas Light Company at a delivery point in Prince William County. Washington Gas Light Company has secured all necessary approvals and has constructed a 24 inch pipeline from the delivery point parallel and adjacent to the Colonial Pipeline Company's petroleum products line to a point in Western Fairfax County where Colonial's line crosses Vepco's major transmission corridor west of its Bull Run Substation. From this point Washington Gas Light Company has built a 30 inch pipeline mostly within the Vepco easement to Route One where it connects with other facilities of the gas company. Eventually the 30 inch line will be extended into storage facilities in Maryland.

This application is for a special use permit to construct a regulating station and associated facilities at the point where the Colonial line intersects the Vepco transmission corridor. The Company has under contract 4.8622 acres at this point of which it proposes to use less than one acre. Location of the station at this point will make possible an additional future extension by Washington Gas to the transmission line of Atlantic Seaboard Corporation by utilizing the Vepco transmission easements to the west and making it unnecessary to secure easements for this connection across properties which are not already subject to utility transmission easements.

The function to be performed by this station are necessary and indispensible parts of the transfer of gas from Transcontinental to Washington Gas and to the operation of Washington Gas's line.

Three small one story brick faced buildings are proposed for the site. The first will be a 60 ft. by 40 ft. regulating building where the amount of gas received from Transco will be controlled and the pressure in our line will be regulated by remote control equipment.

The second will be a 15 ft. by 20 ft. building where the gas received from Transco will be odorized. Natural gas is odorless and law requires that it be odorized before it is sold at retail so that consumers may be aware of its presence if a stove is left on or something of a similar nature occurs.

The third building will be 25 ft. by 15 ft. and will house communication equipment which will operate the equipment in obedience to signals received by the radio tower.

The tower will be 120 ft. high and will be located about 250 ft. from the nearest Vepco transmission wire. It will receive signals from Transco's station in Prince William County and Washington Gas's office at Springfield. The station will be remotely controlled and will be unattended except for routine inspection. It will produce no new traffic which will be hazardous or inconvenient to the neighborhood.

The station will be odorless and dustless and will produce no radioactivity or electrical interference. It will not discharge any liquid or solid wastes. It will be constructed in accordance with all applicable building and pipeline codes and will be safe. It will be surrounded by a 6 ft. chain link fence topped with barbed wire.

We believe that the proposed location for this important and necessary facility is not only a good location, but the best one available, and we respectfully request that a special use permit be granted."

Mr. McK. Downs, real estate broker and appraiser, submitted a written report of his investigation of how the facility would affect the surrounding area, concluding as follows: "The proposed gas regulating station and communication tower which would be constructed on the proposed site would be so designed and constructed that they would meet all safety requirements and would not have any adverse effect on the health or the safety of the general public. The proposed facility would occupy only a small portion of the total site and a substantial amount of the natural tree growth which exists would be retained. An examination of other such installations would indicate that single family residential development can, and does take place immediately adjacent to such facilities without any adverse effect. It is therefore concluded that this proposed facility would be in harmony with the purposes of the Comprehensive Plan of Land Use as embodied in the existing Fairfax County Ordinance and that there would be no adverse effect on any existing or proposed development in the immediate area."

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WASHINGTON GAS LIGHT COMPANY - Ctd.

The Board discussed screening of the facility. Mr. Church said he thought it would look better if the Company could landscape this rather than try to plant traditional screening all the way around it which would look sort of silly. Mr. Yeatman suggested planting small trees in the area.

No opposition.

In application S-214-69, an application by the Washington Gas Light Company, under Section 30-7.2.2.1.8 and 30-7.2.2.1.3 of the Zoning Ordinance, to permit erection and operation of natural gas metering and regulating station and associated radio tower, located at the end of Old Mill Road adjacent to Vepco right of way, also known as tax map 65 ((1)) pt. 43, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

(1) that the owner of the subject property is the Arlington Fairfax Chapter Inc. of the Izaak Walton League of America;
(2) that the present zoning is RE-1;
(3) that the area of the lot is 4.8622 ac.;
(4) compliance with provisions of Art. XI (Site Plan Ordinance) will be required;
(5) the Planning Commission on December 6, 1969 approved this as an addition to the Public Facilities Plan under Section 15.1-456 of the State Code.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

(1) The applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

(2) That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

(1) This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

(2) This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

(3) This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes in ownership, changes of the operator, changes in signs, changes in number of employees and/or persons involved, or changes in screening or fencing.

(4) Radio tower shall not exceed 120 ft. in height.

(5) The building shall be of brick construction.

(6) Trees shall be planted around the fenced enclosure in a manner and size to be approved by the Land Planning Office.

Seconded, Mr. Barnes. Carried 5-0.

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YOUTH REHABILITATION CENTER (SCHOOL FOR CONTEMPORARY EDUCATION) application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of school building for rehabilitation and teaching uses (60 to 75 children), 9 a.m. to 4 p.m. daily,

YOUTH REHABILITATION CENTER - Ctd.

located on northeasterly side of Rt. 123 approx. 600 ft. N. E. of Hill Rd. and John Marr Rd., Centreville District, (RE-1), Map 48-1 ((1)) pt. 28, S-213-69

Mr. York Phillips located the property on the map.

Dr. E. Lakin Phillips stated that he had a small camp operation on this property several years ago. He has owned the property since 1955 or 1956 and he did have a use permit for a summer camp about ten years ago.

How many use permits do you have now, Mr. Smith asked?

He has use permits on 1524 and 1530 Chain Bridge Road and McLean Baptist Church, Dr. Phillips replied. This property would be used for youngsters age 14 and up. The highway is going to be widened to four lanes in the immediate future. This will be on a two acre tract of land. The rest of the land would serve as a buffer area. There would be no parking or ingress/egress problems. The Health Department advises that the septic field would accommodate up to one hundred students. There is no building on this two acres at this time. Ages of these students would be from 14 to 25. This school will be for disturbed children who cannot readily learn and who require small classes. They have some learning defects, and some of them might be mildly retarded. These children have not been in trouble with the law -- they are not in that business. There is no school like this one in the Northern Virginia area and this would be a logical extension of the school now located at 1524 and 1530 Chain Bridge Road in McLean, Virginia. The school is an accredited institution, receiving reimbursement from the States of Virginia and Maryland as well as D. C.; from the Military Medicare and Medicaid Program and from private insurance companies. The military has even been known to recommend the placement of families in the Northern Virginia area due to the availability of this school for handicapped learners, a recommendation no other private or public school can cite.

Currently they are planning cooperative work with the Community Action Program to provide education and training for disadvantage-handicapped youth in the Fairfax County area, Dr. Phillips continued. The proposed building will help them to make this cooperation a reality. The teacher-pupil ratio is five to one.

What do you plan to do with the rest of the five acres, Mr. Smith asked?

Dr. Phillips said he did not have any plans at this time.

Mr. Smith said he would assume that if Dr. Phillips is going to borrow any money he would have a problem unless he is going to mortgage the entire tract, and if this is true, he should include the whole five acres in the use permit. The five acre tract is one parcel of land. He is proposing to cut off two acres of it for this use.

It has never gone through Subdivision Control, Dr. Phillips said.

The thing that bothers him, Mr. Smith said, is the fact that there is a house on the five acres and they don't know how close this house is to the piece of land that is being cut off. Will this create a non-conforming house?

The two acres looks like a narrow strip of land for this proposed development, Mr. Long commented. The proposed building is right on top of the parking.

In order to make a decision on this, Mr. Smith suggested, the Board should have something showing everything on this five acres and the part proposed to be cut off so the Board could see the relationship of the house to the proposed building. Is anyone living in the house, he asked?

Dr. Phillips replied that there was someone living there.

This is a large building -- 45' x 70' -- thirty-five feet from a property line, Mr. Smith said, and it seems the entire land area should be available for such large construction.

They don't really need more than 2 acres for this use, Dr. Phillips said, and the land costs money.

Are there any plans to use the old barn and buildings on the property, Mr. Baker asked?

Dr. Phillips said he had no plans for them; they are not really substantial buildings. The house is fifty-five or sixty years old.

Mr. Smith suggested cutting off the house and lot and leaving the four acres for this use. He agreed that land was expensive, but this is a rather extensive use of the two acres, especially since he is going to build such a large building. If the building were existing it would be a little different.

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YOUTH REHABILITATION CENTER - Ctd.

Dr. Phillips admitted that he was going to build another building in the future, Mr. Smith said.

Dr. Phillips said he was only following Mr. Paciulli's advice and if that was wrong, he would withdraw the second building.

Opposition: Mrs. Mary G. Bragg, 2777 Chain Bridge Road, presented a petition from neighbors stating that they were unalterably opposed to the school. Dr. Phillips had a camp there earlier and the neighbors did not oppose that as they had the impression that it was for physically handicapped children. Several months of operation during the summer was enough to convince them that they want no part of this in the future. There are a lot of children in the neighborhood and none of them need this use. Children 14 to 25 that are emotionally disturbed are far more dangerous to human beings and property if they get out as there is no way they can be controlled. She read in the newspaper where a four year old boy was killed by a mentally disturbed child and she wanted no part of this in her residential neighborhood, she said.

J. W. Lane, Jr., owner of the property to the left of the Phillips property, said he owns four acres. He is opposed to introducing this facility in the neighborhood. This is an area of single family residences and many of these families have resided there for a long time. This use would be contrary to plans the County has for this area. Introduction of such a facility would have a serious impact on property values. Homes in this area run from $35,000 to $140,000. Six or seven years ago, Mr. Lane continued, he was approached by Dr. Phillips and asked if he would support a camp for crippled children. He said that he would. Who wouldn't? Dr. Phillips is interested in crippled children to the extent of emotional disturbances; he is a psychologist. This area does not have fencing and this is not the place for such a school. When Dr. Phillips' first operation was here, a thirteen year old was found in the Lane's house, the second story, smashing dishes. A second child was found in their house looking for a cupboard in which to hide. This is public record. They contacted the Police Department and the Health Department. There was no fence then and no fence now. They talked to the Oak Crest Citizens group and they talked with Dr. Phillips who indicated that the break-in was not true. There was a woman involved who was eight months pregnant and this is a matter of public record. The County needs this type of facility but this is not the place for it. Mr. Lane added that he was also skeptical about the sewerage.

Dr. Phillips stated that the event Mr. Lane spoke of really has no bearing on the present operation. They have been in McLean in the center of the city 2 1/2 years and in the McLean Baptist Church and they have had no problems of children getting out. In this particular facility there would be older youngsters. Their primary difficulty is that they have learning defects. They have to have special education and special training, otherwise they are not employable. It would cost from $3,000 - $6,000 a year if they were institutionalized. Training them will work enormous benefit to the County. The school has an excellent reputation.

If this could be done by right, Mr. Smith said, it would be a different situation. Unfortunately, a use permit must be obtained. The Board must weigh all the factors and if there is an impact which would have an adverse effect on the adjacent property owners, the Board has no authority to grant this in a residential area. Every member of this Board has gone to extreme to help Dr. Phillips to provide facilities for these young people but this is getting into an area of older people and he wondered whether Dr. Phillips had the people to properly take care of these students in an area such as this. The Board has heard all the testimony in connection with this so this completes the public hearing.

In application S-213-69, an application by Youth Rehabilitation Center, under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of school building for rehabilitation and teaching uses, on property located on the northeasterly side of Route 123 approximately 600 ft. northeast of Hill Road and John Marr Road, also known as tax map 48-1 ((1)) pt. 28, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals held on the 9th day of December 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Dr. E. Lakin Phillips.
2. Present zoning of the property is RE-1.
3. The area of the lot is 2 acres of land.
4. Compliance with provisions of Article XI (Site Plan Ordinance) would be required.

AND, WHEREAS, THE BOARD OF ZONING APPEALS has reached the following conclusions of law:

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YOUTH REHABILITATION CENTER - Ctd.

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. That the use would be detrimental to the character and development of the adjacent land and not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is denied.

Seconded, Mr. Barnes. Carried 5-0.

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VICTOR A. KOELZER, app. under Sec. 30-6.6 of the Ordinance, to permit carport to be enclosed for garage 16 ft. from side line, 2432 Carey Lane, Valewoods Ests., Lot 5, Centreville District, (RE 0.5); Map 38-3 ((6)) 5, V-216-69

Letter from the applicant requested deferral.

Mr. Yeatman moved to defer to December 23. Seconded, Mr. Baker. Carried 5-0.

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GILBERT W. GRAY, app. under Sec. 30-6.6 of the Ordinance, to permit dwelling closer to Olmstead Dr. than allowed, 1834 Olmstead Dr., Dranesville District, (R-10) Map 40-1 ((1)) 55, V-228-69

Mr. James Morris represented the applicant. Several years ago, he explained, the land was subdivided by the late Mr. Storm. This subdivision was made illegally. No approval was given and there was no dedication of streets, etc. About a year ago Mr. Gray started selling a piece of property he owned and working with the Planning Commission he found that there had been violations of the Subdivision Ordinance and if Mr. Gray subdivides or sells the property he would be guilty of a misdemeanor as would anyone else in the subdivision. He went back to the original developer asking for help. There has been an agreement worked out with the heirs of Mr. Storm to bring the street up to date. The land is there for the street but has never been dedicated. This will be done and the street will be developed. The Gray home will be approximately 24 ft. from the property line. Mr. Gray had nothing to do with this violation, and did not know of this when he purchased the land. This correction cannot be made to this subdivision unless the variance is granted. There is a frame shed shown on the drawing which will be eliminated. The house is about 43 years old. Mr. Gray bought it in 1959.

No opposition.

Since the shed was erected prior to the resubdivision, the shed becomes non-conforming, Mr. Smith said, and the shed could be left.

In application V-228-69, an application by Gilbert W. Gray, under Sec. 30-6.6 of the Ordinance, to permit dwelling closer to Olmstead Drive than allowed, on property located at 8134 Olmstead Drive, also known as tax map 40-1 ((1)) 55, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 9th day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 1.2445 ac.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive

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GILBERT W. GRAY - Ctd.

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the user of the reasonable use of the land and/or buildings involved.
(a) exceptionally irregular shape of the lot,
(b) unusual condition of the location of existing buildings, due to creation of a road,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

This approval is granted for the location and specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of the County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

Seconded, Mr. Baker. Carried 5-0.

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LESLIE K. NAKAMURA, app. under Sec. 30-6.6 of the Ordinance, to permit enclosure of carport for recreation room 9.8 ft. from side property line, located at 6720 Deborann Ct., Orange Hunt Ests., Sec. 3, Lot 234, Springfield District (R-17 cluster), Map 89-1 ((15)) 234, V-227-69

Mr. Nakamura stated that his lot is irregular shaped -- it is a triangular lot at the end of a cul-de-sac. According to the plan the house should have been built 5 ft. farther back, giving the required distance from the property line. This is a bi-level home, without basement. He needs extra space for his children to play, and to hold Boy Scout and Girl Scout meetings. The carport is 10 1/2 ft. wide. In their subdivision they must obtain approval from the Architectural Control Committee and they have already gotten that. This will be a continuation of the present brick that they have,with a window to match the other two windows.

No opposition.

In application V-227-69, an application by Leslie K. Nakamura, app. under Sec. 30-6.6 of the Ordinance, to permit enclosure of carport for recreation room 9.8 ft. from side property line, located at 6720 Deborann Court, also known as tax map 89-1 ((15)) 234, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on December 9, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the applicant is the owner of the subject property.
2. Present zoning is R-17 cluster.
3. Area of the lot is 11,009 sq. ft.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular lot.
(b) very shallow lot.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

(1) This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

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LESLIE K. NAKAMURA - Ctd.

(2) This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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LEVITT & SONS, app. under Sec. 30-6.6 of the Ordinance, to permit second story overhang of dwelling 32.99 ft. from Melville Lane, 13145 Melville Lane, Greenbriar, Sec. 12, Blk. 54, Lot 1, Centreville District, (R-12.5 cluster), Map 45-3, V-231-69

Mr. Charles J. McGhee, surveyor for Levitt & Sons, represented the applicant. At the time they found the violation and made application for variance, the house was sold but the owners had not taken possession. No one is living in the house. He said he would have to share the responsibility of this mistake. When they made the wall check, everything was all right, and they did not realize the violation until they made the final check and discovered the overhang was too close to the street.

No opposition.

In application V-231-69, an application by Levitt & Sons, an application to permit second story overhang of dwelling 32.99 ft. from Melville Lane, 13145 Melville Lane, also known as tax map 45-3, Mr. Yeatman moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and if accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals on the 9th day of December 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

The applicant is the owner of the property.
Zoning of the property is R-12.5 cluster.
Area of the lot is 13,049 sq. ft.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried unanimously.

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LEVITT & SONS, app. under Sec. 30-6.6 of the Ordinance, to permit dwelling to remain closer to Melville Lane than allowed by Ordinance, 4352 Mt. Carriage Lane, Greenbriar, Sec. 11, Blk. 47, Lot 8, Centreville District, (R-12.5) Map 45-4 V-232-69

Mr. Charles McGhee, surveyor, represented the applicant. These houses are computed by electronic computer, he said and if a lot comes up at an angle or is irregularly shaped, it may have to be staked out by making an odd approach to get the building line. This one was exactly one foot off and it was not noticed by anyone in making the wall check. This is a 60 ft. street so the setback should have been 35 ft. rather than a 50 ft. street and a 30 ft. setback. They have built about 1300 houses in this subdivision and these are the first two errors.

No opposition.

In application V-232-69, an application by Levitt & Sons, to permit dwelling to remain closer to Melville Lane than allowed, 4352 Mount Carriage Lane, tax map 45-4, County of Fairfax, Virginia, Mr. Yeatman moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

December 9, 1969

LEVITT & SONS - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Zoning is R-12.5 cluster.
3. The area of the lot is 13,049 sq. ft.

AND WHEREAS, THE Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vidnity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

Seconded, Mr. Baker. Carried 5-0.

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LANGLEY CLUB - Mr. Sheridan came before the Board for a clarification of the motion granting the special use permit. He had a question on the fencing and screening of the Burling tract in the back and asked to defer screening until such time as it is required. On the other side they call for screening and it is 20 ft. below the swimming pool area, he said, and the motion also calls for screening along Live Oak Drive. They already have a chain link fence back about 40 ft. on Live Oak Drive and that should be sufficient to safeguard the pool. This might have been a misunderstanding; perhaps the Board did not know there was a fence there.

The Board was not aware that a major highway was going behind it either, Mr. Smith said.

Mr. Sheridan said they were increasing the parking spaces to 100 or 102 spaces and would like to have a small increase in membership. Existing membership now is 300 members + five per cent; it is 315 now. About 360 would be the maximum. If they can get the fencing straightened out they would be in good shape. They could not get the 100 cars in with the 25 ft. setback from the Burling tract but they can get it in with an 8 ft. setback.

That is surrounded by undeveloped area now, Mr. Smith said, and if the road goes in they might not need screening there.

Mr. Long told the Board that he had met with Mr. Sheridan on the site and looked over the property. At the time of hearing the Board thought there was going to be a subdivision behind the tennis courts but this is a proposed parkway and it would be reasonable to waive screening at this time. It is a densely wooded area and since he made the original motion, he would like to withdraw that motion and offer another one:

In application S-188-69, an application by Langley Club, Inc., under Section 30-7 2.6.1.1 of the Ordinance, to permit additional tennis courts, pool, ping pong tables, handball and volleyball practice courts and the enlargement of the club house, on property located at 728 Live Oak Drive, also known as tax map 21-1 ((1)) 7A, 8A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of October, 1969, and

December 9, 1969

LANGLEY CLUB - Ctd.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

The owner of the property is Langley Club, Inc.
The present zoning is RE-1.
The area of the lot is 4.6374 ac.
The original use permit was granted March 25, 1967.
The provisions of Art. XI (Site Plan Ordinance) would apply.

WHEREAS' the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use enbodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

4. This approval is for a maximum of 360 family memberships.

5. There is to be a minimum of 102 parking spaces with all parking during swim meets to be confined on the site.

6. A chain link fence is to be erected to a height of 12 ft., 8 feet more or less inside the property line along the tennis court boundaries. A fence 6 feet in height 8 ft. inside the property line shall be erected along the common boundary line of E. B. Burling, Sr. at such time as the Burling property is developed and the Land Planning Division determines the need for division.

7. Site shall be screened from the Sanders property at such time as that property is developed and the Land Planning Branch determines the need for screening.

8. Hours of operation: 8 a.m. to 9 p.m., seven days a week. Any exception to this (teen and adult nights) would have to be approved by the Zoning Administrator in advance.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

SAMUEL L. & DORIS TROOBNICK, app. under Sec. 30-6.6 of the Ordinance, to permit lots with less lot area than allowed, proposed Lots 2A, 3A, 4A, 5A, 6412, 6416, 6422, 6428 Pickett St., Lee District, (R-17) 83-3 ((5)) 2, 3, 4, 5, V-194-69 (deferred from Nov.7)

Attorney for the applicant requested withdrawal.

Mr. Yeatman moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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December 9, 1969

ROBERT SWEITZER - S-186-69 (nursing home): Mr. Knowlton reported that the staff had discussed this interpretation with various agencies within the County Government. The Board of Supervisors at its meeting of December 3 took action to announce their intent that all of the specific requirements listed in the new nursing home amendment would apply to all nursing homes, whether containing more or less than fifty beds.

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In application S-186-69, an application by Robert L. Sweitzer, application under Section 30-7.2.6.1.8 of the Zoning Ordinance, to permit nursing facilities, 80 beds, on property located at intersection of Wittington Boulevard and Elkins Street, also known as tax map 102-3 ((1)) 40, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS' the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of November, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is the applicant.
2. The present zoning of the property is R-12.5.
3. The area of the lot is 4.1 acres.
4. Conformance with Art. XI (Site Plan Ordinance) would be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. The applicant has not presented testimony indicating compliance with standards for special use permits in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use would be detrimental to the character and development of the adjacent land and would not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is denied.

Seconded, Mr. Barnes. Carried 5-0.

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DAVID THEIS (PONDEROSA FARM) - Mr. Smith announced that the Board would proceed with the hearing, beginning with the report from the Inspections Division, then hearing from people who have pertinent information regarding the operation, and giving Mr. Duffy the same amount of time to answer these charges.

Mr. Duffy objected to the Chairman's ruling but said he would abide by it.

Mr. Koneczny told the Board that the applicant still had not fulfilled his requirements of the use permit. The Board has not received the insurance certificate showing David Theis being permittee. He had made personal calls to the Taylor Insurance Company, he said, showing Wally Holly and Dr. Webb as being covered by insurance. In addition, there are people present today to give statements in regard to injuries that have occurred on the property in connection with this use permit.

Miss Bettijane Allen of the Fairfax Humane Society stated that people were present who would testify that David Theis was only an employee at the time of issuance of the use permit, that Wally Holly was at that time in charge. The 1969-70 telephone book lists Wally Holly's name in connection with the Ponderosa. David Theis' name is not in the telephone book. Business license was issued to Wally Holly and the release form given riders to sign indicates that Wally Holly and Dr. Webb are not responsible for accidents. David Theis was absent from the Ponderosa for six months, thus abandoning the operation. Before initial charges were brought against the Ponderosa by the Humane Society, they did not have insurance. There has been evidence of dead horses buried under manure piles along stream banks. No safety measures are taken in connection with this operation. Electric prods are used to make the horses leave the stable. The Great Falls Rescue Squad has made 22 trips to the Ponderosa in six months. A similar check of other riding stables in the County has been made and their record of accidents in no way compares to this operation. Also, she said, she would like to ask Mr. Theis if he feels that he has violated the child labor laws by employing minors at below minimum wages, and for long hours. Finally, they do not believe that it is legal for a 14 year old child to sign away his life on a form. In conclusion, they feel that the permit was issued illegally and they feel that even if the Board did issue this, in light of information to be brought forth, the permit should be revoked.

Mrs. Twynam described what she had seen when she visited the property on September 14, 1969. She was horrified at the lack of care for the public,she said. She saw horses come in exhausted, dripping wet, and another rider put on immediately. No one checked the chin strap or chain or examined the girth strap before another rider got on. Tack was in very poor condition, some of it dry rotted. Horses were bleeding from the mouth and feet and no effort was made to make the horses comfortable or secure the rider's safety. The horses had no chance to drink water. During the time she was there, she did not see Mr. Theis give instructions or manage the place in any way. All of the people sending horses out were teen-agers not instructed on the proper way to see that a horse is safe.

Mary Horne, riding instructor with 20 years of riding experience, told of being at the Ponderosa three times and was horrified about the lack of safety precautions. Horses were exhausted. She saw people come in who were under the influence of liquor, and people who were not asked whether they could ride, put on horses. She saw tack in bad condition. She told of a little girl being thrown off a horse and injured. No one went to check on her. Mrs. Horne found her and took her to Fairfax Hospital. She saw horses being beaten to get them away from the stable while people were standing there. Some were almost run down by a horse that was being beaten by Mr. Theis. The horses were frantic by afternoon. They started around 7 a.m. and she was there until about 5:15.

Mr. Koneczny reported that he did not have the information from Fairfax Hospital as the records were confidental. He did have a list of calls made by the Great Falls Rescue Squad to this property.

Mr. Smith called Robert H. Murchison, Jr.

Mr. Murchison, Jr. told of being injured on the property August 10, 1969 and being in the hospital with a serious brain injury. He was thrown by a horse and dragged. He was in the hospital for two weeks and his father's insurance paid the bill.

Mr. Murchison, Sr. stated that the neurosurgeon's bill was extreme. The bills have been paid by his own hospitalization up till now. The hospital bill was over $1,000. His son was in intensive care and was released from the hospital August 19. At the time of release he had little knowledge of coming home, and no knowledge of what happened. He has just recently been cleared of vertigo. He has a home teacher as he is still not able to go to school and is still under doctor's care.

Anne Holmes told of going with a church group to the property to ride. When they got there there was a mixup and not enough horses so they had to wait. They saw people put on horses and taken out, some of the horses in lather, obviously from over-riding; none of the tack was checked. She adjusted her own stirrups. She rode the horse down a hill by the creek, turned around to see if some of the other group was behind her, when the horse took off, completely out of control, to the barn. The horse's head was down in a rocking motion and there was no curbing device on the tack. Pulling back on the bridle had no effect. She fell off the horse and was taken to the hospital by the rescue squad with an injured back. She lost one week from work and has been going to an orthropedist since September. Her father called Mr. Holly and was told that they had no insurance and could not get insurance. On the day they went to the stable and there was a mixup in horses, they asked to speak to the owner, and got Mr. Holly.

Elisha Bennett told of going riding at the Ponderosa on August 24 with a girl friend. She got a horse that was hot and sweaty. Her horse slipped on loose dirt where the creek bank was and they fell. She was taken to the hospital with a fractured vertebra in her back and a broken collarbone. Her father's insurance paid part of her bill.

Miss Bennett's father stated that he called Mr. Holly several times after the accident and was told that he had liability insurance. An attorney has since been contacted.

Karen Rose described her accident on the property. She and two of her cousins were there and she was riding English saddle. She was in the field when her glasses fell off and she went down to get them. She got off the horse, picked up her glasses and was trying to get back on while the horse was going around in circles. She finally got him stopped, got one foot in the stirrup and he started running with her hanging on. The saddle fell over to the side and she fell off. Mrs. Horne took her to the hospital.

Bruce Davidson stated that he worked at the Ponderosa during the summer of 1968. Most of the time David Theis was not there; Wally Holly ran the place. All problems were referred to Wally. Mr. Davidson said he was hired June 15, 1968. He took a week's vacation in July and when he came back from vacation David Theis had left. He was told that he was fired. All of the tack was dry rotted and was not checked each time. A lot of horses that did not need them were given severe bits. Some horses were runaways and could not be stopped. They were given tranquilizers to slow them down. Horses that died or were killed on the farm were buried in the creek under manure.

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Ponderosa Farm - DAVID THEIS - Ctd.

Mr. Davidson told of a horse that had a habit of staying in the barn and would not leave and was hit with a shovel and killed. It was finally dragged off into the woods and buried. He had seen Mr. Theis come by a couple of times after he was fired and paid to ride horses. He told the Board that he worked for $20.00 a week for about 73 hours of work and was paid by check from Mr. Holly. In November and October he was paid $40.00 a week for the same amount of work under the School Plan.

Mr. Hardison of Centreville also told of a pony being taken to the creek and buried. He had seen evidence of other ponies being buried there. He described the horses as being in poor condition, and being overworked. He believed Mr. Holly was the owner of the operation. He knew that Mr. Theis worked there.

Elizabeth Caldwell told of making reservations at the Ponderosa for certain horses. When she found she was going to be a few minutes late, she called the stable. When she arrived, the horses were not available. Her daughter 10 1/2, had not been on a horse, so she wanted a gentle horse for her. When a horse came in that she knew to be gentle, she asked for the horse and was told that she was not going to get it. While standing there, she saw a horse come galloping toward them, throwing off a young man, and knocking him unconscious. Her daughter was terrified and did not want to ride after that. She was told "too bad, you don't get your money back". She said she was not interested in that but this was her first and would be her last trip to the Ponderosa Stables. She was informed that they did not need her business. She called the hospital to check on the boy who was injured and was given his mother's name. She has talked with her since then, and was told that her son has been having nosebleeds which he did not have before the accident.

Janie Stephanie, Falls Church, Virginia, described her accident on the property. She knew Mr. Theis and assumed that he was just working there. She thought that Mr. Holly was in charge.

Joe Burrell told of seeing barb wire in the field, seeing people thrown off of horses, horses being beaten or bruised, and soaking wet horses. He ran into Mr. Theis one day after not seeing him for a while and Mr. Theis told him that he had got married and was out of the horse business for a while.

Mr. Duffy, in rebuttal, said that Mr. Theis at all times has lived up to the motion that was made granting this application. The insurance policy is in the file with the records of this case. The riders are and have been at all times been insured. Mr. Theis is the concessionaire and he had the coverage. The policy covered the Ponderosa and the operations of the Ponderosa were covered for the saddling of horses for hire. It covers Mr. Theis and every individual who is associated with the operation.

Mr. Yeatman asked why the insurance company did not satisfy the claims of the people who were injured.

Mr. Duffy said that Mr. Murchison had indicated that he had not submitted a claim to the insurance company. Of course, a claim is necessary. If the operation is negligent the insurance company will pay.

Mr. Group from the Taylor Agency told the Board that when a report of an accident is made, the form is filled out by someone at the Ponderosa and sent directly to the Lloyds of London underwriters prior to September 6, 1969 and since then to the Horseman's Association, and an investigator investigates the claim.

When was Mr. Theis' name added to the policy by endorsement, Mr. Smith asked?

Mr. Group said on October 27, 1969. Prior to that his name was not specifically named as the named insured but he did have coverage. He had been on the property, he said, most of the horses are in fairly good condition. Maybe one of two have been thin. He has seen feed there -- hay and grain.

The Board discussed claim procedures with Mr. Group.

Mr. Duffy again referred back to the Code of Virginia saying that the Code of Fairfax County cannot exceed the powers given to the Board of Zoning Appeals in the State Code. There is in the Code of the County a provision setting forth that the Board may revoke a use permit; there is no such power given by the State Code. He felt that this was a good and orderly operation. He has ridden a horse there one or two times. There is no requirement that any operator under a use permit has to be present at all times on the premises. As for accidents, in any type of operation someone is bound to get hurt. Fairfax County has no regulations on riding stables so any standards that are applied are not in existence.

Ponderosa Farm - DAVID THEIS - Ctd.

Mr. Smith pointed out that the Board does have authority to act in any manner to safeguard the safety and interests of the people using these facilities. This is not a use permitted by right. Granting this use permit to Mr. Theis was under the condition that he was going to operate under safe conditions. It has become quite evident that Mr. Theis was not on the premises; he does not have a vested right as to the land owner; he is only a concessionaire and his only right is to Mr. Holly who is the lessee of the property.

Mr. Duffy said he did not believe that anywhere in the record is the word "safety". Mr. Theis is operating in a good, orderly fashion.

Mr. Smith said he considered "orderly" to mean "safe".

Mr. Theis stated that he had purchased thirty saddles this year and has the receipts. The tack is not in bad shape.

What is the longest period that you have been away from the operation since the permit was granted, Mr. Smith asked?

Two or three days at the most, Mr. Theis stated. There was a time when he did not live on the farm but he does live on the farm now. He moed back in September. He has about 45 horses and saddles for 30 of them. None of the saddles on the property are over a year old. Mr. Holly made the application for the insurance.

Mr. Barnes noted that the insurance policy was based on gross receipts of $48,000. Mr. Holly gets 80% and Mr. Theis gets 20%.

Mr. Yeatman asked what time in the morning the operation starts.

About 8:00 in the morning on weekdays and on weekends about 7:00 a.m., Mr. Theis replied. He has never seen a horse so tired that he had to be beaten or drugged to make him go. He has hit horses, yes, and probably everybody who has ever ridden a horse has hit one. He has used electric prods to make them go too, and that is not inhumane -- they are sold on the market. When the horses get tired, there are spare horses in the field that are not tired. He has never buried horses in the stream. The horse that Mr. Davidson spoke of died of a stroke - as far as they can determine, it had a heart attack. It was six years old. He has never taken any money out as far as the record goes, he puts all his money back into the business, buying horses, saddles and equipment. He owns about twenty horses right now.

Mr. Duffy stated that the Board could take a look at the operation if they wanted to.

Since he had never been out to the property, Mr. Yeatman said he would like to defer final decision and go out and see what it looks like. He moved that final decision be deferred.

Mr. Long seconded the motion. Carried 4-1, Mr. Smith voting against the motion as he felt the case should be disposed of today.

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NATIONAL CONSTRUCTION & DEVELOPMENT CO. INC. - Mr. Knowlton read the staff report. (Copy on file with records of this case.)

Letter from the applicant requested withdrawal of the application.

Mr. Long moved that the application be allowed to be withdrawn with prejudice. Seconded, Mr. Barnes. Carried unanimously.

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tion regarding accessory use to service station:
Mr. Baker moved that the Board adopt the following interpreta-/ Seconded, Mr. Yeatman and carried unanimously.

ACCESSORY: Anything which is joined to another thing as an ornament, or to render it more perfect, or which accompanies it, or is connected with it, as an incident, or as subordinate to it, or which belongs to or with it; for example, the halter of a horse, the frame of a picture, the keys of a house.

AUTOMOBILE ACCESSORIES: Articles primarily adapted for use in motor vehicles, under Revenue Acts. Universal Battery Co. vs. U. S. Ct. Cl., 50 S. CL. 422, 423, 281 U.S. 580, 74 L.ED. 1051.

--Pg. 29, Black's Law Dictionary, 4th Ed.

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Interpretation - Accessory use to service station: - Ctd.

GASOLINE STATION: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery to motor vehicles of motor fuel, lubricating oil and minor accessories for such vehicles and the sale of cigarettes, candy, soft drinks and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs or otherwise servicing motor vehicles, but not including auto body work, welding, painting or major repair work.

--Sec. 30-1.8.11, Code of Fairfax County, Virginia

The rental of cargo trailers is not an accessory use to a gasoline station in Fairfax County. Under the definition of automobile accessories found in Black's Law Dictionary, accessories are those items used in a motor vehicle rather than an item that might utilize some of the vehicle's power to fulfill a function that the vehicle was not itself designed to fulfill. A trailer is not an ornament, does not render the vehicle more perfect, does not normally accompany it, does not accompany it as a regular or permanent incident, and therefore does not belong with it as an established part. The ultimate function of a cargo trailer is not incidental to the use and enjoyment of a motor vehicle, nor is the function the same or similar.

Section 30-7.2.10.5.4 of the County Zoning Ordinance (dealing with use permits in the C-G District) lists separately the rental of trailers as a use requiring a use permit. This distinction is made despite the fact that gasoline stations are permitted by right in that district. Since the rental of trailers is not mentioned in the more restrictive commercial districts (C-N, C-D and C-DM), they are therefore not permitted. Such a use, under Section 30-7.2.10.7, would require site plan approval.

To further dispel the notion that a trailer is an accessory to a motor vehicle, Black's Law Dictionary defines a trailer as "a separate vehicle..." As such the County and State levy tax separately on each and require separate inspection of each.

If, therefore, a trailer is not an accessory to a motor vehicle, then it must follow that the rental of trailers is not accessory to the sale of motor fuel.

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Mr. Yeatman moved to adopt the following Resolution:

WHEREAS, the Board of Zoning Appeals is charged with the interpretation of the Zoning Ordinance, and

WHEREAS, by virtue of their responsibility to interpret the Board of Zoning Appeals must be constantly aware of actions and practices of the staff, and

WHEREAS, the Board of Zoning Appeals, in considering applications for Special Use Permits, must be cognizant of exactly what effect their actions will have on a given community by virtue of accessory uses, administrative practices, and Code enforcement, and

WHEREAS, the Board of Zoning Appeals may expect the actions of the staff to follow prescribed practice unless and until interpretations by this Board or by the courts has required a change, and

WHEREAS, any change in rulings, interpretations, practices or actions of the staff constitute a change in the policy of the County,

NOW THEREFORE BE IT RESOLVED, that any administrative change in interpretation, practice or action by the staff which will potentially affect matters of concern to this Board shall be presented to the Board of Zoning Appeals prior to their enactment so that the Board may be aware of the effect these might have on their future actions, and

BE IT FURTHER RESOLVED, that the Staff will appraise the Board of Zoning Appeals of all rulings of the courts and changes in legislation within those areas of the Code of Fairfax County and of the Commonwealth of Virginia within the sphere of this Board.

Seconded, Mr. Baker. Carried unanimously.

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Letter from Mr. William Hansbarger requested an out of turn hearing for the application of Betty Erkeletian and Sharon Harrell.

The Board agreed to hear this on January 13 providing advertising and posting requirements can be met.

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December 9, 1969

Request for out of turn hearing - Saunders B. Moon, school operating in the Drew Smith Elementary School.

The Board agreed to hear this as soon as it could be posted and advertised.

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The meeting adjourned at 6:45 p.m.
By Betty Haines, Clerk

Daniel Smith 1/13/70

Daniel Smith, Chairman Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, December 16, 1969 in the Board Room, County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Messrs. Clarence Yeatman, Joseph Baker, Richard Long, and George Barnes.

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

NORBERT A. NETZEL, application under Sec. 30-6.6 of the Ordinance, to permit construction of addition closer to rear property line than allowed by Ordinance, 6465 First Street, Weyanoke, Lots 8, 9, 10 & pt. 11, Blk. C, Mason District, (RE 0.5) Map 72-1 ((9)) (C) 8, 9, 10, pt. 11, V-217-69

Mr. Phillips located the property on the map.

Mr. Netzel stated that at the time he purchased the property ten years ago his youngsters were small and his house was quite adequate for living purposes. Now that the children are growing up, his house needs to be enlarged. This is an older subdivision. The odd part about it is that the houses adjoining him and his home were all built by the same builder. At the time the houses to the right of his were built, they were closer up than his house. The Ordinance was changed when his house was built and it had to be pushed back further than the others. The proposed addition would give him a family room and help to convert the small kitchen into a dining area. He has owned the property for ten years. He plans to continue to live here.

No opposition.

In application V-217-69, an application by Norbert A. Netzel, application under Sec. 30-6.6 of the Ordinance, to permit construction of addition closer to rear property line than allowed by the Ordinance, located at 6465 First Street, also known as tax map 72-1 ((9)) (C) 8, 9, 10, pt. 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 10,744 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
   (a) exceptionally shallow lot,
   (b) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 5-0.

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STANLEY M. STIRMAN, application under Section 30-6.6 of the Ordinance, to permit carport to be enclosed for room addition closer to side property line than allowed, 6820 Highland Street, Lynbrook, Blk. 13, Sec. 5, Lot 1, Springfield District, (R-10) 80-4 ((2)) (13) 1, V-218-69

Mr. Stirman said he bought the home two years ago. It is a small house and he has

STANLEY M. STIRMAN - Ctd.

always planned to enclose the carport for a family room. He called the contractor and had him give an estimate for doing the work, not knowing that this would be in violation of the Zoning Ordinance. Many carports in this subdivision have been enclosed. He would like to brick it in like the rest of the house. It was screened when he bought it.

Mr. Yeatman said this would not interfere with sight distance because it is on the other end of the house rather than on the corner.

Mr. Stirman told the Board that the house is about fourteen years old. It is set on the lot in a peculiar angle.

Perhaps this would set a precedent, Mr. Long suggested.

Mr. Yeatman did not think that many houses were set on the lot the way this one is.

No opposition.

In application V-217-69, an application by Stanley M. Stirman, an application to enclose carport for room addition closer to side property line than allowed, located at 6820 Highland Street, Lynbrook, also known as tax map 80-4 ((2)) (13) 1, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The applicant is the owner of the property.
2. Present zoning is R-10.
3. Area of the lot is 10,790 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
   (a) exceptionally narrow lot,
   (b) unusual condition of the location of existing buildings,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried unanimously.

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EDWIN G. FRANCISCO, application under Section 30-6.6 of the Ordinance, to permit construction of carport closer to Capstan Drive than allowed, 3906 Oak Hill Drive, Annandale District, Sleepy Hollow Woods, Sec. 7, Lot 58, Annandale District, (R-12.5) Map 60-4 ((19)) 58, V-219-69

The house is located on a very irregular lot, Mr. Francisco stated, and they have been trying to build a carport for several years. Several construction companies have turned them down because they could only build a carport attached to the house allowing a nine foot width at the rear and twelve feet in front. This would be an irregular shaped carport. The variance would be toward Capstan Drive. The carport would enhance the attractiveness of the area. Because of the steep slope, there would be a room underneath the carport. This would be of brick construction, same as the house.

No opposition.

In application V-219-69, an application by Edwin G. Francisco, to permit construction of carport closer to Capstan Drive than allowed, located at 3906 Oak Hill Drive, also known as tax map 60-4 ((19)) 58, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

December 16, 1969

EDWIN G. FRANCISCO - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, held on the 16th day of December, 1969,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

The applicant is the owner of the property.
Present zoning is R-12.5.
Area of the lot is 12,492 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) irregular shape of the lot; (b) exceptional topographic problems of the land;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 5-0.

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CHARLES W. G. WALKER, application under Section 30-6.6 of the Ordinance, to permit addition of garage and screened porch and to convert existing garage into room 15.4 ft. from side property line, 3214 Amberly Lane, Sutton Place, Lot 87, Providence District, (REO.5), Map 59-1 ((18)) 87, V-220-69

Letter from the applicant requested deferral to January in light of the opposition, to allow him to obtain an attorney.

Michael Bradshaw objected to a continuance as the applicant has had plenty of time to obtain counsel. However, since the applicant was not present to present his application, Mr. Barnes moved to defer to January 20 if this date is convenient to Mr. Walker and Mr. Hobson. Seconded, Mr. Yeatman. Carried 5-0.

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GEORGE M. & JEAN C. POLLARD, application under Sec. 30-6.6 of the Ordinance, to permit erection of stable 73 ft. from Beulah Road, 9369 Campbell Rd., Carters Grove, Lots 10 & 11, Centreville District, (RE-1), Map 28-1 ((2)) 10, 11, V-221-69

Mr. Pollard explained that he wished to construct a 13' x 31' stable on Lot 11. Lots 10 and 11 are owned and have been developed as a single family unit. Each exceeds one acre in size, having combined area of over 2.1 ac. The house was built by the previous owners and is not located solely on Lot 10 but on the common line between the two lots. The proposed location is the best location for the stable because of the sharply sloping terrain. This location would not require removal of as many trees as would some other location on the property. The location which they have chosen is relatively level, on a ridge plateau running along Beulah Road. To move the location 100 ft. from the Manzer property would move it off the plateau. Initially, they would have one horse, eventually two. There are informal riding paths nearby and other stables in the immediate vicinity.

What about the covenants on the property, Mr. Barnes asked?

Mr. Pollard said they cannot satisfy the covenant as it is set up in the deed of dedication. Their approach would be to take one step at a time. They would ask that the variance be granted and then will satisfy Mr. McDiarmid.

Mr. Smith suggested moving the location another few feet.

Each additional foot is a matter of dealing with the slope, Mr. Pollard explained. Where they propose to put the stable the east wall would be at the edge of the breaking point of the slope. Moving it another foot or two would mean a different kind of construction which might involve additional fill and masonry.

December 16, 1969

GEORGE M. & JEAN C. POLLARD - Ctd.

Mr. Smith read a letter received from Paul K. McCarthy and Betty J. McCarthy in support of the application.

Mr. Yeatman was concerned about drainage from the proposed stable, however, Mr. Barnes said he felt that two horses would not present any problem. This will have a ground floor which should absorb most of it.

Mr. Long pointed out that this is a half acre subdivision and he did not think this use was ever intended. There are no riding paths of record in the subdivision and no place to ride without getting on public right of way. This could become an undesirable use in this small area.

This is RE-1 zoning, Mr. Pollard stated, and the applicant owns two acres.

Mr. Smith read a letter from Mr. Hugh McDiarmid regarding the covenants on this property.

In application V-221-69, an application by George M. and Jean C. Pollard, under Section 30-6.6 of the Zoning Ordinance, to permit erection of stable 73 ft. from Beulah Road on property located at 9369 Campbell Road, also known as tax map 28-1 ((2)) 11, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE-1.
3. The area of the lot is 46,940 sq. ft.
4. The house is located on the property line between the two lots and the property cannot be divided again.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) exceptional topographic problems of the land;
(b) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 4-1, Mr. Long voting against the motion.

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JOSEPH W. MROSS, application under Sec. 30-6.6 of the Ordinance, to permit erection of roof over existing stoop closer to front property line than allowed, 6436 Burwell St., Monticello Woods, Sec. 7, Blk. G, Lot 706, Lee District, (R-12.5) Map 81-3 ((13)) (G) 706, V-222-69

The front side of his house facing to the south is located 41 ft. from the inside of the sidewalk, which is County property, and 66 ft. from the center line of the road, Mr. Mross stated. He cannot build without a variance any closer than 40 ft. from the sidewalk of 65 ft. from the road. The roof which he proposes to put over the stoop would extend out about 6 ft. It would be a hip roof with three colonial pillars and would enhance the appearance of his home as well as give protection from the weather. He has owned the house since 1964. The porch would not be enclosed.

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JOSEPH W. MROSS - Ctd.

How many other houses like this are located in this subdivision, Mr. Yeatman asked?

Mr. Mross said there are seven of them with the same entrance. The other six are located about a half mile or three-quarters of a mile from where he lives. This is a two story colonial type home with a stoop about 7 or 8 inches high going directly into the house. The other houses in the area have a basement. His does not.

No opposition.

In the application of Joseph W. Mross, Application No. V-222-69, under Section 30-6.6 of the Ordinance, to permit erection of roof over existing stoop closer to front property line than allowed, on property located at 6436 Burwell Street, also known as tax map 81-3 ((13)) (G) 706, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
(1) The applicant is the owner of the property.
(2) The present zoning is R-12.5.
(3) The area of the lot is 16,140 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

(1) The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot and exceptionally deep lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Seconded, Mr. Barnes. Carried 5-0.

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PAYNE ASSOCIATES & AMERICAN HOUSING GUILD, application under Section 30-6.6 of the Ordinance, to permit garage to remain closer to side property line than allowed, 6113 Lynley Terrace, Green Meadow, Sec. 2, (R-12.5), Map 81-4, Lee District, V-240-69

Mr. Smith noted that a request had been made for withdrawal of the application.

Mr. Baker moved to accept the withdrawal, without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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DONALD JOHNSON, app. under Sec. 30-6.6 of the Ordinance, to permit addition closer to front and rear property lines than allowed by Ordinance, 3012 Graham Road, Dranesville District (R-10), Map 50-3 ((11)) 28, V-230-69

Mr. Howard Johnson of Kool-vent Aluminum Company represented the applicant. A variance was granted for the original construction of the house in 1950, he said, to allow construction closer to the rear property line. The applicant now is requesting permission to construct within 16 ft. again, and the house will not be any closer to the rear property line than it is now. The room will be of brick with a gable roof to blend in with existing lines of thehouse. The roof will not be as high as the existing roof in order to keep the window in the upstairs open.

No opposition.

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DONALD JOHNSON - Ctd.

In application V-230-69, an application by Donald Johnson under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to front and rear property line than allowed, on property located at 3012 Graham Road, also known as tax map 50-3 ((11)) 28, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
that the owner of the subject property is the applicant;
that the present zoning is R-10;
that the area of the lot is 8,049 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

that the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally shallow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats submitted and not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started, or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried 4-0 (Mr. Barnes out of the room).

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CAROLYN K. CHRISTON & RAYMOND SPAGNOLO, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care, 30 children, six days a week, hours of operation Monday - Friday 7:00 a.m. to 6:00 p.m. - Saturday 10:00 a.m. to 4:00 p.m., 4416 Roberts Avenue, Annandale District, (R-17), Map 71-2 ((5)) pt. 9-15, S-237-69

This school is now being operated by Mrs. Collins and she is an employee at the school, Mrs. Christon told the Board. Mrs. Collins' permit was issued June 1968. There is a verbal agreement between the two of them that Mrs. Collins will turn the operation over to Mrs. Christon if she gets a special use permit for the school.

Mr. Smith asked if Mrs. Christon had a letter from Mrs. Collins indicating that she is relinquishing the use permit?

Mrs. Christon said she did not have as she was not informed that this was necessary.

The Board could not issue another use permit unless Mrs. Collins would relinquish hers, Mr. Smith stated. Could you get a letter from Mr. Spagnolo and Mrs. Collins to bring back to the Board at another time on the agenda, he asked?

Mrs. Christon said she was working through a lawyer with Mrs. Spagnolo and she understood that Mr. Spagnolo was going to mail a lease to her lawyer.

No opposition.

Mr. Barnes moved to defer to December 23 for a copy of the lease and a letter from Mrs. Collins relinquishing her use permit for the school. Seconded, Mr. Baker. Carried unanimously.

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LISILOTTE (LILO) MARKRICH, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit teaching of embroidery and weaving, owner-operated studio, 6304 Old Dominion Drive, Dranesville District (RE-1), Map 31-3 ((1)) 131, S-223-69

Mr. Lee Bean represented the applicant who was also present.

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LISELOTTE (LILO) MARKRICH - Ctd.

The applicant intends to use this home at 6304 Old Dominion Drive for embroidery and weaving studio, Mr. Bean explained. She is an expertin this field and has worked with the YWCA and other individuals for years in the business. It is an art in itself. This would be a studio to give individual lessons to people who would come for embroidery and weaving and on occasion there would be three or four ladies in a group. Generally speaking, there would only be one at a time. Parking will be provided on the property. There is a road that comes into the property off of Old Dominion Drive and runs out to the roadway where Mr. Hall has a produce stand. This property is practically in a commercial zone and is ideally suited for this operation. The property is rented at the time and only the basement would be used for this studio.

Mrs. Markrich stated that her husband died two years ago and at the moment she and her children live in Arlington. When her children have left home, she would probably move to this location as most of her teaching is done in Arlington, Washington, and McLean. She bought this property for the land and remodeled the house in such a way that she could move in immediately.

Mr. Long felt that this was maximum utilization of the 8,900 sq. ft. This is a residential area.

The property next door is used as a produce stand, Mrs. Markrich said. The neighbors do not object to her application.

Mr. Smith pointed out that the parking spaces shown on the plat do not meet County requirements on setback.

Mr. Bean said this could be corrected. They probably would only need three spaces on the property. Mrs. Markrich would not be teaching large classes at this property, she would like to have two weaving looms in the studio (she needs a place to store them now) and this would be similar to a school of ceramics, for example.

If the application is granted, Mr. Smith said, she would not be allowed to sell to the students on the premises.

No opposition.

In application S-223-69, application by Liselotte (Lilo) Markrich, an application under Section 30-7.2.6.1.3 of the Ordinance, to permit teaching of embroidery and wearing on property located at 6304 Old Dominion Drive, also known as tax map 31-3 ((1)) 131, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the r requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 16th day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

(1) that the owner of the subject property is the applicant.
(2) that the present zoning is RE-1.
(3) that the area of the lot is 8,893 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

(1) that the applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

(2) that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only for a period of three years and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

LISELOTTE (LILO) MARKRICH - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Pupil enrollment shall not exceed three pupils at any one time.

5. Hours of operation - 10 a.m. to 3 p.m. six days a week.

6. Three parking spaces shall be provided on the property in connection with this use.

Seconded, Mr. Barnes. Carried 5-0.

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The Chairman of the Board of Zoning Appeals was requested to draft a letter to the Board of Supervisors Chairman, Dr. William S. Hoofnagle, congratulating him on his appointment.

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PONDEROSA FARM - DAVID THEIS - Deferred from December 9, 1969.

This has taken a great deal of the Board's time during the past week, Mr. Smith said. The Board has reviewed additional pertinent information to back up some of the allegations and testimony given at the public hearing. This was made a part of the record. The Board has viewed the property and has had an opportunity to study it.

Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the Board of Zoning Appeals has been presented with evidence which indicates that there might be cause for revocation of the special use permit issued under Section 30-7.2.8.1.2 of the Code of the County of Fairfax, Virginia, to David Theis, on June 25, 1968, to permit operation of a riding stable at 9600 Leesburg Pike which application was heard as application No. S-845-68, and

WHEREAS, following proper notice to the permittee under Section 30-6.7.1.2 of the Code of the County of Fairfax, Virginia, and following properly conducted public hearing held on the 9th day of December, 1969 and

WHEREAS, the Board of Zoning Appeals is empowered under Section 30-6.7.1.2 of the Code of the County of Fairfax, Virginia, to revoke a use permit "at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use", and

WHEREAS, evidence was presented at the public hearing to the effect that:

1. The operation conducted at the above stated location was so conducted as to be at times hazardous and detrimental to the safety of the public;

2. The permittee was not in a position to adequately control the above described operation by reason of his frequent and continued absence from the property and by virtue of this relationship to the owner and lessee;

3. While insurance coverage was apparently available it was not administered so as to adequately cover the operation of the use in the best interests of the public safety;

4. The permittee failed to comply with County regulations pertaining to the obtaining of an occupancy permit; and

WHEREAS, the Board of Zoning Appeals has concluded that the requirements of law have not adequately been met.

NOW, THEREFORE BE IT RESOLVED, that the subject use permit be and the same is hereby ordered revoked, and that all signs relating to the conduct of the subject use are hereby ordered to be removed immediately.

Seconded, Mr. Yeatman. Carried 5-0.

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Mr. Randolph W. Church, Jr. stated that on September 10, 1968 the Board granted four special use permits to the Virginia Electric & Power Company, all really part of one

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project. Construction on the lines has proceeded and is well along toward completion. The substation was the subject of a previous application in 1965. Some work has been done pursuant to the previous application. This is such an important and big facility something like over one manyear of work went into preparation of the site plan. The site plan was submitted and has been through four revisions. It has finally been approved. They were about to go ahead when they found that the use permit had expired. This is the most important single application VEPCO has had before the Board since he has been representing the Company, Mr. Church said. It is important that they proceed with this facility. If the Board considers that all four of these applications were really one application, construction has in fact started.

Mr. Baker moved to extend the original motion to September 10, 1970. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Yeatman moved that the Board approve the minutes of October 21, October 28 and November 7, 1969. Seconded, Mr. Barnes. Carried unanimously.

Meeting adjourned at 3:20 p.m.
By: Betty Haines, Clerk

Daniel Smith 1/13/70
Daniel Smith, Chairman Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 23, 1969 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Joseph Baker, Mr. Richard Long and Mr. Clarence Yeatman.

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

STRATFORD RECREATION ASSOCIATION, INC., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection of two tennis courts, located on Camden Court, Mount Vernon District, (R-12.5), Map 111-1 ((1)) 10, S-225-69

Mr. Norman Hawkinson represented the Association. The proposed tennis courts will be on property opposite the entrance off Camden Court. All of the homeowners around the property belong to the Club; they all signed the notice and are looking forward to getting the tennis courts in. Tennis courts were a part of their original plan and the approved site plan does show them in this proposed location. They have a reputable firm to construct the tennis courts and they have plans to put lighting in. When this is put in they will make sure that it does not shine onto adjacent property. They plan to have the hour of termination at 10:00 p.m., the same time as the County tennis courts in the area.

Original permit was granted June 22, 1965, Mr. Smith noted, for the pool with 400 family membership and 135 parking spaces.

They have 148parking spaces and 400 family memberships. They are at the limit now. Total land area is 5.757 acres. They serve several communities but their main membership is from Stratford Landing. Anyone who is close enough to the pool and wants to enjoy it could apply for membership.

President of Little Hunting Creek Citizens Association, Peter Breninzer, spoke in favor of the application.

In application S-225-69, an application by Stratford Recreation Association, Inc., application under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit erection of two tennis courts on property located on Camden Court, also known as tax map 111-1 ((1)) 10, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 5.757 ac.
4. That conformance with Article XI (Site Plan Ordinance) will be required.
5. That the original use permit was granted June 22, 1965.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permits in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. Hours of operation: 9 a.m. to10 p.m.
2. Tennis courts shall be lighted with direct lighting to protect adjacent property.
3. Tennis courts shall be fenced with a fence not to exceed 12 ft. in height.
4. A minimum of 131 parking spaces shall be required.
5. All other provisions of the original use permit shall apply.
6. This approval is granted to the applicant only and is not transferable without

further action of this Board and is for the location indicated in the application and is not transferable to other land.

7. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

8. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried 5-0.

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CHARLES M. & ELIZABETH M. FAIRCHILD & GREENBELT CONSUMER SERVICES, INC., app. under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of self-service gas station, located 7201 Little River Turnpike, Annandale District, (C-D), Map 71-1 ((1)) 116B, S-226-69

Mr. Smith asked Mr. Woodson if the Fire Marshal had approved self-service gas stations in the County? Does the County have any operating at the present time?

Mr. Woodson reported that the Board had had an application several years ago and the Fire Marshal did approve it, but it was not in operation now.

Mr. Phillips said his office had checked with the Fire Marshal and there is a memo from him in the folder.

Mr. Smith referred to the memo from the staff to the Fire Marshal, and the Fire Marshal's reply. The three questions asked were: Are self-service gas stations allowed in the County? If they are, are there any specific requirements? Would the Fire Marshal suggest any conditions that the Board might place on such a use permit? In answer: "Under Section 16.64d, "Automatic Dispensing Units. The installation and use of unattended coin-operated dispensing devices for Class 1 liquids is prohibited." Gasoline is a Class 1 liquid. I think this section of the Fire Prevention Code is pretty self-explanatory. However, we do allow self-service stations that are under the direct supervision of an attendant who must be able to exercise control of the dispensing units, by either his having to turn on the unit at the island before delivery can be made and then turning off the unit or by mechanical means establishing the amount of product to be dispensed prior to the unit being turned on. The attendant must be present at all times the product is being dispensed and it is his responsibility to see that all requirements of the Fire Prevention Code are adhered to, such as no smoking, motors turned off, product dispensed into an approved container only, etc. The method of operation would have to be approved by the Fire Marshal prior to its being placed into operation. A Hazardous Use Permit would have to be obtained from the Fire Marshal's Office."

Mr. Pat Moreland, Vice President of Greenbelt Consumers, stated that this is not for a gasoline station. They are going to attempt to have a gasoline dispensing unit -- this construction would have no bays, no mechanics, and would not be set up as a gas station is thought of at this point. There would be six pump islands and a control house where the operator would sit at a console and would be able at that point to visually observe the pump islands and to activate the pumps, and to record the amount of delivery and the amount of purchase. The plot they want to put this on is the lower left hand corner of the L shaped property facing on Backlick Road and would have ingress and egress from Backlick Road. The pump islands would be shielded by a planter that would almost completely surround them, with openings for the traffic. Hours of operation 7 a.m. to 10 p.m. and there would be one operator. This is brand new in this area. He knew of nothing comparable to this anywhere in the area. The control house would be approximately 10' x 10' and it would not contain rest rooms or sales area. No marketing of motor or oil or sale of tires would be done. This would be approximately 25,000 sq. ft. of land. This area now is used as a parking lot for a supermarket that exists in the area. There is quite ample parking so they would like to use this part of the parking lot for this use. There are light stanchions that already exist on the parking lot and the only other light would be a small Early American type of lighting over each pump island. This is a Cooperative and they have in the Washington metropolitan area approximately 30,000 members. They currently operate 22 supermarkets and 9 service stations, several furniture operations under the trade name of Scan's, and several pharmacies. This would be an additional service and it is open to the public. The customers shopping here would be the prime customers for this.

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There's no restroom in this facility, Mr. Yeatman noted, and no restroom for the public in the food store. This is a very bad operation. Restroom conveniences should be provided for mothers with small children or for elderly people. This is not the type of operation Fairfax County needs. This is not a service station, it's a gasoline dispensing service. On snowy days, people would have to get their own gas and it doesn't offer the service that the people in the County demand.

It does offer a service to the consumer in that the price is lower, Mr. Moreland said.

People would not pump gas in their own cars, Mr. Yeatman said, not for a ten cent saving. A woman buying gas there, for instance, might have a car that is low on oil and she would not know it. This is not a service that the people want.

There are people in the County who want the services, Mr. Moreland stated, but there are others who would take the savings. To this customer would be the appeal of this type of operation.

Mr. Yeatman thought it was getting into a safety problem when there was no one there to wipe dirty windshields.

Their main restriction on their growth has been their inability to get people to operate their stations. The self service would give them a relief, Mr. Moreland said, and they would be able to pass onto the consumer the savings.

Mr. Long wondered whether this facility should properly be located in a C-D zone - one of the requirements there is that it serve the particular shopping habits of the people in the area. Most people require restrooms in service stations and would want one.

They do not expect their station to appeal to every consumer, Mr. Moreland said. This is a new attempt in marketing for them. Even with customer services provided in most stations, there is still a preference -- brand preference, personality preference, or location preference.

This is an extension of services of the supermarket, Mr. Yeatman commented, and most of the shoppers are women. How many women are going to go here and buy gasoline and put gas in the car?

Their surveys have shown that at least sixty per cent of the business done by self-service gas stations was by women shoppers. There was less reluctance on the part of the women to pump their gas than there was by men, Mr. Moreland said.

If this is such a good use, Mr. Yeatman questioned why the big oil companies don't do something like this?

The oil company makes their profit not only on the sale of gasoline, but the sale of tires, batteries and accessories, Mr. Moreland replied.

Mr. Smith pointed out that this is a designed shopping center and he had not been able to find any plat showing the service station as part of the original design. This proposal would alleviate many of the parking spaces set aside for the supermarket itself. The Board does not have information to show that this would not cause insufficient parking for the store.

This is an area that is seldom, if ever, used, Mr. Moreland stated. This was an overflow area.

As the area continues to grow, Mr. Smith said, there might be need for these parking spaces.

Site plan shows that 71 or 72 spaces were required, Mr. Phillips told the Board, and this number is exceeded now and would still be exceeded if this were put in.

Mr. Smith asked Mr. Moreland if he knew of any similar operation in this area or the Washington area.

Mr. Moreland said he knew of no similar operation, either their own or competition. The only units he has seen that are similar would be in Richmond - these are primarily fast food outlets similar to Seven Eleven Stores or High's type operation that have a pump outside, operated by consoles inside the store.

Mr. Moreland said there would be a speaker from the pump island to the operator of the console. The customer would request a fillup, it would be delivered, and recorded on the meter of the console inside the building, then the driveway would go past the window so the customer could pay. Or, the customer could prepay and the meter would be pre-set for that amount.

To install any such facility without separate restrooms for men and women would be inconsistent with good planning, Mr. Smith said.

Mr. Long said he had visited a station in a more commercial area and it did have restroom facilities. Having seen one, he did not think it would be compatible with this type of use in the area.

Opposition: David B. Finnegan, President of the Crestwood Manor Civic Association, stated that no one in his subdivision received any notice of this application except for the posting sign. The Association is opposed to this application. He questioned whether the operation as described by the applicant would meet the requirements of the County Fire Marshall. The drawings in the file show that the proposed station would have a control building located about 60 ft. from Backlick Road. C-D requirements would mean that the building would have to be at least 75 ft. back. The Association contends that the proposed use would be detrimental to the character and development of adjacent land. The nature and intensity of the proposed operation and site layout is such that vehicular traffic to and from the use would be more hazardous than the normal traffic. Traffic on Backlick Road is very heavy and fast moving. There have been many accidents, some involving personal injury, at the entrance to the bank. This would increase the traffic turning there and increase the traffic hazards. When the supermarket was built, the developers anticipated sufficient use to warrant two large parking lots as part of the designed area. This use would destroy one of these lots for parking purposes. As the supermarket customers increase, the demand for parking will increase. Where will they go?

They will use John Marr Drive, Mr. Finnegan continued, thereby creating another traffic hazard. Already the other developers of the district are finding that they do not provide adequate parking and this problem should not be compounded by eliminating available parking now. This use would not be a harmonious part of the commercial district in which it is situated. This type of use between a bank and a supermarket is another typical example of the hodge-podge layout found throughout Annandale. There is no reason to turn this parking lot into such an imcompatible use. In addition to its physical relationship to other uses, its economic relationship to other service stations located within one block of the proposed use can only lead to the conclusion that it will have difficulty surviving or will be detrimental to these other stations. There are already twenty-six gas stations in the Annandale area. This station would be at the edge of the shopping center and would not serve the whole area. The site layout, location and nature of the display sign in connection with this use would impair the value of adjoining residential property. There is already one freestanding sign located on the Backlick Road side of the property advertising the supermarket. Now, there will be two, or one big one for both the supermarket and gas station. Such a prospect makes one shudder at the adverse effect it will have on the Creeden property, to name an individual lot for one, and all of Crestwood Manor.

Mr. Finnegan told the Board that this operation would be objectionable to nearby dwellings from the standpoint of noise, lights and fumes. At present, the noise from the supermarket is very nominal. The only disturbing noise is when deliveries are made early in the morning. Gas stations are notorious for creating noise at hours through the slamming of car hoods, running of pumps, etc. There are no fumes from the supermarket. Fumes from gas stations can be very heavy, particularly on hot days. At present lights used in the parking lot are turned off in the evening and have not been detrimental to nearby residents. Lights at gas stations are far brighter and stay on late at night.

Mr. Worden, 6841 Columbia Pike, represented ALRT Investments. He said there are three stations within 800 ft. of this site and twenty-six in the total area. Twelve stations are within 1600 ft. of the site. There is not a need for this facility in the community and they feel this would change the character of a planned, integrated shopping center, and they, as owners of Parcel C, feel that this use has a devaluating effect on our property. They have a building presently under construction -- about a $300,000 project -- and this C-D zoned land is contiguous to residentially zoned land. They would like to see the area kept as near as possible to the original concept of the area.

Mr. Moreland, in rebuttal, reatated that this is not a service station, but only an extension of services from their supermarket. As far as the nuisance value as to noise, etc. they don't feel that this would be a factor. There would be no mechanical work and none of the operations normally associated with a service station. They feel this is going to be a type of marketing that is going to become more and more predominant.

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In application S-226-69, an application by Charles M. & Elizabeth M. Fairchild and Greenbelt Consumer Services, Inc. under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit erection and operation of self service gas station, located at 7201 Little River Turnpike, also known as tax map 71-1 ((1)) 116B, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

That the owner of the subject property is Charles M. and Elizabeth M. Fairchild;
That the present zoning is C-D;
That the area of the lot is 134,730 sq. ft., and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with standards for special use permits in C or I districts as contained in Section 30-7.1.2 of the Zoning Ordinance.

2. The use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be denied.
Seconded, Mr. Barnes. Carried 5-0.

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JAMES STEWART COMPANY & SID W. FOULGER & SETH HORNE DEVELOPMENT CO., application under Sec. 30- 6.6 of the Ordinance, to permit variance of setback requirement for addition of two floors to present structure, 6565 Arlington Boulevard, Mason District, (C-0), Map 50-4 ((1)) 16, V-234-69

Mr. William Hansbarger represented the applicant. The proposal is to add a second story to the existing building, he explained, with a 25 ft. buffer strip between this site and the used portion of South Street. No ingress or egress would be made to or from this site from South Street or across the buffer strip. In the past operation of the existing facility there has been some complaint about trash being collected during the night and that is a legitimate complaint. He would like to see placed as a condition of granting that no trash be picked up after 9 p.m. or prior to 8 a.m. There has also been complaint about the noise from the existing cooling system - this should be another condition of the variance -- that there be no noise or vibration from this operation.

Mr. Yeatman asked if the applicant proposes dedication along South Street and construction of curb and gutter.

Mr. Hansbarger said the applicant had dedicated 10 ft. already; they would be willing to build curb and gutter there but going beyond that would be getting into the buffer area.

Mr. Yeatman discussed the wooden fence on the property and whether or not a brick wall along there would be a better arrangement. Wooden fences are not always maintained properly, he said.

The land area is filled at that point, Mr. Hansbarger said, and construction of a brick wall would probably not be feasible.

Mr. Foulger told the Board that the building is on piers going into the ground between 35 ft. and 70 ft. deep below the basement. If they had to go to this expense to put in the brick wall they could not afford the second story. He described the trees and shrubs that are existing on the property now. They have had some problem keeping the shrubbery alive and have had to replace some of it. They constructed the 6 ft. fence the County required and it did comply with the Code. They are obligated to maintain that fence and they will keep it in good condition. None of the complaints have been about the fence and it would be unfair to require them to construct the brick wall at this time.

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Mr. Yeatman felt the brick wall should be required now. The property might be in different hands later on. It would be cheaper to construct it now at the same time as the building.

Mr. Hansbarger told the Board he felt this condition would be unreasonable. The man has complied with the Code in all respects.

Mr. Long suggested constructing the brick wall at the time the Zoning Administrator determines it is necessary.

When this building was first proposed, Mr. Hansbarger pointed out, the citizens were made aware that this would ultimately be a five story building. At no time did they have any trouble with the screening.

Opposition: Mr. Howard Marks, 6549 South Street, said he was not speaking strictly against the application, as they have worked out agreements and covenants with Mr. Hansbarger. It is true that the closest homes have been bothered by air conditioning noise but this is going to be taken care of. They have not talked of a brick fence versus a wooden fence. He had a petition in opposition to the application but said that after working with Mr. Hansbarger to iron out some of the problems, and speaking for three people living closest to the property, they would withdraw their earlier objections. They would like to see the brick wall. Personally, he said he would rather not see the curb and gutter put in as this would make the street wider and people might park along there.

Mr. Fougler said he felt that the noise people had complained of in the past was due to the fact that one fan has been going faster than it needs to go. That noise will be corrected. If they go to the second story the present system of air conditioning would be eliminated.

Mr. Smith read a letter from Mrs. Carl A. Dorr objecting for reasons stated (air conditioning noise, etc.)

In application V-234-69, an application by James Stewart Company and Sid W. Foulger, and Seth Horne Development Company, under Section 30-6.6 of the Ordinance, to permit variance of setback requirements for addition of two floors to present structure, located at 6565 Arlington Boulevard, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

The owner of the property is Seth Horne Development Company.
The present zoning is C-O.
That the area of the lot is 4.8415 ac.
That conformance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally shallow lot,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1) This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2) This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3) Curb and gutter is to be constructed on South Street for the entire length of the property.

4) A 6 ft. brick wall 25 ft. northerly of the property line along South Street for the entire length of the property shall be constructed at such time as the Zoning Administrator determines that existing screening is not being maintained in the proper manner.

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5) That there be no parking along South Street in connection with this use.

6) Trash is not to be picked up from the building between 9 p.m. and 8 a.m.

7) Air conditioning and heating equipment should be operated so as not to cause vibration or noise to adjacent properties.

Seconded, Mr. Barnes. Carried 5-0.

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CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, 3101 Graham Rd., Providence District, (C-N), Map 50-3 ((1)) 260A, S-236-69

Mr. John Aylor stated that there is a Citgo gas station in the corner of the shopping center now. The existing station faces Arlington Boulevard. They propose to tear down the old station and build a new one which would face Graham Road. The application lists the owner's name as Jack Coopersmith, Mr. Aylor continued, but since this was filed, Cities Service Oil Company has become the owner. The only benefit which would accrue to the applicant with the new service station would be an additional pump island on Graham Road. There is a station like they propose located at Tysons Corner. This would be a three bay station with entrance from the rear.

Mr. McIntyre, engineer, told the Board that the mansard is not masonry. The red band around the top will be of aluminum, and the mansard is a plasticized material.

Mr. Smith said that the other distributors in the County have been required to build brick service stations.

Mr. Stanley Klein, 3131 Graham Road, asked about entrance to the service station from Graham Road. The traffic congestion now going into the two shopping centers is pretty rough, he said.

According to the site plan, the entrance will be at the same place, Mr. Aylor said. On the corner next to the shopping center at Graham Road they will remove the retaining wall so there will be access to the shopping center without having to go on Graham Road. There will be no additional signs placed on the property.

In application S-236-69, an application by Cities Service Oil Company, under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection and operation of service station, on property located at 3101 Graham Road, also known as tax map 50-3 ((1)) 260A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is Cities Service Oil Company.
2. Present zoning is C-N.
3. Area of the lot is 26,680 sq. ft.
4. Conformance with Article XI (Site Plan Ordinance) would be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by the Board.

4. The building is to be of brick or masonry aggregate paneling.

5. This is for a three bay rear entry station.

6. All lights shall be directed on the property itself.

7. Access is to be provided to adjacent commercial properties as required by the Land Planning Branch.

Seconded, Mr. Yeatman. Carried 5-0.

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BURR DAVIDSON, app. under Sec. 30-6.6 of the Ordinance, to permit swimming pool to remain closer to property line than allowed, 6000 Ridge View Dr., Lee District, (R-12.5), Map 82-3 ((10)) (E) 1A, V-235-69

Mr. Walter O'Neal represented the applicant. When Mr. Davidson discussed construction of the pool with the contractor about a year and a half ago, Mr. Davidson raised the question of who would be responsible for getting building permits, etc. The contractor said that he would and it was put in the contract. Then this summer he was cited for violation of the setback requirements. This was a licensed contractor in the County at the time, however, he no longer has a license. This was through no fault of the applicant, he left it up to the contractor. When the violation was brought to Mr. Davidson's attention, he immediately called the contractor and informed him of the situation. The net result was that the builder was very sympathetic but Mr. Davidson should go ahead and do what he thought was the best. Mr. Davidson, attempting to comply, contacted several other companies to see what he could do. Sixteen times he was told that they could not help him. He presented a copy of Mr. Davidson's contract for the record.

Mr. Davidson told the Board that Ambassador Enterprises assured him that they would meet all County and pool regulations. He was very surprised when he was cited for violation.

Mr. Smith asked Mr. Davidson if he had fulfilled his agreement on financing arrangements.

Yes, completely, Mr. Davidson said. They were paying for it on a five year basis. Originally the price of the pool was over $4,000 and they told him they would give him a discount of $1,995 since he was the first one to install a pool of this type in the neighborhood. Neighbors across the street did buy the same pool and paid slightly more for it. The pool cannot be moved and letters in the folder from pool companies indicate this.

No opposition.

In application V-235-69, an application by Burr Davidson, under Section 30-6.6 of the Zoning Ordinance, to permit swimming pool to remain closer to property line than allowed, located at 6000 Ridge View Drive, also known as tax map 82-3 ((10)) (E) 1A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

The owner of the property is the applicant.
Present zoning is R-12.5.
Area of the lot is 11,000 sq. ft. of land, and

BURR DAVIDSON - Ctd.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit and

2. The granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted. Seconded, Mr. Barnes. Carried 5-0.

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VICTOR A. KOELZER, application under Section 30-6.6 of the Ordinance, to permit carport to be enclosed for garage 16 ft. from side property line, 2432 Carey Lane, Valewoods Ests., Lot 5, Centreville District, (RE 0.5), Map 38-3 ((6)) 5, V-216-69 (deferred from December 9)

The property was purchased with the intent of building a garage, Mr. Koelzer explained. Contract to purchase the property included an option to build the garage. Carey Lane is a dead end street on which there are twelve houses. His neighbor's carport and his carport face each other and the space between the two will be fifty-three feet. The neighbors have no objection to the proposal. The garage would be an asset to the neighborhood. There are six other houses with the same problem.

This presents a problem for the Board because of the number of houses involved, Mr. Smith said. If six out of twelve people do the same thing, this would be tantamount to rezoning and this Board is prohibited from doing that. One approach would be to bring this to the attention of the Board of Supervisors.

No opposition.

The Board discussed other possibilities rather than granting a variance. Mr. Long suggested going before the Board of Supervisors and having the entire subdivision rezoned R-17.

This might be difficult, Mr. Knowlton pointed out, as most of the area is zoned RE-1 or RE 0.5. The Board would be reluctant to rezone R-17 as this might set a precedent.

Mr. Koelzer presented a copy of his contract dated April 17, 1969. (See folder.)

In application V-216-69, an application by Victor Koelzer, under Section 30-6.6 of the Zoning Ordinance, to enclose carport closer to side property line than allowed, on property located at 2432 Carey Lane, also known as tax map 38-3 ((16)) 5, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of December, 1969, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1) that the owner of the property is the applicant,
2) present zoning is RE 0.5,
3) area of the lot is 25,301 sq. ft.,
4) required side yard setback is 20 ft.,
5) the applicant was told by the salesman at the time of purchase that he could enclose the carport,

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1) the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; exceptionally narrow lot,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby

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VICTOR A. KOELZER - Ctd.

is granted with the following limitations:

1) This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2) This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 5-0.

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CAROLYN K. CHRISTON & RAYMOND SPAGNOLO - (deferred from December 16, 1969)

Mr. Smith noted that the Board was in receipt of a letter from Mrs. Collins agreeing to relinquish the use permit for the Little River Day School to Mrs. Christon. Also, a copy of a lease from Mr. Spagnolo had been received, dated December 23, 1969, for one year, beginning November 1, 1970. What happens to the lease from now till November 1970, Mr. Smith asked?

Mrs. Collins is presently operating the school, and is planning to leave the area, Mr. Leventhal (Mrs. Christon's attorney) explained. She has not decided what date she will give up the school.

Mr. Smith was confused by the November 1, 1970 date on the lease - the Board cannot set up a standby use permit, he said. Mrs. Christon does not have a lease until November 1970 so the Board could grant a use permit effective that date.

The school is in operation now and Mrs. Christon wants to start as soon as she can. Mrs. Collins lease runs until November 1970, Mr. Leventhal said.

Mr. Smith suggested deferring action and when Mrs. Collins has decided when she will relinquish her use permit, the Board could place this back on the agenda. The Board should know what date the use permit will be relinquished. They cannot grant two use permits on the same property. The Board doesn't know whether Mr. Spagnolo would give Mrs. Christon a lease prior to November. If Mrs. Collins has a lease until that time, the Board should see a copy of that before granting a second use permit.

Mr. Leventhal suggested that the Board grant the use permit today and it would not be effective anyway until an occupancy permit has been obtained.

The Board was reluctant to grant a special use permit until Mrs. Christon has an effective lease on this property. The one given the Board is not effective now.

After more discussion of the lease, the Board deferred the application to January 13, 1970 for a current copy of the lease -- a lease that is in effect -- or a memo of agreement between Mrs. Collins, Mrs. Christon and Mr. Spagnolo in the transfer of the lease for the operation of this school.

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The Board granted an out of turn hearing to Hazelton Laboratories, Inc. for January 13, 1970.

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An out of turn hearing for January 20, 1970 was granted to Mary Ruth Beesen, for operation of antique shop.

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Letter from James McIlvaine requested withdrawal of his application for variance (V-100-69). The Board agreed to allow withdrawal without prejudice.

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HAROLD M. SHAW, JR. - Request for extension of use permit. The Board granted an extension to November 26, 1970.

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The Board authorized an out of turn hearing for the application of Long & Foster for January 20.

Meeting adjourned at 3:20 p.m.
By Betty Haines, Clerk

Daniel Smith 1/13/70
Daniel Smith, Chairman, Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 13, 1970 in the Board of Supervisors Room of the County Administration Building. Those present: Mr. Daniel Smith, Chairman, Mr. Clarence Yeatman, Mr. Joseph Baker and Mr. Richard Long. (Mr. Barnes was absent.)

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

Election of officers for 1970: Mr. Daniel Smith was re-elected Chairman; Mr. Clarence Yeatman re-elected Vice-Chairman, and Mrs. Betty Haines, Clerk to the Board.

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BETTY L. ERKILETIAN & SHARON HARRELL, app. under Sec. 30-1.8.33 of the Ordinance, to permit operation of riding school and stable, Arnon Chapel Rd. and Walker Rd., Dranesville District, (RE-2), Map 7, 8 ((1)) 86, 88, S-249-69

Mr. York Phillips located the property on the map.

Mr. Hansbarger submitted new plats to the Board and stated that since the application was filed the applicants have incorporated and are stockholders of the Deerfield Horse Center, Inc. which would be the operator. The owners are Mr. and Mrs. Hanes. This is an out of turn hearing granted by the Board because the present operation which Miss Harrell has at Westgate is no longer suitable in this location. Since the Board made this determination was made, Miss Harrell has been transporting horses to this location and back to Westgate.

Mr. Hansbarger presented a copy of the Articles of Incorporation and asked that the application be amended to include both the individuals and the corporation. The corporation is the lessee of the area that is subject to this application. The two applicants are the two major stockholders and would be responsible for the operation.

Mr. Yeatman moved that the application be amended to include the name of the Deerfield Horse Center, Inc. and Betty Erkiletian and Sharon Harrell. Seconded, Mr. Baker. Carried unanimously.

Mrs. Erkiletian is President and Miss Harrell Vice President of the Corporation, Mr. Hansbarger stated.

Mr. Smith noted that the Chair was in receipt of the Corporate Charter from the State Corporation Commission dated December 2, 1969 and was in proper form. The number of directors constituting the initial board of directors is three, and the names and addresses of the persons who are to serve as the initial directors are listed -- Betty Erkiletian, Myron P. Erkiletian and Sharon Harrell.

Mr. Hansbarger told the Board that the stable would be 180 ft. x 140 ft. and would set back a distance of 150 ft. from the property line along Arnon Chapel Road. The balance of the facility would be for parking and riding tract area. The stable itself, in addition, would contain a riding area where horsemanship and equitation could be taught. The rest of it would be for stalls. He presented a picture of the proposed stable. The arena would be 80 ft. x 150 ft. inside the building he said. He also presented a plat showing the improvements in color, and said the remainder of the land would be used for grazing of horses. They are not dependent on this acreage to produce all of the feed for these horses -- there must be supplemental feeding, he said.

Mr. Hansbarger presented pictures of the property. All of it would be totally fenced, he said. The purpose is riding and stabling of horses, to provide instruction in horsemanship and to breed and sell horses. There will be no horses for hire as the definition of riding stable might indicate, he continued. In addition, they have an insurance policy, which he would present to the Board, but would like to have back with the understanding that he would submit a copy of it to the Board. The intent here is that this be a first class operation and in an area of the County where this type operation should be. The number of pleasure horses in America in the past ten years has tripled in number. There are more horses here today than there were when the major occupation was farming. Unfortunately, the number of people qualified to take care of horses has decreased because the U. S. Cavalry School which used to train most of the instructors closed about thirty years ago. There were no facilities in this area until recently to train people in the proper care of horses, equitation, etc. until 1964 or so when the Morven Park International Equestrian Institute was established on a 300 acre area in Leesburg by people who saw a need to train people in the proper instruction and handling of horses. He presented a copy of Miss Harrell's certificate as an assistant instructor. A number of riding school permits have been issued by the Board, but he would submit, from the information he had, that there are none better qualified than this young lady, Mr. Hansbarger continued.

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Mr. Hansbarger presented letters in favor of the application from people who are now boarding their horses at Miss Harrell's present operation. Miss Harrell has been riding horses since she was ten years old, he said, and has been teaching for ten years. She has a certificate from the Morven Park Institute. The oath she takes when she leaves the school is as follows: "As I begin the teaching of riding and the equestrian arts, I affirm that the horse is man's partner, not his slave; that progress in horsemanship comes through kindness and understanding, not compulsion; that the honor of my profession demands profound levels of knowledge practice and ethics; and that equestrian competition requires the highest standards of sportsmanship, particularly since the contestants include not only humans, but animals as well. In accepting the diploma of the Morven Park International Equestrian Institute, I now dedicate myself to these ideals and to the riders and horses who entrust themselves to my care."

Mrs. Erkiletian is not only a horsewoman, but her children have benefitted from Miss Harrell's instruction, Mr. Hansbarger told the Board. She is in a financial position to see that this operation is a success.

Mr. Smith questioned the section under which the application was filed. Mr. Hansbarger said it should have been Section 30-1.8.30, this was probably a typographical error. The maximum number of boarding horses, horses that are there for instruction and for sale, would be eighty on the sixty-six acres, and on the 125 acres, a total of 150 horses. He was not sure that there would ever come a time when these maximums would be reached. Facilities would be adequate for this number of horses. Miss Harrell's feed bill for the calendar year 1969 was $16,506.03, verified by a written statement from Southern States.

The Board in the past has limited the number of horses to one per acre, Mr. Smith commented. He felt that it had become Board policy over the years.

Mr. Baker said he felt there would be plenty of room for the horses to exercise on the sixty-six acres and from the statement presented regarding feed for the horses, he did not think the horses were going to starve.

Mr. Smith said he did not think that having the land sustain this number of horses was in question. This is the largest land area before the Board in a long time.

Mr. Yeatman stated that he knew of no statute that says only so many horses per acre would be allowed. How many horses will the stable hold, he asked?

There would be seventy stalls in the stable, Mr. Hansbarger replied. Most of the applications granted by this Board for this type operation were on small areas and in more concentrated areas. In this application they propose thirty-five parking spaces. They will provide whatever parking is required.

Another thing, Mr. Hansbarger added, which might not be germane, the owner could put sixty-five houses on this property on two acre lots and the impact on the neighborhood would be far greater with that development. This proposed use would hold the open space.

Is Mrs. Erkiletian a graduate of any school of instruction, Mr. Smith asked?

No, she will not be an instructor, Mr. Hansbarger answered -- she will be an owner.

Miss Harrell told the Board that she lives in McLean but plans to move to Great Falls if the use permit is granted. Hours of operation would be from 8 a.m. to 10 p.m. There would be an indoor facility to use at night. There would be lights on the outdoor ring but these would be turned off.

Do you propose to install lighting on the outside to complete anything that might be in progress at dark, Mr. Smith asked?

Yes, Miss Harrell replied. The lights would be focused on the inside of the ring. They don't need the outdoor lights very often but in case something was going on they would like to have them.

Would lights be needed for protection of the property, Mr. Smith asked?

There might be a light by the barn, Miss Harrell replied.

Mr. Yeatman asked if there would be a watchman on the property.

They are leasing a house on the property for a caretaker, Miss Harrell said. They would like to build an apartment at the barn for him. The house is right above the sixty-six acres of land and connects with this property.

Mr. Long asked if Miss Harrell belonged to a riding association having prescribed rules for the care of horses.

There is the Fairfax Horseman's Association, Miss Harrell stated, and she belongs to that. She did not think they had any real rules or regulations about the care of horses. They had a lot of three day work at Morven Park.

Mr. Smith asked if there were some guidelines or some national organization under which they would operate as far as horseshows.

The Virginia Horseshow and American Horseshow Association would rate them, Miss Harrell said. Stewards are sent out to each show. Mrs. Erkiletian is the President of the Corporation. There is an outdoor riding ring, they would instruct in the ring, and have a n outside course with jumps and trail rides so the children would get used to being out in the field with the horses. Mr. Hanes has said they could use his land for trails.

This land could not be used unless it is a part of the use permit, Mr. Smith pointed out. If riding trails are proposed outside the sixty-six acres it should be noted as to where it would be.

If this is correct, then at the time the trails are established they would come back and seek a use permit for these trails, Mr. Hansbarger stated, and this would include the balance of this 125 acres which is not subject to this use permit. This would be a good thing for the County and would open up a vast recreation program in the County. It might be comparable to Rock Creek Park.

Mr. Smith stated that Rock Creek Park is a government operation -- this is a private operation. Riding easements should be approved by the Board if they are outside of this acreage. Uses on the property are normally 100 ft. from all property lines. Grazing of the horses could be done on the entire sixty-six acres but if the use is granted, there should be some restriction as the 100 ft. setback.

Mr. Yeatman asked Miss Harrell if she does any work with the School Board on instructing students in riding?

Not yet, Miss Harrell said. She is very interested in teaching children. She would have approximately thirty boarders and the rest of the horses would be owned by the Corporation, she said.

Mr. Alan Harrison, 3816 N. Dittmar Road, spoke highly of Miss Harrell's present operation and urged the Board to grant this permit.

Mr. Richard Shea, 440 Walker Road, President of the Great Falls Citizens Association, urged the Board to give favorable consideration of the application. This was discussed at their meeting in January with 100 persons attending. There was overwhelming support of this application. The riding stable would preserve the 125 acres in open space and green fields that would otherwise probably be turned over to a housing development. A riding stable is consistent with the rural nature of Great Falls. Traffic from this operation would be considerably less than if this were used for houses. Prior to this meeting there was a meeting held on this by their Executive Committee - seven were in favor and four opposed.

John W. Hanes, Jr., resident of Great Falls and owner of the property in question, spoke in favor of the application. The terms of the lease which they have tentatively proposed with the applicants have been very carefully drawn to provide protection as far as he is capable of doing so, both to himself and his neighbors, he said. These terms limit the operation of this riding center to persons having horses boarding there who are enrolled in a course of instruction or who are members of a riding club approved by the riding stable to make available facilities of this center to the children of Great Falls who are qualified to ride or who may not have a horse. Terms of the lease provide for maintenance of the property in its present condition. The present condition of their fields is excellent. Provisions of the lease require that this be maintained. He has also agreed to make available for whatever length of time they want including the length of the lease -- ten year lease with five year option. The farm house which he has said he will lease to them is approximately a quarter mile from the stable and in full view of it.

There are a goodly number of stables in the area, Mr. Hanes continued, but very few that are qualified or able to give instruction. His own fifteen year old daughter who is not qualified to give instruction has been asked to give instruction to children in the area. There is a need for this type of operation. With regard to the question of trails, in their area the private property owners have been amenable to allowing riding through their property as long as it is not uncontrolled public riding. They would have no objection to students riding in connection with an installation such as this and would welcome it. If this permit would not allow trail riding they would come back for a permit at a later date. Mr. Hanes stated that he is very fond of his area and has lived there for twenty years. He intends to live here the rest of his life. His house would be about a half mile from the stable.

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Mr. Hanes stated that he has no part in the operation other than is set forth in the lease. The reason they got into this originally was because it was Miss Harrell's idea. She has taught his children riding for many years. She got squeezed out of her present operation and they felt highly enough about her to say that they were willing to go along if she could get the permits, etc.

Mr. Bob Mouser, veterinarian, 6400 Union Mill Road, Clifton, Virginia, fully agreed as a horse owner and property owner in the County that an operation such as this is needed in the County and he is looking forward to it. The County needs responsible people to set examples for its present riding schools and future development of riding schools in the County. Miss Harrell is genuinely interested in the care of horses, he said. He brought along fourteen pages of his calls to her present operation, he stated, and she does not wait until the horse is real sick before calling as some people do; she calls right away. She is very concerned and very interested in her horses. The County should encourage her to stay on and follow through with her plans and help her in every way possible to develop this facility that the County needs, he said.

Mr. Smith said there was no question of Miss Harrell's qualifications.

Mr. Clarence Crystal, horseman and rider, praised Miss Harrell's ability to turn students into accomplished riders.

The Board has never heard anything to the contrary, Mr. Smith noted. The only problem about her present operation is that the land disappeared and the horses are still there and they got out on the School property.

Mr. George Wise, 633 Walker Road, spoke in opposition for himself and on behalf of neighbors in the area. Their opposition stems from four basic reasons of objection, he said, andthese reasons are necessarily interrelated. They are talking about an expenditure of probably in excess of $200,000 and possibly more. This money it is stated will have to be borrowed on a ten year payback. On $200,000 loan at eight per cent it will take $2400 a month to pay the principal and interest. The area contains sixty-six acres and they are talking of more. They are talking about eighty some horses, and several hundred students, horse shows, riding competition, public address systems, etc. This in their opinion will be a highly commercial operation with profit as its objective. This is not basically to serve the people living in the area - it will be used by many persons living outside of the area.

One objection, Mr. Wise continued, would be to the commercial operation -- the nature and size contemplated will seriously disturb the peace and quiet of the neighborhood and their enjoyment of their own property. This would adversely affect the use of the neighboring property which they own and would be contrary to present zoning. A number of immediately adjacent property owners join with him in these objections - they will be named later. This use permit would be inconsistent with the Rural Residential character of the Great Falls community. There is a commercial area in Great Falls at Walker Road and #193.

Traffic would not be the same as in connection with a farming operation, Mr. Wise told the Board. The owner of the property as asserted his purpose is to help pay his taxes and offers this as a means of keeping the land undeveloped. If such a highly commercialized use is to be the price, they would prefer to rely upon the present RE-2 zoning to maintain the area. The traffic hazards on the roads in relation to this use is probably believed to be the most serious objection of the residents. Roads are narrow and heavily traveled at the present time, Walker Road particularly so. The entrance off #193 serves an expanding commercial area with a number of gas stations, a 7-Eleven store, a new sheet metal plant and a fire house. The school is a short distance north of this intersection. There is a substantial volume of school bus traffic on this narrow road. Several miles north of the school is a country club with five hundred members creating heavy traffic conditions on many occasions. The intersection of Arnon Chapel and Walker Road is a very dangerous one with virtually no visibility in coming from Arnon Chapel into Walker Road. River Bend Road, the other means of access to this property, is even worse in terms of narrowness and hills, but possibly not quite as heavily traveled. There are no sidewalks in the area and a number of children walk to school or ride bikes. The school area is the gathering place for children after school for Little League practice, etc. and it is a highly dangerous situation at the present time. Any increase in vehicular traffic would make it more dangerous,particularly so with vans, horse trailers, etc.

There is no real need for a riding stable here, Mr. Wise continued. There are other facilities available in the area. The position of the Great Falls Citizens Association, he contended, should be given very little weight by this Board. There was inadequate notice of the meeting and inadequate discussion as the matter was taken up after 11 p.m.

Mr. Wise told the Board that more than fifteen or twenty of Miss Harrell's horses were put on this property and have been standing in the open field without any shelter for some time, since before Christmas, in zero weather with the wind blowing.

Mr. Yeatman asked Mr. Wise if he owns horses.

No, Mr. Wise answered, but he might say that this is not an anti-horse situation in any way. He has been associated with horse events in the County for twenty years and is a member of the Fairfax Hunt (President and on the Board of Governors) and helped get the steeplechase event started; has had a class A rating in horse shows.

A statement was made that this would devaluate properties in the area, Mr. Yeatman said, and referred to Ballantrae Farms in McLean. This is probably the highest priced residential property in Fairfax County today, he said, and the stables that used to be there did not devalue this land.

Mr. Wise said he was not saying that fifteen or twenty years or thirty or forty years from now the value of the property was going to be lessened - he was concerned about now and the next ten years or so. This objection is not because this is a horse operation; it is because it is a large scale commercial operation with people outside the area patronizing this. This would not be of such volume if this were a case of Miss Harrell or Mr. Hanes' daughter having a little operation on the property. He was concerned about the size and scope of this operation.

Col. George H. Mullholland stated that he had been a cavalry officer in the U. S. Army for thirty years and was a graduate of the Cavalry School and a specialist in advanced equitation. There has been a great deal mentioned about no horses being for hire - yet they are going to give riding instruction, he said. When they give riding instruction on one horse they are hiring a horse out. They can give riding instruction in two minutes and then say go ahead and ride the horse for an hour. There is a very fine line between riding instruction and hire of horses. He is not against horses, he said, but he is against living next to horses. He has lived as close to horses as anyone and has managed horses and knows what stable management consists of and what it requires as a matter of feeding, watering and drainage and there will be stable odors particularly when there is a concentration of seventy-five horses. The septic tank and field seems pretty small and he also questioned how they were going to water the horses. When horses are working and it is hot weather one horse will drink fifteen gallons a day.

Friends who own property near this stable will not be able to sell their land, he said, and and if he lived next door the first thing he would do would be to get the County to lower the assessment on his property. No one wants to buy next door to a stable. Several schools in the area are "conking out" and perhaps the reason is that there is not enough demand. He would like to say something in favor of the management of the horses, Col. Mulholland continued -- Mr. Wise brought up the fact that horses have been out in the open. This is not the best thing you can do to a horse but as long as they are properly fed and are not in a draft they get warmth from their grain. If they were fed on grass they would die, but feedin g grain keeps a horse warm.

Mr. Courtney Snyder, living directly across from the proposed stable, appeared in opposition to the stable entrance being directly across from his entrance.

It is normal policy to require a deceleration lane to be built in order to facilitate the turning of vehicles into the property, Mr. Smith pointed out.

There is a 300 ft. clearance required, Mr. Phillips stated, on sight distance. There is a hill to the west and a dip to the east and the only way to clear this 300 ft. would be to locate the entrance here. The staff would recommend a standard 150 ft. deceleration lane.

John Lock, 326 Walker Road, stated that he was in favor of all the points brought out by Mr. Wise and is opposed for reasons stated. His main concern was the traffic situation, he said.

Mr. Smith agreed that this type of operation does generate some additional traffic but it is traffic generated during the daylight hours which would not normally affect the community travel and rush hour traffic.

Mrs. Lloyd Goode, 620 Walker Road, said she wanted to go on record as saying she respected the feelings of all the horsemen and the qualifieations of the people but as a property owner she wondered how many people would want to buy her house and one acre next to this operation.

The Board has never been able to ascertain facts that show that such an operation decreases property values, Mr. Smith stated, and if anyone could give the Board

facts and figures to prove this, the Board would be glad to hear it.

Esther Rollison, 710 Walker Road, said she had no objection to the operation in a business manner but she has lived on a farm and knows that the animals do give off a stench and there is no way to get grass to grow in the rings, so dust would be a problem. Also, with animals there are flies. She wondered how they would get rid of the accumulation of litter from this operation.

If the permit is granted, the Health Department would supervise the operation, Mr. Smith assured her. Without a use permit a man could have 100 horses here and there would be no supervision. Under use permit, the number of horses would be limited and the Health Department would be responsible for supervising it. Any complaints should be registered with the Zoning Administrator's office and the situation would have to be corrected or the permit could be revoked if such a situation prevailed.

Mr. Smith asked those in favor to stand; then he asked those opposed to stand. A number of people stood both times.

In addition to those who have addressed themselves in opposition, there are present in the room the following in opposition, Mr. Wise stated: Mrs. Marge Fowler; Mrs. Ruby Thompson; Clarence Goode; Alice I. Warner; Lucille Hill; Pat Collier; Edward Deuss; Martin Gardian; Mrs. John Lock; and letters from the following expressing opposition: Mr. and Mrs. Royer; Mr. and Mrs. Chism; Mr. and Mrs. Presgraves; Mr. and Mrs. Fitzgerald; Mrs. Elizabeth Cooke; Mr. David Dean; Mr. and Mrs. Wesley; Mr. and Mrs. Lyle; Mrs. Vivian Kincheloe; Mr. and Mrs. John Shifflett; Mr. Lloyd Goode; Mr. Philip Goode; Mrs. B. H. Warner; Mr. and Mrs. Warren; Mr. and Mrs. Custer; Mr. and Mrs. Jack Kearns; Mr. and Mrs. F. Channing Smith and Mrs. Louise Crews.

In rebuttal, Mr. Hansbarger stated that Mr. Wise's concern was the commercial nature of the operation. This is true, it will be commercial, but as he read the Ordinance, there are a number of uses permitted in a residential zoning classification in addition to single-family residential, both as a matter of right and also with use permits. He has never known until today, he said, that such an operation would be inconsistent with the rural character of the area. If you don't put horses here, where do you put them, he asked? The commercial land in Great Falls that was referred to is filled up with service stations. There is not sufficient area at that point. Traffic hazards on the road are going to be increased because there will be more traffic, but when you compare the traffic with what might be if developed in single-family homes with two cars each and the latest figures from Alan M. Voorhees & Associates shows that each car generates six trips a day, this would be a substantial number of cars that would be generated by single-family development. The adverse effect on property values -- this has already been answered.

Mr. Hansbarger stated that it was mentioned that the applicants were four months in filing the application. If this is so, he is to blame. They came to a lawyer and he gave them advice. If it was wrong, then he should be blamed. Dr. Mouser is present but Col. Mulholland answered the question of horses in the cold being inhumane. The application meets all requirements and standards imposed by the Ordinance for use permits and he would ask the Board to give favorable consideration.

Mr. Smith wanted to know about the method of disposal of the accumulation of litter and manure. There will be conveyors inside the barn to remove it to trucks or manure spreaders, Mr. Hansbarger explained. If to spreaders, it would be spread back on the property. If the Board says no, then there are plenty of greenhouses in the area who would be happy to buy this manure. There would be automatic watering in the barn and water in the fields.

Mr. Yeatman brought up the subject of parking. He felt that seventy-five parking spaces on the property should be sufficient. In any event, there could never be parking along the road for any reason -- horseshows, etc.

Mr. Smith was concerned about the dust problem. Cars and trucks driving across a field would generate dust, he said. The parking area should be an assigned area and should be ample to cover the use itself so people would not be driving around and creating a dust problem. Also, the ring - he was sure that Miss Harrell was aware of the fact that the ring would have to be kept under control too as far as dust is concerned, they could probably sprinkle with salt to keep back air pollution.

The Board again discussed the method of disposal of manure - Mr. Long felt it would be better left up to the Health Department. Some of the manure would be better disposed of on the fields. In the insurance policy, he noted, it refers to "grazing of horses".

This is the insurance in effect while they are using the land for grazing of horses, Mrs. Erkiletian explained. They have a letter from the insurance company which states that they will cover them completely with a different type more complete insurance at the time of construction. The premiums on the two are completely different when the operation is not being run because the risk is not the same.

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Mr. Long asked if the proposed hours of operation could be cut down.

Every once in a while a horse show might end at 10:00 p.m. but they are usually over at 6:00 or 7:00 p.m., Miss Harrell stated. They very seldom run beyond dark.

It is normal practice for the Board to have a 9:00 p.m. closing time for outside activities, Mr. Smith informed. Is it necessary to open at 8:00 a.m., he asked?

No, Miss Harrell said, there might be boarders riding or she might be riding at 8:00 a.m. and would not like to have to wait till 9:00 a.m. to ride. Classes normally start at 9:00 or 9:15 a.m.

There should not be any moving of horses in vans to coincide with school bus traffic, Mr. Smith suggested. This is very important because of the narrowness of the road. If granted, this should be alleviated.

In application S-249-69, an application by Betty L. Erkiletian, President, and Sharon Harrell, Vice President, Deerfield Horse Center, Inc., an application under Section 30-1.8.30 of the Zoning Ordinance, to permit operation of riding school and stable, at Arnon Chapel Road and Walker Road, Dranesville District, also known as map 7, 8 ((1)) 86, 88, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by John W. Hanes, Jr. and Lucy D. Hanes.
2. Present zoning is RE-2.
3. Area of the lot is 66.239 acres of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.
5. The applicant held a permit for this operation in another location issued July 28, 1964.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance and Section 30-7.2.6.1.3 and 30-7.2.8.1.2.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This is granted for a period of three years.

2. An insurance policy providing for the protection of the public ($500,000 for each person; $1,000,000 each accident; $50,000 property damage) shall be maintained at all times in connection with this use permit.

3. Maximum number of horses on the premises at any one time shall not exceed eighty.

4. Separate restrooms for men and women shall be maintained on the premises.

5. A record of all riding accidents shall be maintained and made available to the Zoning Administrator upon request.

6. Horses shall not be ridden on public roads in connection with this use.

7. A State standard deceleration and acceleration lane shall be constructed on Route 682 at the entrance, and seventy-five parking spaces shall be provided on the site.

8. Hours of operation for normal riding activities will be from 8 a.m. to 9 p.m. seven days a week.

9. Horse shows shall terminate at 7:00 p.m. unless prior approval has been obtained from the Zoning Administrator.

10. All noise from loudspeakers shall be confined to the premises.

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11. Manure shall be stored and disposed of in a manner approved by the Health Department.

12. Riding rings shall be maintained dust-free.

13. This approval is granted to the applicants only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

14. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

15. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried 4-0.

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WAYNEWOOD RECREATION ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to enlarge existing swimming area in existing recreation area, located at Waynewood Boulevard and Dalebrook Drive, Mount Vernon District (R-12.5), Map 102-4 ((5)) (21) 21C, S-233-69

Mr. Arthur Ungerleider, President of the Waynewood Recreation Association, stated that they were limiting their membership to 515 families who are residents of Waynewood. They are just about at their membership limits now, fluctuating between 495 and 515. Their proposal is to build a second swimming pool for a two-fold purpose: the adult membership wanted an additional facility in which they could swim as the present pool is usually filled with children. Throughout their ten years existence they have had a program of swimming and lifesaving instruction which runs into the normal swim hours. This means closing off a part of the pool during this time. There would be no more people here with two pools than with the existing facility; it will not increase the membership. They have 71 parking spaces and the parking lot has never been filled except on the fourth of July. The pool is within walking distance of the membership.

The Board normally requires one parking space for every three family memberships, Mr. Smith stated. All people using the facility would have to park on the property itself. They could not park their cars on the street and walk to the pool. Swimming meets are what usually generate the most traffic and there should be enough parking spaces to take care of this traffic. 500 members would require 125 parking spaces on a 1-3 ratio. Expanding these facilities means that probably more people will come at a time and if this application had not been filed, they could have continued with the 71 parking spaces they now have. In all cases where these facilities have been expanded, the Board has required the parking facilities to be updated to meet today's standards of 1-3, or in no case less than 1-4.

Mr. Ungerleider was reluctant to extend the parking as the parking lot has not been filled in the past, he said. If they are forced into a position of having to enlarge the parking space it would be a costly operation. They don't want to encroach upon the existing playground or baseball diamonds. The open land that they have is filled with 100 year old trees and it would probably be in those areas that they would have to expand the parking.

Mr. Yeatman agreed that the parking should be upgraded. They will probably be having more swim meets and according to the plats presented, there is a lot of vacant land here.

The plat does not show the baseball diamonds, Mr. Smith pointed out. That was not one of the things that was originally granted. If this application is granted, the motion would have to be expanded to include the baseball fields.

Opposition: Mrs. J. G. Bass, 1020 Dalebrook Drive, whose home faces directly into the recreation area. Naturally, they object because the noise situation will be intensified. They have not been able to use their screened porch in the summer time because of noise from the P.A. system. Also, it has been rare for guests of theirs to be able to park in front of the Bass house, she said. People using the spaces are obviously across the street at the recreation area. There is a colossal lack of parking so people park in front of her house and on Danton Lane on the side of her house. There are many times when they go down Dalebrook Drive and see children going into the pool area alone, running out in front of automobiles. As to the statement that everyone is within walking distance of the pool -- perhaps they are within walking distance, but they do not walk. They park in front of her house and she objects to this very seriously, Mrs. Bass said.

The area is not maintained properly in that litter is prevalent, Mrs. Bass continued. It is already an impossible situation and it will become worse. They have presented no plans

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for keeping the area from becoming even more of an eyesore. She does not like to have to get out in the middle of the street and pick up Coke cans, ice cream papers and popsicle sticks, Mrs. Bass said. The solid brick wall to the southeast which they propose to build would be an unacceptable situation. If this brick wall has to be, she would like to see it included in the requirements that there be a bank of shrubbery to obscure noise and the litter and eyesore. She did not believe that the plans as presented were acceptable on the points mentioned and there was not an accurate poll of the total membership sought in connection with the approval or disapproval of the pool. Information concerning the meeting was delivered by hand.

Mr. Yeatman asked Mrs. Bass if the pool was there when her house was built.

It was there and they accepted what was there at that particular time, Mrs. Bass replied.

Mr. Yeatman asked if Mrs. Bass were a member of the club.

Yes, she replied, and they intend to continue to belong but she would rather see it be an attractive situation rather than an eyesore. The parking has to be taken care of and the esthetic values have to be considered because all of these things bear on property values.

Have you complained to the managers of the pool about the problems, Mr. Yeatman asked?

Yes, Mrs. Bass replied.

Mr. Yeatman asked if Mrs. Bass had complained to Mr. Woodson, the Zoning Administrator.

No, they did not know they could, Mrs. Bass replied.

Any complaint or violation should be brought to Mr. Woodson's attention, Mr. Smith explained, and he would send an inspector out to verify the violation, the operator would then be notified to correct the situation. If this is not corrected, then they would be served with notice to show cause why the permit should not be revoked. When this application was originally granted the Board was not as definitive as they are today. He assured Mrs. Bass that there would be no more parking on the street if the Zoning Administrator is notified.

Mr. Smith noted several letters in opposition -- one from Mrs. Bass and one from Mr. Rohr whose objections are generally the same as Mrs. Bass', and a letter from Mr. Thompson which mentions the additional police surveillance.

Mrs. Bass asked Mr. Smith what she should do if someone parked his car in front of her house and proceeded to the pool area.

Notify the Zoning Administrator's office immediately, Mr. Smith replied. Get the tag number, give date and amount of time the vehicle was parked there. Do this several times and there will not be any more problems.

Mr. Yeatman said he would not make a decision on this until he had seen a new plat showing everything on the property, more parking spaces, and location of fence or wall.

Mrs. LeRoy Lutes, Jr. told the Board that she is not a member of the pool, stated that most of the parking is on Dalebrook Drive. She did not know that she could complain to anyone. She, too, objected to the litter from the property, and said she felt that the recreation area was pretty well saturated now. If they build another pool she did not know where they would construct additional parking spaces. She said she understood that the swing and seesaws would have to be moved to put the pool, bringing the pool within 25 ft. of the sidewalk of Dalebrook.

This would not be permitted, Mr. Smith assured her.

Mr. Albert J. Rohr, 1014 Potomac Lane, said he would like to see a better sketch of the plat. The parking lot is empty 90 per cent of the time; Dalebrook Drive is full 90 per cent of the time. Both grownups and children walk out from behind parked vehicles and he has had to slam on the brakes many times to avoid hitting children. It is a very dangerous situation, he said.

Mrs. Morris Glover asked about the noise from the P.A. system.

Mr. Smith assured her that it would be corrected -- all noise would have to be contained on the property. He asked Mr. Ungerleider if he were aware of the noise.

They have a P.A. system which is needed for various swim activities and they do play music, Mr. Ungerleider said. They can correct the volume and will do so. The beer cans in the street do not come from their vending machines. Their softdrink machines dispense only paper cups not to be taken from the property. The ice cream papers come from ice cream that is sold by vendors throughout the neighborhood rather than from the recreation area.

WAYNEWOOD RECREATION ASSOCIATION, INC. - Ctd.

Mr. Ungerleider told the Board of their labor costs and the architectural landscaping bills; the cost of seeding and shrubbery; the cost of the watering system. These are things that are being done to enhance the area. The wall is not a part of the bids; it has been talked about. They felt the brick wall would be better esthetically than a wire fence but there is no assurance that it will be built.

If there is any intent of placing the wall, it would have to have approval from this Board, Mr. Smith said. If a wall is proposed it should be shown on the plat as well as all existing facilities and anything proposed. The Board will not require architectural landscape drawings but that probably will be required for site plan.

Going back to the litter, Mr. Ungerleider said, there is nothing that someone would be doing inside of an area of the new pool that would create a litter problem. The grounds they are speaking of are outside the swimming facilities and are free for the general public to move in and out of. They have chained and placed litter receptacles about but the problem is difficult to control.

There should be a fence put up to keep people from walking from Dalebrook Drive to this property, Mr. Yeatman suggested, and there should be 150 parking spaces provided on the property. It would be cheaper to fence it than put up a brick wall.

The parking situation is going to be cleared up, Mr. Smith stated, or the permit is going to be revoked. There will be no more parking on the street. The officers of this Association are responsible for seeing that there is no parking on the street.

Put the members on notice that they cannot park on the public street when they come to the swimming pool, Mr. Yeatman suggested. This application should be deferred for new plats showing the increased parking and where it will be located, he said. It should also show the location of the baseball fields.

If there is a wall proposed, this should also be shown on the plats, Mr. Smith said.

Mr. Yeatman moved to defer to January 27 for decision only. Seconded, Mr. Baker. Carried unanimously.

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CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, app. under Sec. 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, located at Rt. 29-211 and Moore Rd., Centreville District, (RE-1), Map 43 ((1)) pt. 12, S-242-69

Mr. R. W. Church, Jr. stated that the very attractive building presently in place was approved by the Board in November 1964. The Planning Commission has recommended approval of this application. The existing building will be extended back and will practically double the room for available equipment. The highest point of the existing building is 18 ft. The property contains 1.2 acres and the addition is necessary to serve the rapid growth of the area. There are two employees at the existing facility and in 1980 at full expansion there will only be eight employees. There will be no storage of vehicles and no servicing of vehicles; no noise, dust, smoke, fumes, traffic hazards, etc. When the first application was presented it was made clear by an expert that this facility would not be detrimental to property values and would be in harmony with the existing and proposed development for this area. It appears now that construction will not begin until April 1971 and Mr. Church said he would request the Board to give a two or three year time limit on this application.

No opposition.

In application S-242-69, an application by Chesapeake & Potomac Telephone Company of Virginia, application under Sec. 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, located at Route 29-211 at Moore Road, Centreville District, also known as tax map 43 ((1)) pt. 12, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 52,357 sq. ft. of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.
5. Original permit covering this operation was granted November 24, 1964.
6. The Planning Commission approved the location of this use under Sec. 15-1.456 of the Code of Virginia at a public hearing held January 8, 1970.

C & P TELEPHONE COMPANY - Ctd.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be reevaluated by this Board.

Seconded, Mr. Baker. Carried unanimously.

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TRI-COUNTY ELECTRIC COOPERATIVE, app. under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of electrical substation, located near intersection of Cain Branch of Cub Run and Braddock Rd., Centreville District, (RE-1), Map 43 ((1)) pt. 12, S-241-69

Letter from the applicant's attorney requested deferral. The Board deferred this to February 24.

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SAUNDERS B. MOON CHILD DEVELOPMENT CENTER, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, 8100 Fordson Rd. (Drew Smith Elementary School), Mt. Vernon District, (R-12.5), Map 101-2 ((1)) 47, S-254-69

Mrs. Sandra Lowe, Director, stated that the school was previously housed in a prefab building which was poorly insulated and did not provide adequate storage. The present facilities in the Drew Smith Elementary School do provide adequate classroom space and storage to meet their needs. According to County standards the maximum number of children they could have would be eighty unless they occupy additional classrooms at the school and there is no more space at this time. Children walk to school or ride the school bus. The school operates from 7:30 a.m. to 5:30 p.m. five days a week.

No opposition.

In application S-254-69, an application by Saunders B. Moon Child Development Center, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, 8100 Fordson Rd., (Drew Smith Elementary School), Mt. Vernon District, (R-12.5), Map 101-2 ((1)) 47, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the Fairfax County School Board.
2. Present zoning is R-12.5.
3. Area of the lot is 8 acres.
4. Conformance with Article XI (Site Plan Ordinance) is required.
5. Use permit for this operation on nearby property was granted November 23, 1965.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

January 13, 1970

SAUNDERS B. MOON CHILD DEVELOPMENT CENTER - Ctd.

The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this permit to be reevaluated by this Board.

4. Maximum of eighty children.

5. Hours of operation 7:30 a.m. - 5:30 p.m. Monday through Friday.

Seconded, Mr. Baker. Carried unanimously.

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FRATERNAL ORDER OF EAGLES, app. under Sec. 30-7.2.5.1.4 and 30-3.2.1.1 of the Ordinance, to permit access over existing right of way across residential property, 4241 Shirley Gate Rd., Springfield District, (RE-1), S-229-69, Map 56-2 ((4)) 12.

Mr. H. A. Urie presented his notices, however, there was not proof that two adjacent property owners were notified. Col. Whitlock and Ethel Dennis, adjacent property owners, were present and said that they had not been notified.

Mrs. Dennis told the Board that the Eagles have been using this land since last year, and they have had a violation notice on this property.

Mr. Urie said they began operation November 1969.

Mr. Smith pointed out that the violation notice was given on October 6 for occupying the building without an occupancy permit. Have they since received the permit, he asked?

Mr. Woodson said that application was made to the Board of Zoning Appeals upon receipt of the violation notice and they still have not received an occupancy permit.

Mr. Urie told the Board that the property was leased from the Tri-County Real Estate and the Eagles were told that this use was a proper one in this location. They are leasing with option to buy. He did not have a copy of his lease.

Without a copy of a valid lease, the Board has no legal right to act on this application, Mr. Smith said. According to the application, the property is owned by the Paan Dix Enterprises.

Mr. Harvey Esser, Secretary of the Eagles, said that a copy of the lease was filed with the County when they tried to get their use permit.

Mr. Smith again pointed out that notices were not proper.

Mr. Baker moved to defer until such time as the Board has proper information. Seconded, Mr. Yeatman. The applicant should also present a copy of his lease, and the building should not be used until they get an occupancy permit.

Mr. Urie said he had received a temporary occupancy permit, however, upon presenting the paper to the Chairman, it was discovered that it was actually an extension of the violation notice to January 13.

Mr. Koneczny, Zoning Inspector, told the Board that he had received a complaint and upon investigating, he could see that alterations were being made and that they were occupying the building without an occupancy permit. He presented Mr. Urie with the violation notice. Mr. Urie could not apply for occupancy permit until site plan requirements had been met and he had applied to the Board.

According to the deed, Mr. Urie said, they do have an access to Rt. 29-211 but they felt this was a safer access from Shirley Gate Road.

January 13, 1970

FRATERNAL ORDER OF EAGLES - Ctd.

Mr. Koneczny advised that Mr. Urie has requested site plan waiver which was granted under certain conditions and the occupancy permit could not be issued until such conditions were met. They would also need to have the alterations inspected and approved by the County.

Mrs. Dennis told the Board that at times there have been 15 to 20 cars on the property night after night, day after day. This dwelling is on a one-family septic field and cannot accommodate this number of people. There have been dances held there and alcoholic beverages sold.

Mr. Urie told the Board that the Eagles were planning to meet there tonight. He was warned by the Board and Mr. Woodson that no further meetings should be held on this property until an occupancy permit had been obtained. This is a very dangerous situation and the Board has no authority to grant an access over residential land when there is one existing over commercial land.

In application S-229-69, an application by Fraternal Order of Eagles, an application under Sec. 30-7.2.5.1.4 and 30-3.2.1.1 of the Ordinance, to permit access over existing right of way across residential property, 4241 Shirley Gate Road, Springfield District, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by Paan-Dix Enterprises.
2. Present zoning is RE-1.
3. Area of the lot is 3.429 ac.
4. Conformance with Article XI (Site Plan Ordinance would be required).

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Sec. 30-3.2.1.1 of the Zoning Ordinance, and the applicant does have direct access to the property over Commercial land from a major highway. The access they seek is over a secondary road and through residentially zoned land and is not in compliance with this section of the Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be denied.

Seconded, Mr. Baker. Carried unanimously.

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The following three applications were deferred to January 27 to allow the Planning Commission to consider them on January 19 and make recommendation to the Board:

FAIRFAX COUNTY WATER AUTHORITY, app. under Sec. 30-7.2.2.1.5 of the Ordinance, to permit construction of fence and additional building, 2220 Fairfax Terrace, Lee District, 83-1 ((14)) Blk. C, Lots 118B thru 126A, 152B thru 160A, excl. of 153A and B; Blk. D, 177B thru 185A, S-237-69

FAIRFAX COUNTY WATER AUTHORITY, app. under Sec. 30-7.2.2.1.5 of the Ordinance, to permit construction of additional one million gallon standpipe, located 3717 W. Ox Rd., Centreville District (RE-1), Map 46-1 ((1)) 62, S-238-69

FAIRFAX COUNTY WATER AUTHORITY, app. under Sec. 30-7.2.5.1.5 of the Ordinance, to permit construction of additional pumping station, located 5413, 5415 Rolling Rd. (Kings Park) (R-12.5) Map 78-2 ((6)) 1, S-239-69

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HAZELTON LABORATORIES, INC., app. under Sec. 30-7.2.5.1.5 of the Ordinance, to permit addition to existing building, 9200 Leesburg Pike, Dranesville District, (RE-1), 19-4 ((1)) 16, S-264-69

Letter from the applicant requested withdrawal. The Board allowed the application to be withdrawn without prejudice.

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January 13, 1970

DEFERRED CASES:

CAROLYN K. CHRISTON, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit day care, 30 children, 6 days a week, hrs. of operation Monday - Friday 7 a.m. to 6 p.m., Saturday 10 a.m. to 4 p.m., 4416 Roberts Avenue, Annandale District, (R-17), Map 71-2 ((5)) pt. 9-15, S-237-69 (deferred from Dec. 23)

No one was present to represent the applicant.

Mr. Yeatman moved that the application be denied for lack of interest in the case. Seconded Mr. Baker. Carried unanimously.

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STOHLMAN CHEVROLET - Route 7 - The Board granted an extension of the permit to January 28, 1971.

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Mr. Woodson asked the Board if piano lessons, one student at a time, could be considered as a home professional office, allowed by right.

If it is one student at a time, it would be all right, the Board agreed, but for groups of students a use permit would be necessary.

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Mr. Yeatman moved that the minutes of November 16 and 23; December 9, 16 and 23 be approved as written. Seconded, Mr. Baker. Carried 5-0.

The meeting adjourned at 4:30 p.m.
By Betty Haines

Daniel Smith, Chairman

June 9, 1970 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 20, 1970 in the Board Room of the County Administration Building. Mr. Daniel Smith, Chairman, and Messrs. Richard Long, Clarence Yeatman, and Joseph Baker were present. Mr. George Barnes was absent.

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

Mr. Knowlton explained the operation of the new timing device just installed in the Board Room.

ROBERT P. STOCK & VIRGINIA B. PASLEY, application under Sec. 30-6.6 of the Ordinance, to permit division of Lot 53 having less area and frontage than required, 3032 Cedarwood Lane, Mason District, (RE-1), 50-4 ((23)) 53, V-243-69

Mr. Stock stated that he owns property abutting Mrs. Pasley's Lot 53. There is a strip of land in the rear of her property about 39 x 59 ft. which for the most part has fairly large trees on it and a small portion coming out to his lot line. The maintenance of this portion of her lot which is outside of her fence line has been difficult. There are drainage problems when they have heavy rains. He wishes to buy a portion of that and her lot would still be over 1/2 acre. He has no intention of building on it, but would simply maintain it or put a tool shed there.

Under this section of the Ordinance, Mr. Smith said, Mrs. Pasley is the only one who could present the hardship.

This is an old one acre subdivision, Mr. Yeatman said, and some of the lots are smaller than would be required today. It's a lovely subdivision and nothing has been split up.

Mr. Smith asked Mr. Knowlton if a portion of Mrs. Pasley's lot could be sold to Mr. Stock without a variance.

No, because she would have to subdivide the land, Mr. Knowlton replied, and to subdivide takes a variance from this Board or a rezoning. The entire subdivision which probably took place before the present zoning was put on the property does not conform now to the one acre zoning of the land. The lots will average slightly over 1/2 acre throughout the subdivision. As explained to us when the application came in, Mr. Knowlton continued, the precise size of the lot after this subdivision would not make it the smallest lot in the subdivision and would be larger than the minimum lot size if this were a cluster subdivision in RE-1 zoning.

This is not a cluster subdivision, Mr. Yeatman said.

Mr. Smith felt that Mr. Stock had not made a case for himself and it was unfortunate that Mrs. Pasley was not present to give her version. Actually there is no hardship involved here, she has control of the land, and it is average lot size. To create an outlot seems an unreasonable request.

Opposition: William A. Dennon, 3048 Cedarwood Lane, said that cutting the back of this lot off would reduce the size of the lot to where it would be smaller than other lots on the street. This would break up the long property line that now exists. The people living on the street are not in favor of this. There have been other attempts to break up lots in the subdivision and they have not been successful so far. If this is granted, they fear it will set a precedent.

In application V-243-69, an application by Robert P. Stock and Virginia B. Pasley, application under Sec. 30-6.6 of the Ordinance, to permit division of Lot 53 having less area and frontage than required, property located at 3032 Cedarwood Lane, also known as tax map 50-4 ((23)) 53, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly advertised in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th of January 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The property is owned by Virginia B. Pasley.
2. Area of the lot is 27,444 sq. ft. of land.
3. Present zoning is RE-1.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land involved.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is denied.

Seconded, Mr. Baker. Carried unanimously.

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NORMAN H. STEVENS, app. under Sec. 30-6.6 of the Ordinance, to permit double carport to be enclosed for garage closer to side property line than allowed, 1822 Abbotsford Drive, Centreville District, (RE 0.5), Map 28-2 ((14)) 208, V-244-69

Mr. Yeatman moved to place this at the end of the agenda as no one was present to represent the applicant. Seconded, Mr. Baker. Carried unanimously.

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JOHN H. NICHOLSON, app. under Sec. 30-6.6 of the Ordinance, to permit erection of building closer to rear lot line than allowed, 118 Gordon Rd., Providence District, (I-G), 40-3 ((1)) 8A, V-246-69

Mr. Phillips located the property on the map, indicating that some of the property was located in the city of Falls Church.

Mr. Hugh Cregger, attorney, represented the applicant who was also present. This industrially zoned property abuts residential property and a 100 ft. setback would be required. They are seeking a variance to erect the building at 25 ft. Mr. Nicholson is a contractor, licensed by the State, he conducts his business at this site. He presented pictures of the building. He proposes to erect a 14 ft. building for storage of building materials and equipment. His equipment is on the lot now. The 14 ft. warehouse would be 30 ft. wide by 80 ft. long. It would encompass 2,400 sq. ft. It would be tucked in behind the office building that is there now and would not be seen from Gordon Road. They have been through two hearings in the city of Falls Church and have one more hearing to go. They appeared before their Architectural Design Committee, they approved the design of the building. Over one half of the building will be located in Falls Church. They appeared before their Planning Commission for site plan approval and they had approved the site plan last night based on the preliminary hearing subject to their final determination after elevations are given to them. The erection of this building will improve the site as they will be putting the building materials inside. There is no variance necessary in Falls Church. This residential property is now being offered for sale; it has no buildings on it and Mr. Cregger said he contacted both of the absentee owners. Col. Jamison signed the letter sent to him and he stated that he had no objection to the request. He contacted Mrs. Peeples - she had no objection. The residential property is being offered for sale at commercial prices contingent on zoning. Some screening would be necessary at the back line and they would be willing to put in reasonable screening that the Board might require. Access to this property is Gordon Road, this is in the City of Falls Church.

Mr. Nicholson has other property, Mr. Smith said. Why not combine the two properties?

It's true, they are both owned by Mr. Nicholson, Mr. Cregger said, but he hopes to develop that as a separately lot entirely.

This is a 75 ft. variance, Mr. Smith commented, it would be more in keeping with good planning if it were less.

This property, although zoned residential, will never be used for residential purposes, Mr. Cregger said.

This is probably true, Mr. Smith agreed, but why not a 50 ft. variance rather than 75 ft.? This would be more in keeping with a commercial category. You are basing your request on the probability that this will eventually be a commercially zoned area.

Mr. Smith felt this was an unreasonable request.

Mr. Cregger showed a picture of the building presently existing on the subject property. They hope to construct the new building to store tools and equipment which are now out in the open. He did not think this would be detrimental to the residential property which would be zoned for commercial purposes.

According to the map on the wall, all of the land in the area except for the residential land is zoned for high intensity use, Mr. Long said.

JOHN H. NICHOLSON - Ctd.

This will be a cinderblock building, painted green, same as the office building there now, Mr. Cregger said.

Mr. Barry, Zoning Inspector, said the existing zoning on the property would allow for a contractor's yard under the Ordinance. He pointed out a hypothetical situation -- that the Board may or may not take into consideration -- the use of the property as a contractor's yard would allow for the storage of almost any type of material exposed to the open and purely from the esthetic standpoint it would be more objectionable than a building where the materials would be confined.

Mr. Long said he felt the rear of the building should be constructed of brick material.

If the residential property were rezoned to townhouse zoning what would be the required setback, Mr. Smith asked?

Mr. Long said he believed it would still be a 100 ft. setback.

To grant a 50 ft. variance might be reasonable, Mr. Smith suggested, but going beyond that would not be reasonable.

Mr. Yeatman moved to defer to February 10 to view the property and for Mr. Barnes to be present. Seconded, Mr. Baker. Carried 4-0. (For decision only.)

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MARVIN KIRBY, app. under Sec. 30-6.6 of the Ordinance, to permit lot with less width than allowed at building restriction line, 6118 Ramshorn Dr., Dranesville District, (RE 0.5), Map 31-1 ((6)) A, V-251-69

Mr. Douglass Mackall stated that Mr. Kirby inherited this lot from Mr. Henry Hirst who was the owner of Parcel 16 and half of this subdivision. This lot was left as an outlot in the original subdivision because Mr. Hirst owned a horse and the horse grazed here. The horse died about thirty days after the subdivision was recorded and Mr. Hirst has since died and Mr. Kirby inherited this lot. This is a corner lot with not enough width at the building restriction line. The lot is 31,000 sq. ft. and is zoned RE 0.5. It's a beautiful building site on the side of a hill in a nice area. Yeonas has developed property to the left of this. They don't have 125 ft. from Merchant Lane at the building restriction line. They are asking the variance so they can build a house on the lot.

This was not made an outlot to achieve the proper density, Mr. Phillips stated, because the remainder of the lots in this subdivision all conform. The definition of an outlot is an outlot that does not comply with the area and frontage requirements.

Mr. Kirby intends to sell the lot, Mr. Mackall stated. No other variances would be necessary.

Mr. Smith said it would not be in order to grant another variance to construct a house, if this application is granted.

No opposition.

In application V-251-69, an application by Marvin Kirby, application under Sec. 30-6.6 of the Ordinance, to permit lot with less width than allowed at building restriction line, located 6118 Ramshorn Drive, Dranesville District, also known as tax map 31-1 ((6)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertising in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by Marvin Kirby.
2. Present zoning is RE 0.5.
3. Area of the lot is 31,528 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical

difficulty or unnecessary hardship or deprive the user of the reasonable use of the land; (a) exceptionally irregular shaped lot; (b) shallow lot; (c) unusual conditions in the location of existing residences.

NOW THEREFORE BE IT RESOLVED, that the subject application be granted.

Mr. Smith asked if the shed on the property would be removed.

Mr. Mackall said he did not know.

The corn crib straddles the two property lines, Mr. Smith said, and it should be removed prior to utilization of this as a building lot.

Mr. Long said he would amend his motion to include this.

Seconded, Mr. Yeatman. The building should be removed before any building is placed on the property, he said.

It would appear that the structure is in violation of the setbacks, Mr. Barry pointed out.

Mr. Kirby does not own the land that 90% of this shed is on, Mr. Yeatman said.

He should remove the portion that is on his property, Mr. Smith said.

Probably the simplest way, Mr. Barry suggested, would be for his office to handle the enforcement of the setback requirements for this shed.

Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Sec. 30-7.2.10.2.1 of the Ordinance, to permit additional pump island, 3340 Gallows Road, Poplar Hill Subd., Lot 20, Annandale District, (CN), Map 59-2 ((5)) 20, S-252-69

Mr. John Aylor represented the applicant. There was a special permit issued to this location for three bays and two pump islands and Mobil did not go through with the transaction. Cities Service Oil Company bought the property in September 1969. Relying upon the fact that there were two pump islands and three bays, Cities Service went through with the transaction. The county discovered that at the time the original use permit was issued there was only one pump island so today the staff suggested they come back for approval of the additional pump island.

Who owns the property now, Mr. Smith asked? Does Mr. Mitchell still own it?

No, it was sold in September to Boron Oil Company, Mr. Aylor replied, and that is a company in the east that will exchange properties with Cities Service Oil Company as soon as the station is complete. For tax reasons they exchange rather than by outright sale.

Perhaps this application should have been made in the same name as the existing permit, Mr. Smith suggested.

This permit was issued to Mr. Mitchell originally, Mr. Smith said. Mitchell & Leathers were the permittees.

Harold Mowbray, certified land surveyor in Annandale, said he prepared the original plat for Mr. Barber and Mr. Leathers showing proposed station with one pump island. For some reason they did not pursue the station. He then prepared site plan for Mobil Oil Company showing two pump islands and three bay service station. For some reason they didn't exercise their option and it was taken by Cities Service. He then revised site plan to show their station and was informed by Planning that it did not conform to the original use permit. On the original it shows one pump island. They have now deleted the island to conform with original use permit but would prefer to have two islands. These islands do meet setback requirements of the Ordinance. These set further back from the road than those proposed by Mobil. This will be a brick Colonial type station. Bays will open in the front. Mobil proposed a side opening.

Mr. Smith said he felt this was a better arrangement than the original one.

Mrs. Carol Weber, 3414 Luttrell Road, asked if there is going to be an exit onto Luttrell Road.

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The pump islands are farther removed from Luttrell Road in this application than they were originally, Mr. Smith stated.

Mrs. Weber said they are not in favor of an exit on Luttrell Road as it is a bad situation now.

There are two entrances from Gallows Road, Mr. Aylor said. Those permits have been issued by the State. They are in place.

Mrs. Robert Barterri, 3418 Luttrell Road also objected to an entrance on Luttrell Road. The traffic situation is bad on the corner as there is no visibility to the left. Large trucks park on the side of the highway in front of 7-Eleven and they cannot see. This exit on Luttrell could cause a lot of accidents. The location of the service station is where the school children wait for the bus every morning. They have no objection to the station but the additional traffic would be hazardous to the children.

How about making this exit only on Luttrell Road, Mr. Smith asked?

Mr. Aylor said he was not even sure the Highway Department would give them a permit.

Not having an exit on Luttrell would create a problem as far as traffic flow is concerned. This station will not create traffic - most of the traffic will be in the area anyway. In the future if a new ramp setup goes in it might create some problem because of the closeness to the Beltway, Mr. Smith stated. Maybe a stop light would have to be put in.

People on Luttrell Road could get onto this travel lane even though they are not going into the station, Mr. Aylor said, and continue on past the 7-Eleven and feed into areas where there would be a controlled traffic light. The citizens would have a right to use the 22 ft. travel lane. Cities Service also has to build a sidewalk along there and it would be easy for the children to wait on the sidewalk.

Mr. Smith asked Mr. Phillips if he had any additional information on the possible revamping of the ramp?

Mr. Phillips said it was not likely that there would be anything more than a diamond interchange there because of the interchange at Route 50 and Route 236. If there is anything planned, it's a very long range plan, which is not adopted.

Mr. Charles E. Krebbel, Chairman of the Zoning Committee in Camelot, supported the comments of the other two ladies regarding Luttrell Road. He reviewed the history of this property, and discussed the traffic problems. If the pump island could be put in so the exit on Luttrell Road would be constrained, the people in Camelot would not object.

Increasing the pump islands does not necessarily increase the traffic, Mr. Smith told Mr. Krebbel. It only makes it safer to get in and out and serve people at a faster rate.

In application S-252-69, an application by Cities Service Oil Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit additional pump island, 3340 Gallows Road, Poplar Hill Subdivision, Lot 20, also known as tax map 59-2 ((5)) 20, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable County and State Codes, and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 20th day of January 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by Boron Oil Company with Cities Service Oil Company the contract purchaser.
2. Present zoning is C-N.
3. Area of the lot is 31,725 sq. ft. of land.
4. Use is covered by use permit granted 8-6-68.
5. Conformance with Art. XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special permit uses in C or I districts as contained in Sec. 30-7.1.2 in the Zoning Ordinance, and that the use will not be detrimental to development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use provided in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted, with the following limitations:

Entrances and traffic flow onto Luttrell Road shall be as approved by Land Planning Branch.

No parking signs shall be placed on Gallows Road and Luttrell Road along the entire frontage of the property.

Provisions for curb and gutter and sidewalk shall be made along the entire frontage of Luttrell Road.

This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application, not transferable to other land.

This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to date of expiration.

Granted for buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried 4-0.

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OPERATION BREAKTHROUGH, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of weekday pre-school in community room in apartment building, 6700 James Lee St., Providence District, (C-G) Map 50-4 ((6)) 1, 2, 7A, S-253-69

Mrs. Dawn Russell represented the applicant. This would be a morning pre-school not to exceed 16 children in this room which has been donated by the owners of the property as a community room or neighborhood center. This would be up to four year olds. It's an educational facility and many of the mothers do work, but it's only mornings. Many of the children could come from a baby-sitting situation in the apartments to the school and return to the child care situation. There are church funds to pay the teacher but they will have to charge to cover cleaning and supplies. As a matter of pride the people should be expected to pay something so they are projecting a cost of $5.00 per month for each child. They have permission to use this room but do not have a lease.

The Board has to have a letter or lease, Mr. Smith said, indicating that they have permission to use the premises. The Board should have a copy of the charter and by-laws also.

Mrs. Mildred Nickelberry, 6708 James Lee Street, Resident Manager of the Apartments, stated that there was an agreement for them to use this room for this purpose.

Mr. Yeatman pointed that some of these apartments do not have an occupancy permit.

Occupancy permit would have to obtained before this could be utilized, Mr. Smith noted.

This would not take place in the afternoons, Mrs. Russell explained, as the room is in use by older school children for after-school activities then.

No opposition.

Mr. Long moved to defer for one week to obtain a copy of the corporation papers and the lease or arrangement between the apartment owners and the applicant. For decision only. Seconded, Mr. Yeatman. Carried 4-0.

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NELSON A. HERMANN, app. under Sec. 30-6.6 of the Ordinance, to permit carport closer to side property line than allowed, 8132 Belleforest Dr., Providence District, (R-12.5), Map 49-2 ((4)) 3, V-256-69

Mr. Gilbert Bell, contractor, stated that the owners felt there was a need for the carport as a safety factor, so the windshield would be clean as he drives to work each morning. Neighbors are not opposed. The house is about ten years old and it has no carport or garage at the present time. This would be a two car carport.

The fact that the applicant desires a carport is not one of the basic reasons the Board can grant a variance, Mr. Smith pointed out, there has to be a topographic reason, odd shaped lot or some hardship in connection with the land before the Board can grant a variance.

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NELSON A. HERMANN - Ctd.

Apparently the location of the septic field does restrict construction to some degree, Mr. Smith noted.

Mr. Bell stated that some of the houses on this street have carports or garages.

No opposition.

He could extend a carport 5 ft. into the minimum side yard by right, Mr. Smith noted, and this would give him an adequate carport. A variance would not be necessary.

In application V-256-69, an application by Nelson A. Hermann, application under Section 30-6.6 of the Ordinance, to permit carport closer to side property line than allowed, 8132 Belleforest Drive, also known as tax map 49-2 ((4)) 3, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the County Board of Zoning Appeals and following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by Nelson A. Hermann.
2. Present zoning is R-12.5.
3. The area of the lot is 22,931 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship and would deprive the owner of the reasonable use of the land and buildings involved. (a) exceptionally narrow lot; (b) unusual condition of the location of the buildings and septic field.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location of the specific structure indicated in plats included with this application and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion for reasons stated.

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The Chairman read a letter requesting withdrawal of the application of CHARLES W. G. WALKER, application under Section 30-6.6 of the Ordinance, to permit addition of garage and screened porch and to convert existing garage into room 15.4 ft. from side property line, 3214 Amberly Lane, Providence District (RE 0.5), Map 59-1 ((18)) 87, V-220-69.

Mr. Baker moved that the application be allowed to be withdrawn without prejudice. Seconded, Mr. Long. Carried 4-0.

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Mr. Woodson read a letter from Judge Sinclair reappointing Mr. Daniel Smith as a Board member for five years.

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MRS. MARY RUTH BEESON, TULLY BALLENGER & GRADY RILEY, app. under Sec. 30-7.2.6.1.7 of the Ordinance, to permit antique shop in single residential dwelling, 7047 Haycock Rd., Dranesville District (R-10) 40-3 ((1)) pt. 90, S-263-69

Mrs. Arlene Covey, real estate agent, represented Mrs. Beeson who lives in Austin, Texas She has not lived on the property for six years. The property is vacant at the present time. She does not intend to return and live here. They have a lease from Mr. Riley and Mr. Ballenger - they now have an antique shop in Arlington on Wilson Boulevard. Their plans are to move the antique shop to this property which contains 2 1/2 acres

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and ample parking, and because it is near a shopping area and an area which is rapidly changing, it appears to be a very natural place for such a use. The property has been vacant for over a month.

Will there be antiques sitting around outside, Mr. Yeatman asked? What category of antiques do they propose?

At the present time they deal in pictures, dishes, and general antiques, Mrs. Covey replied. It would not be permitted to have the antiques outside. They also understand that the house has to be resided in in order to have the antique shop. Their present shop is in Parkington and they have operated there for two or three years.

Oscar E. Kingsley, 7048 Haycock Road, spoke in opposition. As far as he can see, there would be no disadvantage to having an antique shop across the road from him, but if it is granted, he would like to have certain things considered: he discussed the curve on the road and the peak at the hill where there is no visibility one way or the other. It is very dangerous. It is a 20 ft. road where there is no parking. He has lived here for 40 years, he said, and this is one of the most dangerous roads in the County. There is a 25 to 30 ft. bank there also.

Mr. George Lilly spoke in opposition. The CRMH apartment zoning which first brought him into this kind of zoning activity about ten years ago - has not been built on yet. It is tied to the development of Route 66. He was also concerned about the traffic situation in the area. Improvement of Haycock Road by the State Highway Department is not anything in the immediate future. This property is right at the top of a hill as you come up from the shopping area and behind that, still in Falls Church, are some garden apartments. This is really a transfer of a commercial operation from a commercial area to a residential area. This is literally a subterfuge of a commercial zoning. This is an encroachment into a residential area planned and developed in that fashion. The driveway into this property is totally blind and people have been killed at this very spot. Permitting this use would compound the dangerous which already exist.

Mr. Howard Richmond, owner of the Falls Plaza Apartments, spoke in opposition. He read a letter to the Board objecting for the following reasons: (1) There is no need for a commercial operation in this location as there is sufficient commercial facilities nearby. (2) From the rear of the shopping center to points north the area is entirely residential and commercial development of this type would not coincide with surrounding uses. (3) The antique stores in operation place all types of articles, furniture, etc. on the front lawns of these establishments. (4) Would lower property values. (5) This is on a septic system which has already had special permission for its retention. This system often emits foul odors and has necessitated action by the City Health Department on various occasions. Commercial use of this property would increase the problem. (6) The road cannot accommodate the additional traffic from this operation without widening. (7) Would require substantial off-street paved parking to accommodate the traffic. (8) This amounts to a commercial use in a residential zone.

Mr. Ralph Ives, 6807 Haycock Road, concurred with statements already made in opposition.

Mr. Phillips read the staff comments: The staff is aware of the serious traffic hazard along Haycock Road in front of the property and this condition could be expected to be increased by this operation. However, the staff feels that if the permit is granted, it would create an opportunity in which the overall problem could be somewhat lessened. Staff recommends that if granted, the relocation of the driveway be made to the northern end of the lot where the road flattens out somewhat and that grading and elimination of shrubbery be undertaken to improve sight distance for the driveway and road. That construction of a standard deceleration lane be undertaken, and that in line with the proposed right of way, the proposed cross-section of Haycock Road of 90 ft. that land be dedicated to provide right of way 45 ft. from center line.

Mrs. Covey agreed that the bushes really should be removed no matter what happens to the property. The use would be half residential and half commercial. Status of the property in the past has been deplorable; the property has been used as a rooming house for twelve men, and there has been a health hazard according to neighbors -- rats, etc. from this property. An antique shop properly run would be an improvement.

In application S-263-69, an application by Mrs. Mary Ruth Beeson, Tully Ballenger and Grady Riley, application under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop in single residential dwelling, 7047 Haycock Road, tax map 40-3 ((1)) pt. lot 90, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, THE captioned application has been properly filed in accordance with all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January 1970, and

MRS. MARY RUTH BEESON - Ctd.

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The property is owned by Mrs. Mary Ruth Beeson.
2. Present zoning is R-10.
3. Area of the lot is 96,796 sq. ft. of land.
4. Conformance with Art. XI (Site Plan Ordinance) would be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with standards for special use permits in R districts as contained in Section 30-7.1.1 of the Ordinance, and the use will be detrimental to the character and development of adjacent land and will not be in harmony with the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is denied. Seconded, Mr. Yeatman. Carried unanimously.

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HENRY A. LONG & P. WESLEY FOSTER, JR., TRUSTEES, app. under Sec. 30-6.6 of the Ordinance to permit variance to height limitation in C-N zoning district to allow a commercial office building of 66 ft. in height, and variance from sides, front and rear setbacks, located N. W. corner of Little River Turnpike and Prosperity Avenue, Providence District (CN), 59-3 ((7)) pt. 17, V-265-69

Mr. Richard Long disqualified himself as he is brother of one of the applicants.

Mr. Ralph Louk, stated that he had received a notice from the Planning Commission yesterday indicating that the Commission would consider this application on January 29 at 8:15 p.m. and he would ask the Chairman to find out if there were people present to speak and find out whether they should have the hearing now or defer it in view of the Commission's request.

Mr. Smith read the letter from the Planning Commission stating that the Commission would consider this application at their meeting of January 29. He felt the Board would be in order to hear the application today. Is there anyone who would be opposed to the Board hearing the application and deferring decision until such time as receiving a recommendation from the Planning Commission, he asked? Since there was not, the Board decided to proceed with the hearing and defer the decision.

Mr. Louk stated that the applicants have come up with plans for an office building for this particular property of almost 2 acres. It's zoned C-N and in this district you can have different things - shopping center, office buildings, etc. The height allowed for an office building is 40 ft. In designing an office building for a particular property, really what determines the size of the building is parking. On the plat there are 167 parking spaces. In utilizing this 2 ac. tract under the 40 ft. height limitation without the variance, they could build the office building but instead of the building they think would be desirable, it would have to be "L" shaped and go along Prosperity and back. It would have more ground coverage and the same square footage. By the increase to 66 ft. the number of square footage in the office building would not be increased. Average height above the 40 ft. is about 20 ft. - to be specific it's 26 ft. on the #236 side, above ground level; on the side next to the Texaco station would be 13 ft. above the 40 ft.; on the north side the height would be 20 ft. above. The other variances as far as setbacks are concerned, if you go above 40 ft. we are required 2 ft. for every one foot height above that. Because of the topography and the shape of this property they think that it's best utilized by orienting the building to Prosperity Avenue and setting it as far back as possible, taking it up to the line along the common boundary with Texaco. The building is 60 ft. wide and 150 some feet long along Prosperity Avenue, setting back along the Texaco line. This would be a mixture of office uses. (real estate, bank, and mixture of offices) Long and Foster are real estate agents. This is old C-N zoning.

Opposition: Mrs. Robert Knudson, 3712 Woodburn Road, stated that she was really not in opposition or in favor, but thought that if the office building were eventually built to look like the drawing, it would be compatible and would be an asset to the area, however, that is a very congested area already traffic-wise. Residents are literally boxed in already by schools and churches and further congestion would not be fair to them. She feared that if this were granted, the Board would have no more control over it, and it might not turn out the way it is pictured.

Mr. Knowlton stated that construction would have to follow an approved site plan.

Tom Hicks, 4502 Mullin Lane, represented the Little Run Citizens Association, opposing the application as the proposed use of the property is unreasonable. An office building of the size proposed is inconsistent with the surrounding area.

Mr. Louk stated that additional parking spaces could have been shown on the plat but there were areas where they were saving the trees. There is an area of green space to the north which also could have been used for parking. The problem with the churches is that traffic is concentrated on Sunday mornings and other times when they have activities where as in an office building they would be coming at the same times, but it would be against the flow of traffic.

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Traffic is not being increased because a building the same size can be built with more lot coverage and would have the same number of parking spaces and automobiles, Mr. Louk continued. He could not anticipate the traffic problem indicated.

Mr. Yeatman moved to defer action till after the Planning Commission has heard the application and made recommendation. Seconded, Mr. Baker. Carried unanimously.

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The Board returned to the 10:20 item - Norman H. Stevens - V-244-69. Still no one was present to represent the applicant.

Mr. Yeatman moved to defer to February 17. Notify him that he has to be present or have an agent present to pursue the matter. Seconded, Mr.Baker. Carried 4-0.

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The Board discussed the list of requirements in connection with BZA applications presented by Mr. Phillips.

Mr. Baker moved to amend the BZA by-laws to read 10 minutes for the applicant; 15 minutes for the opposition; 5 minutes for rebuttal. Seconded, Mr. Yeatman. Carried 4-0.
// of the supplemental instruction sheet proposed.
Mr. Phillips suggested striking Sec. F - Format,/ This was inadvertently added in when it was typed. The Board agreed. Copies should be mailed to the Board members before final approval is given.

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Mr. Covington stated that Computer Age Industries, Inc. on Arlington Boulevard have recently purchased a bankrupt stock brokerage school and they want to train stock brokers at this location. Will they have to come back to the Board for expansion of their permit?

Is this a separate school under separate curriculum, Mr. Smith asked? Is it a separate entity or will it be incorporated into Computer Age School?

It would be incorporated into Computer Age, Mr. Covington replied, but it would have a different curriculum.

Mr. Smith asked for a statement from them, a memorandum as to their intent and the Board could act formally on it rather than on a verbal basis.

Mr. Covington did not recall what the name of the firm was. He would get a statement of what they intend to do, he said.

The Board should know how many additional students; how many students overall; and what effect this would have on the space in the building, etc. Mr. Smith said. There is a lot of land there.

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Mr. Covington referred to a letter from Mr. Hansbarger regarding Wallingford Private School. In 1956 a use permit was granted to Grace A. Wallingford to operate a private school at this location. She has operated the school continuously since September of that year. Recently she entered into a contract to sell the property upon which the school is located and wishes to transfer the use permit to Miss Barbara Hardy. This is scheduled for March 1, 1970. It would be appreciated if the Board would permit the transfer of the use permit without further proceedings.

The Board does not have authority to transfer use permits from one person to another, Mr. Smith said.

They are not transferable, Mr. Yeatman said.

Is that on Annandale,Road, Mr. Smith asked? She got an expansion a couple of years ago. She would have to have a formal application filed by the person moving in. If it were granted to a corporation and she was selling her stock, it would be a different thing but this was to an individual and is not transferable.

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Would astrologers be handled in the same light as a palmist, Mr. Covington asked? Would it require C-G zoning? State requires this man to pay $500 license fee and they won't grant him a license in a residential zone.

Board agreed to abide by State's determination and definition.

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Mr. Covington said there is a new type of restaurant coming to the County -- called "Jack in the Box". Cars drive in, look at the menu board, then place the order, and pick up at the window. Would all of these be counted as signs?

This is not a drive in and park restaurant, Mr. Smith said.

This is a continual flow of traffic, Mr. Covington said - people do not park there and eat.

This is a mounted menu, Mr. Smith stated, with a speaker - there is no parking there. He said he would like to know the size of this, size of the lot, size of the building, etc.

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Mr. Baker asked if a beauty parlor on first floor of apartment in CRMM zoning could have a sign on the building?

Mr. Covington said this is for the patrons who live in the building; no visible outside advertising would be allowed.

"Designed primarily for the residents of the building" Mr. Smith stated -- it's not restricted to them.

Mr. Baker said he was referring to River Towers Apartments.

Mr. Baker agreed to get together with Mr. Barry and go down and try to ascertain whether it is in conformity or not.

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The meeting adjourned at 4:00 p.m.
By Betty Haines, Clerk

Daniel Smith 6/9/70
Daniel Smith, Chairman, Date

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The regular meeting of the Board of Zoning Appeals was held on January 27, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. Joseph Baker, Mr. George Barnes and Mr. Clarence Yeatman.

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

Mr. Smith announced that congratulations were in order for Mr. York Phillips, Administrative Assistant with the Board of Zoning Appeals. This morning at 5:34 he was presented with a 9 lb. 5 oz. baby boy. This is not the reason for him not being present today; he is on a special assignment this morning. He was sure that Mr. Phillips was very proud as this happens to be his first child.

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TYSONS TRIANGLE LIMITED PARTNERSHIP, app. under Sec. 30-6.6 of the Ordinance, to permit variance from 75 ft. building setback line to place proposed office on the property line, located at Tysons International Shopping Center, Dranesville District (COH) 39-2 ((1)) 65A, V-247-69

Deferred for readvertising and reposting to February 24.

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NATIONAL WILDLIFE FEDERATION ENDOWMENT, INC., app. under Sec. 30-7.2.5 of the Ordinance, to permit combination of uses under Group V, located southerly side of Leesburg Pike, approx. 2900 ft. N. of intersection of Airport Access Road, Centreville District (RE-1) 28-2 ((1)) 11, 19, S-248-69

Marc Bettius represented the applicants. This is an extremely well established group of individuals who have dedicated themselves to the preservation of America's wild life and her natural resources. The Wildlife Federation has sought for considerable period of time to find a location for their national headquarters. At the present time the operations they conduct are widely scattered throughout the United States and at present they are located insofar as administration is concerned in the Washington area. Several years ago and several owners prior to the applicant this very attractive piece of landscape was the subject of a most unnatural and unhealthy land use and constituted a significant erosion problem on its front. Owners who acquired the ground subsequently were interested in restoring the land. When the Federation acquired this ground late last year, they felt that it realized the promise of a dream to them. The site, some 19 acres in area, has very rough terrain; it is very beautiful and attractive. It is the intent of the applicants to utilize the cleared part of the site for the erection of the structure and utilize the remainder for the creation of nature trails and preservation of wildlife. They intend to create on their own facility a place where the citizens could observe wildlife on their own site.

The applicants have agreed to dedicate a travel lane, etc. as required by the County, Mr. Bettius continued. The topography drops off very dramatically. The terrain is ideally suited for what they intend to do. There will be a plaza level under the building where computer functions will be carried out. The main office building will be a maximum of 38 ft. high, measured from the highest elevation. Overall area of the structure will be 100,000 sq. ft. At their own option, they have set the building 320 ft. back from Route 7. Total coverage on this site is less than five per cent. In a recent study that was requested by the County from planners Hammer, Siler & Greene, it was indicated that someday this property could be used for industrial uses. This is in an area of one-half acre land use and to take a site such as this and put single-family homes on it would be a waste. Cost of the structure will run into several million dollars.

Mr. Smith questioned the section of the Ordinance under which the application was filed.

It would be the eleemosynary section, Mr. Bettius said. There is a great deal of research proposed for this site but he did not think they would qualify under the Melpar Ordinance. Research and development would not be their primary function. The question of eleemosynary use was directed to the staff and County Attorney.

Mr. Long disqualified himself from participating in the hearing - the plat they are using for their presentation was prepared by his firm as far as the boundary survey is concerned, he said.

Mr. Smith felt that Mr. Long's statements could be very valuable in the discussion, however, if he wanted to disqualify himself in voting, that would be all right.

Mr. Bettius said he believed this was a key site in the development of Fairfax County. The building would be of contemporary nature and they anticipate a maximum of 250 employees with 265 parking spaces. The building would be 90' x 450' including shipping and storage area. This is all for use by the Federation itself; no sub-leasing.

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NATIONAL WILDLIFE FEDERATION - Ctd.

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No opposition.

Mr. Joe Bagalo of the Leo Daley Company of Washington stated that he did not have a rendering of the proposed building but the material would be either reinforced concrete structure or steel fibre structure similar to the construction of the County Administration Building. It would be of architectural design. Air-conditioning and heating equipment would be on-grade and would be enclosed.

In application S-248-69, an application by the National Wildlife Federation Endowment, Inc., application under Section 30-7.2.5 of the Ordinance, to permit a combination of uses under Group V, located southerly side of Leesburg Pike approximately 2,900 ft. north of intersection of Airport Access Road, Centreville District, also known as tax map 28-2 ((1)) 11, 19, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE-1.
3. Area of the lot is 853,788 sq. ft.
4. Conformance with Art. XI (Site Plan Ordinance) will be required.
5. The owners will build and dedicate a service road along Leesburg Pike.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

(1) This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

(2) This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

(3) This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

(4) It is understood that there will be 265 parking spaces provided and that they will dedicate and build the travel lane as required by the County.

Seconded, Mr. Baker. Carried 4-0, Mr. Long abstaining.

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WILLIAM COHEN & ROBERT L. & RUBY L. GROVES, app. under Sec. 30-7.2.6.1.3 of the Ordinance, and Section 30-6.6 of the Ordinance, to permit operation of day school five days a week, ages 3-5, nursery 7 a.m. to 6 p.m.; kindergarten 9 a.m. to 4 p.m., and to permit building closer to side property line, 9525 Leesburg Pike, Centreville District, (RE-1), 19-1, 19-3 ((1)) 19, S-250-69 and V-250-69

Mr. Tom Lawson represented the applicants who were also present.

Mr. Lawson stated that he wished to amend the name of the applicant to the Corporation name -- Educo, Inc. Mr. Cohen is the owner and head of the operation.

Mr. Smith asked for copies of the corporation papers authorizing them to do business in the state of Virginia.

Mr. Lawson did not have a copy with him. Mr. Cohen is contract purchaser of this land. Possibly the Board could grant the permit to Mr. Cohen with the right to transfer to the Corporation at a later date.

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WILLIAM COHEN & ROBERT L. & RUBY L. GROVES - Ctd.

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This is a little irregular, Mr. Smith said. The Board has to first verify the fact that there is an existing corporation and whether it is qualified to do business.

This is the first time the Corporation has undertaken operation in Virginia, Mr. Lawson said. They have six schools in Maryland.

This puts the Board in a bad position, Mr. Smith stated, being asked to grant a variance on a piece of land which Mr. Cohen does not own. He had knowledge of the existing need for variance prior to purchasing the property.

The house would be used as an office, Mr. Lawson stated. The cinderblock stable will be torn down. The building shown on the plat will be where the school will be.

Will this barn conform to the building code for school use, Mr. Smith asked?

Obviously, the building does not conform at the present time, Mr. Lawson answered. They will make substantial modifications to make use of the building. They plan to have 300 students in the school. There would be a new building added. The first phase of the operation would call for 200 students and 100 more when the new building is constructed.

Mr. Groves stated that the barn was built about ten years ago and the new storage building was built 4 ft. from the property line. The shed across the property line is only temporary. He owns the property next door and this was to allow the horses to get into the shed.

Mr. Smith had no objection to completing the hearing and granting a special use permit for the school but not granting the variance until such time as the Board has received a report from the Building Inspector on the barn. They might find that it would be more economical to remove the entire building and build a new school. There was a question in his mind, he said, whether the contract owner has a hardship that would allow the Board to grant the variance.

Mr. Yeatman pointed out that the location of the septic tank was not shown on his plat.

Mr. Lawson said the soil man had been out and the property perks all right. They would have to meet County standards. Flint Hill School has 500 students on this type of operation.

Mr. Lawson told the Board of Mr. Cohen's background and qualifications and asked that the permit be granted to Mr. Cohen with the right to transfer the use permit to Educo, Inc.

The Board has in the past stated that use permits are not transferable from individual to individual on schools, Mr. Smith said. It would not be transferable from an individual to a corporation without additional action by the Board.

Mr. Robert Murphy stated that he was contacted by Mr. Cohen to investigate this property. He contacted Soil Consultants of McLean, Virginia to conduct percolation tests on the property. They met with County officials and located the most likely spot for septic field, conducted tests, and issued a report with the knowledge that this would be used for school purposes. There is adequate area in the rear to serve 200 students in the barn and additional area in the front to serve the addition to be applied for later.

The Soil Consultant presented a plat which showed soil conditions on the property.

No opposition.

The Board should see the original construction building plans and see if the Building Inspector would allow this barn to be used for school purposes, Mr. Smith said.

Mr. Yeatman suggested having 30 parking spaces shown on the plat for the thirty employees plus parking for the school buses.

Mr. Long moved that the application be deferred for information regarding parking, septic field location and size, the building facade (type of exterior) and corporation papers. There should also be correspondence from the County stating that this structure would be approved for this use. The Board should also know how many buses they propose to use. He added that he would also like to know the applicant's plans for treating the side of the building facing Mr. Groves property. Seconded, Mr. Barnes. Carried unanimously.

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The application of CHARLES D. & MARIAN MARTIN & JURGEN D. HEEL, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit beauty school as home occupation, 6579 Little River Turnpike, Annandale District, (RE 0.5) 72-1 ((1)) 8, S-255-69 was withdrawn without prejudice, at the request of the applicant's attorney.

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BELTWAY SHOPPES, INC. t/a SUBURBAN HOUSE, app. under Sec. 30-7.2.10.5.19 of the Ordinance, to permit dinner dancing, located 6585, 6587, 6589 Backlick Rd., Lee Centre, Springfield District, (CG), 90-2 ((1)) 29, S-257-69

Mr. D. C. Fischer, President of Beltway Shoppes, Inc. represented the applicant. He did not have a copy of the certificate of incorporation. They have occupied these three buildings for three years, he stated; total floor space of the three buildings is 6,600 sq. ft. They have a permit for 165 people in the entire area at the present time. If the permit for dancing is approved they would remove four tables and would have a capacity left of approximately 149 seating capacity. The three stores have been opened up into one large room. Dancing would take place in the center building in an area of approximately 19' x 12'. Hours of operation would be from 11 a.m. till midnight with dancing from 7 p.m. to 12 midnight. They would like to start off with two or three days a week and expand to six days a week; they are closed on Sundays.

No opposition.

In application S-257-69, an application by Beltway Shoppes, Inc. T/A Suburban House, application under Section 30-7.2.10.5.19 of the Ordinance, to permit dinner dancing, located at 6585, 6587, 6589 Backlick Road, Lee Center, Springfield District, also known as tax map 90-2 ((1)) 29, County of Fairfax, Virginia, Mr. Long made the following motion:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of January 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by Lee B and Rosa L. Schindel.
2. Present zoning is C-G.
3. Area of the lot is 4 acres.
4. Conformance with Article XI (Site Plan Ordinance)will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law: (1) The applicant has presented testimony indicating compliance with standards for special use permit uses in C or I districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and (2) the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. Dancing will be Monday through Saturday from 7 p.m. to 12 midnight.
2. Dancing will be in an area 19' x 12'.
3. Total seating capacity would be limited to 149 patrons.
4. This approval is granted to the applicant only and is not transferable without further action by this Board and is for the location indicated in the application, not transferable to other land.

(Mr. Long added that he did not include the staff recommendation that the application be subject to dedication of 25 ft. along the front of the property for the State Highway system).

Seconded, Mr. Yeatman, however, he would like to see some dedication to the State where the sidewalk is, he said.

Mr. Smith pointed out that prior to permit being issued, Board should receive a copy of the certificate of incorporation for Beltway Shoppes, Inc. and they might also list the manager or person who would be responsible for the operation in case the Zoning Administrator should wish to contact them. Carried unanimously.

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BESSIE R. TAYLOR, app. under Sec. 30-6.6 of the Ordinance, to permit lots with less width than required, 1932 Virginia Avenue, Dranesville District, (RE 0.5) Map 41-1 ((9)) 2A1, V-258-69

This is a variance to allow subdivision of this parcel into three lots, Mr. Knowlton explained, with actually five separate, distinct variances requested: one, to permit variance on lot frontage; and on the two lots to be created in the rear there would be a one hundred per cent variance because they would have no frontage on a public State maintained road. The next two variances would be on the two houses and since this driveway serves lots it comes under definition of street and the setback for the three houses on either side would be 75 ft. from center line.

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BESSIE R. TAYLOR - Ctd.

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Mr. Ed Wine, real estate agent, represented the applicant. Mrs. Taylor has owned the property for fourteen years, he said; she lives on the front one-half acre under consideration. Mrs. Taylor was recently widowed and has found it necessary to sell the property now. Somewhere along the line it was mentioned that the property might possibly be subdivided into three lots. When he showed the property, Mr. Wine continued, he told his client, a lady doctor who has agreed to purchase the property subject to this request, that there was a possibility of subdividing the land. Dr. Mary Goepfert is the contract purchaser. She will definitely live there if she buys the land.

The existing house is not shown on the plat, Mr. Smith pointed out. Why not subdivide this into one lot in the rear with an easement serving it, he asked? This might be a reasonable approach but the subject application is unreasonable. Are sewer and water available, he asked?

Yes, Mr. Wine replied.

Mrs. Taylor's daughter stated that her mother would be willing to go along with the one lot in the rear. She just wants to be able to show proof of the value of the land.

Opposition: Mr. J. C. Ozell, 1910 Virginia Avenue, stated that he had a petition signed by twenty-six people in opposition. He said he had 3 1/3 ac. and he subdivided his property but he had land enough to do it. He built a house and sold it to Mr. Peek who is present. He has one acre exactly. The 25 ft. right of way to the left of his house was put in to provide access to the house in back. They assumed the other acre and he has 1 1/5 acre left. He did not need a variance as he had plenty of room.

Mr. Smith commented that granting the application would not bring the lot size below the one half acre zoning requirement. The proposed lots would all be one-half acre in size. There is no variance being sought from the lot area requirement. As far as notice to property owners, the notices were adequate and the property was posted.

It is not shown on the plat, Mr. Ozell continued, but Mrs. Taylor has a driveway existing on her property now on the left side of her house. If she is to put another driveway going to the rear property on the right side of her house, there would be two driveways on 1/2 acre of land. Why not extend the existing driveway to the rear, he suggested.

Mr. Smith felt that if Mr. Cofelt, contiguous property owner had been present, it would have been advantageous to the Board to have his comments.

Mr. Smith asked Mr. Ozell if he would object to Mrs. Taylor subdividing this into two lots rather than three?

Mr. Ozell felt that would be a very good alternative but he would object to two driveways, he said.

Gene Stevens, 1915 Franklin Avenue, stated that the contours of the land are not rolling as described by the agent for the applicant. The contour of the land drops off rather sharply. He was a little worried about the drainage situation if the application is granted.

Mr. Barry, Zoning Inspector, called the Board's attention to an Ordinance effective January 1 of this year controlling the topo as far as building sites go. On any type of new dwelling a certified plot plan is required as well as vertical and horizontal elevations as far as drainage goes as to how it will affect adjoining property.

Mrs. Taylor said she would not continue to live on the property. It would be sold as she can no longer keep up the ground.

Mr. Long moved that the application be deferred for the following information on a certified plat: (1) subdivision showing only one lot in the rear of the property; (2) showing all existing and proposed buildings; (3) public utilities proposed to serve it; and existing and proposed entrances. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX FALLS CHURCH MENTAL HEALTH CENTER, app. under Sec. 30-7.2.5.1.1 of the Ordinance, to permit expansion of office space to provide file space and interviewing room, 2949 Sleepy Hollow Rd., Mason District, (R-12.5), Map 51-3 ((15)) 4, S-259-69

Mrs. Shirley Hyland represented the applicant. The addition will be 10' x 13', she said, and would be used for file space and interviewing room. They are using trailers for interviewing now. They now have over 1,000 cases a year. They have to add to the office to keep up with the growth.

No opposition.

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FAIRFAX FALLS CHURCH MENTAL HEALTH CENTER - Ctd.

In application S-259-69, an application by Fairfax Falls Church Mental Health Center, app. under Sec. 30-7.2.5.1.1 of the Ordinance, to permit expansion of office space to provide file space and interviewing room 2949 Sleepy Hollow Road, Mason District, (R-12.5), Map 51-3 ((15)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is R-12.5.
3. Area of the lot is 31,594 sq. ft.
4. Conformance with Article XI (Site Plan Ordinance) will be required.
5. The applicant is operating under use permit granted by the BZA April 27, 1965.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and the use will not be detrimental to the character and development of the adjacent land embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This use permit shall be an extension of use permit granted April 27, 1965.

2. This approval is granted to the applicant only and is not transferable without further action by this Board, and is for the location indicated in this application and is not transferable to other land.

3. This permit shall expire one year from this date unless construction has started or unless renewed by this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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RHOADS & STRICKLER, INC., app. under Sec. 30-6.6 of the Ordinance, to permit lots with less area than required by the Ordinance, 6328 Windsor Avenue, Lee District, (RE-1) 91-3 ((3)) 27, V-260-69

Mr. Rhoads stated that this subdivision has been on record since 1938 or 1940 and some of the lots were left in this subdivision, probably because they would not perk. The particular lot they are talking about will perk - sewer and water have just been put in by the County. The applicants have owned the lots for four or five months.

The applicants were aware of the zoning at the time of purchase, Mr. Smith said. The zoning in this area is RE-1 and the lot itself now is approximately one-half acre.

All of the lots in there are approximately one-half acre and they are building on some half acre lots, Mr. Rhoads continued.

One-half acre lots would be no problem, Mr. Smith replied, but this proposal is to cut lots down to the R-10 size. The application would have to be justified, he said. There is no hardship involved.

The hardship, Mr. Rhoads explained, is not only on builders but on people trying to buy houses. They would like to subdivide and build two houses. Land is so expensive that it raises the price of houses quite a bit.

The Ordinance does not give the Board authority to grant variances for this reason, Mr. Smith said. Since the other houses in the subdivision are on half acre lots or larger this seems to be an unreasonable request.

This Board does not have authority to rezone land, Mr. Yeatman stated. Probably this application should be made to the Board of Supervisors.

No opposition.

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RHOADS & STRICKLER, INC. - Ctd.

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In application V-260-69, an application by Rhoads & Strickler, Inc., application under Section 30-6.6 of the Ordinance, to permit lots with less area than required by Ordinance, 6328 Windsor Avenue, Lee District, also known as tax map 91-3 ((3)) 27, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day Of January, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 23,298 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is denied.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

SUN OIL COMPANY, app. under Sec. 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed, N. W. corner Rt. 50 and Downs Drive, Centreville District, (C-G), Map 34 ((1)) A, B1, V-124-69 (deferred from November 25)

Attorney for the applicant requested deferral as they have not yet worked out a solution to their sewer problems.

The Board granted a deferral of sixty days with the understanding that no further deferrals would be granted.

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WAYNEWOOD RECREATION ASSOCIATION, app. under Sec. 30-7.2.6.1.1 of the Ordinance, to enlarge existing swimming area in existing recreation area located at Waynewood Boulevard and Dalebrook Drive, Mt. Vernon District, (R-12.5), Map 102-4 ((5)) (21) 21C, S-233-69 (deferred from Jan. 13)

Mr. Smith noted the new plats received from the applicant and read into the record a letter from Mr. Ungerleider, President of the Association. (Letter on file with records of this case.)

Mr. Yeatman said that seventy-five parking spaces in his opinion were not adequate.

They are doubling the full capacity of their pool and will probably have swim meets, etc. Mr. Smith stated. Normally the Board requires 1-3 parking.

Mr. Long stated that ladies in the audience at the public hearing referred to trash and parking on the street. He asked them if they feel that people are cutting through?

Definitely, it is easier, Mrs. Bass replied.

Mr. Long asked about hours of operation.

Mr. Smith suggested 9 a.m. to 9 p.m., same as for other pool operations in the County. They could have special events with permission from the Zoning Administrator unless they become nuisances. He asked Mr. Woodson if he had had complaints on trash.

Mr. Woodson said he had had several calls on trash.

In application S-233-69, an application by Waynewood Recreation Association, application under Section 30-7.2.6.1.1 of the Ordinance, to enlarge existing swimming area in existing recreation area located at Waynewood Boulevard and Dalebrook Drive, Mount Vernon District, also known as tax map 102-4 ((5)) (21) 21C, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

January 27, 1970

WAYNEWOOD RECREATION ASSN. - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of January 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 8.53 ac.
4. Conformance with Article XI (Site Plan Ordinance) will be required.
5. This use is operating under use permit granted March 8, 1960.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This use permit shall be an extension of existing permit granted March 8, 1960.

2. All parking in connection with this use shall be confined to on-site.

3. 150 standard parking spaces are to be provided.

4. All noise from the loudspeakers is to be confined to the premises. All lighting is to be directed onto this property.

5. The property is to be fenced entirely with a 4 ft. chain link fence where none is presently existing.

6. Hours of operation 9 a.m. to 9 p.m. 7 days a week. On adult and teen nights the Zoning Administrator may extend the hours to 11 p.m.

7. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

8. This permit shall expire one year from this date unless construction has started or unless renewed by this Board prior to date of expiration.

9. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried unanimously.

Mr. Long said he would amend the date of public hearing to January 13, 1970 rather than January 27. Seconded, Mr. Yeatman. Carried unanimously.

If there is any question of shrubbery, Mr. Smith stated, the applicant indicated when he was here that they would landscape to be pleasing to the eye.

Mrs. Bass stated that a chain link fence would be very unattractive.

Mr. Long clarified his motion by saying that the intent was to fence the whole nine acres.

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FAIRFAX COUNTY WATER AUTHORITY, app. under Sec. 30-7.2.2.1.5 of the Ordinance, to permit construction of fence and additional building, 2220 Fairfax Terrace, Lee District, (RM-1), 83-1 ((14)) Blk. C, Lots 118B thru 126A; 152B thru 160A, excl. of 153A and B; Blk. D, 177B thru 185A, S-237-69 (deferred from January 13)

Mr. Richard Hobson represented the applicant.

January 27, 1970

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Mr. Mobson introduced Mr. Fred Griffith, Assistant Engineering Director of the Water Authority. This is an application on an existing Water Authority property in Lee District, he stated. There is existing Huntington pumping station on this site, and an existing warehouse on this site. This is for an additional temporary warehouse and to fence the entire area. It was originally owned by Fairfax Hydraulics Company. The application under Group II for a second temporary storage warehouse to house copper tubing, fittings, etc. plus a fence for the entire area. It will be of temporary construction 63.8 ft. by 24 ft. which will be moved from the Company's present location in Annandale. That site is being sold. The proposed warehouse is a necessary additional accessory to the supply of water service to the area. With the integration of the Huntington plant, the former Alexandria Water properties, additional storage space is necessary and it would seem logical and efficient to locate this additional space at existing space. He asked Mr. Griffith to locate the general water service area serviced by the Huntington plant.

Originally this was the Fairfax Hydraulics system, Mr. Griffith stated, the first system they purchased. It consisted of three wells, a pumping station, and a 100,000 gallon storage tank. It was the headquarters of the Fairfax Hydraulics system. When the Fairfax County Water Authority took over they made it headquarters of a system for the same basic area. Since then all they have done is basically expanded the system from this point. They have acquired other water companies in the area and are now serving basically out of this facility from along the City of Alexandria, out the Beltway to Braddock, Braddock to #123, and #123 back to the County line. They have two basic yards or two areas that they serve - the Huntington area south, and then the north area which is served by the yard out on Lee Highway. They don't expect much more than they have in there now because even though they have expanded facilities, they are to the maximum inventory that they feel is desirable. They need more warehousing for the copper facilities that are very expensive and subject to inside storage. With the present chain link fence it is open to the people in Huntington; they plan to put a 6 ft. board fence along the back of the property lines of people backing up to the facility. This is a low, swampy area. The Park Authority owns about half the site and the Water Authority owns the rest.

The original BZA permit was granted in 1947, Mr. Mobson stated, before the Pomeroy Ordinance was adopted, to Fairfax Hydraulics. In 1968 as approved by the Planning Commission, the Water Authority acquired additional properties at the site in conjunction with the Park Authority. On October 7, 1968 the Fairfax County Planning Commission recommended that a special use permit for additional storage capacity be limited to five years and if the Water Authority had not been able to relocate its facilities within that period, the Planning Commission would be able to give the matter further consideration. This is agreeable to the Water Authority, that the permit be granted for a five year period, for the proposed addition. He showed a picture of the building which would be moved to the site. (A metal building similar to a Butler building.)

It would be located 35 ft. from Liberty Avenue and 75 ft. from the property line, Mr. Mobson continued; Liberty Avenue is not a street that serves anything but this property.

Liberty Avenue now has been vacated, Mr. Griffith stated, and actually they own half of Liberty Avenue. They are now 60 ft. from the nearest property line.

Actually, Mr. Mobson continued, he thought the other fence should be a part of the Board's motion, and he said he had one suggestion -- under Section 30-7.2.2.4, there is an additional finding of fact required; this is an RM-1 zone and there was no opposition at the Planning Commission hearing. This is a logical and proper place for this type of storage, it will be temporary, and he suggested that the Board limit its

Will there be any outside storage with this new building, Mr. Smith asked?

The valuable materials would be stored inside, Mr. Griffith stated. There will still be some outside storage. There will be a 6 ft. chain link fence around three sides and a 6 ft. board fence backing up to the residential properties.

No opposition.

In application S-237-69, an application by the Fairfax County Water Authority, under Section 30-7.2.2.1.5 of the Zoning Ordinance, to permit construction of fence and additional building, on property located at 2220 Fairfax Terrace, also known as tax map 83-1 ((14)) Blk. C, Lots 118B thru 126A; 152B thru 160A, excl. of Lots 153A and B, Blk. D, 177B thru 185A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and,

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of theproperty, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 27th day of January, 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is RM-1.
3. Conformance with Article XI (Site Plan Ordinance) will be required.
4. The subject use is operating under use permit granted to Fairfax Hydraulics, Inc. May 17, 1949, and August 15, 1949.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This use permit is an extension of permit granted to Fairfax Hydraulics, Inc. May 17, 1949 and August 15, 1949.

2. Temporary building to remain for only a five year period.

3. Property is to be fenced in accordance with plats filed with this application.

4. This approval is granted to the applicant only, not transferable without further action of this Board and for the locationindicated in this application, not transferable to other land.

5. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

6. This approval is granted for buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes.

Mr. Long amended his motion by adding another finding of fact: The location proposed is necessary for the rendering of proper efficient service by the proposed facility, and the proposed use will be an integral part of facilities already existing on the site. Efficient operation of wells, pumps and reservoirs and mains leading therefrom requires convenient access to parts, fittings and other supplies.

Mr. Barnes accepted the amendment.

Mr. Smith asked if there was intent to deny additional time on the building if necessary?

Five years is all right, Mr. Hobson agreed - maybe at that time they will have to come back for an extension, they don't know, but the point is to have the County review it at that time.

This is right, Mr. Long said.

Carried unanimously.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional one million gallon standpipe, located 3717 W. Ox Road, Centreville District, (RE-1), Map 46-1 ((1)) 62, S-238-69 (deferred from January 13)

Mr. Richard Hobson represented the applicant.

Mr. Smith reminded the Board that this was deferred from January 13 and deferred in order that the Planning Commission might consider it and make a recommendation.

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Mr. Smith read the Planning Commission recommendation for approval as requested.

There is one existing tank on the site and the application is to add a second one, Mr. Hobson explained. This is an application under Sec. 30-7.2.2.1.5 of the Ordinance, Group II, to add a second 1,000,000 gallon water tank, 60 ft. in diameter; 55 ft. in height, and located 60 ft. from the nearest property line. This is on existing Water Authority property alongside an existing identical tank as shown on site plan submitted. He introduced Mr. Floyd Empu, Chief Engineer of the Water Authority. The reason for the request for the tank, it is necessary to meet additional needs for service in Centreville District generally between the site and Centreville and in the Reston area and Mr. Empu will point out the lines leading up to the proposed site and lines therefrom to the area that will be served.

Mr. Empu located the existing transmission main along Route 50 where they take their water and pump it to Fairfax Circle pumping station, east of Fairfax Circle, up Blake Lane, down Germantown Road and out Waples Mill Road. It also serves the Dulles International Airport and serves the development of Greenbriar, Carey's development, Chantilly, down Stringfellow Road, out 29-211 to Centreville, London Towne, the new shopping center and proposed apartments. This tank is located at Penderwood. They have a contract underway to reinforce the transmission main with the construction of a line in the area to increase the capacity to bring water to the tank to meet the peak demand period. During the past year the fluctuation in the level of the tank has been rather extreme due to the large number of customers that have been put on the system and what they would propose to do is build another storage tank of the same size to meet the increasing demands of the system.

The site was acquired in July 1962 by the Water Authority, Mr. Hobson stated. In the special use permit granted on the previous tank, it was noted on page 395 of minute book number eight, July 26, correction, 1960, that an additional tank might be required. This installation will not have employees stationed there but will receive periodic inspection and maintenance, same as the existing tank. He showed a picture of the existing tank. The nearest property owner is sixty feet away. The proposed tank will be away from Ox Road and closer to and in the direction of Waples Mill Road.

At its meeting on the 19th, as stated, Mr. Hobson continued, the Planning Commission recommended approval. The application meets all the requirements of the Ordinance. The efficient operation and utilization of existing water lines from this site would require that additional storage capacity be on this site, that the increased development in the Centreville district generally requires increased demand for water service. This tank will be an integral part of the system already existing.

No opposition.

The Board discussed the color of the tank. Mr. Hobson said it would be the same color as the existing tank.

What about planting trees, Mr. Long asked?

They do not plan to plant any additional trees, Mr. Hobson replied. There are trees around the site now and the proposed tank will be located behind the existing tank.

In application S-238-69, an application by the Fairfax County Water Authority, under Section 30-7.2.2.1.5 of the Zoning Ordinance, to permit construction of additional one million gallon standpipe, property located at 3717 West Ox Road, also known as tax map 46-1 ((1)) 62, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 27th day of January 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. The present zoning is RE-1.
3. Area of the lot is 1.9054 ac. of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.
5. This use is operating under use permit granted July 26, 1960.
6. The subject site has been reviewed by the County Site Selection Committee and was recommended for approval.
7. The subject application has been reviewed by the Planning Commission at its meeting of January 19 and has been recommended for approval.
8. The location proposed is necessary for the rendering of efficient and proper service by the proposed facility in that the use proposed will be an integral part of the facilities and uses already existing on this site. Increased development in the area of Centreville District served from the site requires increased water storage capacity. The efficient operation and utilization of the existing water lines and other

water distribution equipment require increased storage capacity at the site proposed.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts contained in Section 30-7.1.1 of the Zoning Ordinance and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

This permit is an extension of a permit granted July 26, 1960. The tanks are to be painted similar in color to the existing tank. Small trees are to be planted on the site to provide screening where necessary. Underground electric services are to be provided to the site. This approval is granted to the applicant only, not transferable without further action of this Board, and is for location indicated in this application, not transferable to other land. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration. This approval is granted for the buildings and uses as indicated on plat submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried unanimously.

Mr. Long stated that regarding planting of trees, the Board has been doing that to all the public facilities. The screening is very good now but wherever it is torn down or disturbed it should be replaced with small trees to provide screening in the future.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance to permit construction of additional pumping station, located 5413, 5415, Rolling Rd. Kings Park, (R-12.5), 78-2 ((6)) 1, S-239-69 (deferred from Jan. 13)

Mr. Smith announced that this was deferred from January 13 at the request of the Planning Commission in order that they might hold a hearing on it.

Mr. Richard Mobson represented the applicant. In this application, Mr. J. Corbalis, Director, and himself will try to explain where the site is and what they propose to do, Mr. Mobson stated. This is an application for an additional pumping station on an existing Water Authority property on Rolling Road, Kings Park Subdivision. The existing pumping station is to serve the area to the north and west of the site and to permit flexibility of water service to enable water to be pumped from the Occoquan reservoir service area to the Potomac River service area.

Mr. Corbalis pointed out the location on the map.

It appears, Mr. Smith said, that this is actually a booster, and not an actual pumping station. It's a booster to the existing system, is it not?

There will be two additional pumps put in, Mr. Mobson said. He was not sure what the distinction was between a booster pump and a new facility. This will be two new pumps and a new structure which will enable them to do a number of things as Mr. Corbalis will describe.

Mr. Corbalis said the terms could be considered synonomous of pumping station or booster pumping station; it merely means taking water from one pressure and lifting it to a higher pressure. There is an existing pumping station on this site. It is a small, mostly underground pumping station, the function of which is to provide adequate pressure within the northwest corner of the Kings Park Subdivision. The proposed station is quite different in its function and has little relationship to the existing station and for their presentation this afternoon, the Board could disregard the fact that there may or may not be any relationship between the two. There are three pumps in the existing station, pumping a million gallons a day, and utilized to provide adequate pressure in a high elevation of the Kings Park Subdivision and immediately surrounding area. That station will continue in operation as it is now, providing the same function it now provides. The new station is designed to do an entirely different task. Referring to our system, Mr. Corbalis continued, now the primary source of supply is the Occoquan Creek facilities acquired from the Alexandria Water Company. There are several large transmission lanes leading from the treatment facilities to the distribution facilities within the County. They are concerned today with only one of them - a 36 inch main that comes up Route 123 to Ox Road to the point

at which VEPCO transmission high line crosses Ox Road. The transmission main then follows the VEPCO easement across country until it comes out on Rolling Road. About midway they are now building a booster pumping station which will be in operation this summer in order to provide for the increasing needs of the service area north of that location. There is now a demand for increasing amounts of water north of Braddock Road which can only be supplied from the Occoquan facility. The other source of supply is from the Potomac River through a connection at the Falls Church system which in turn buys water from the District of Columbia and that system was installed in 1960 with a transmission main coming down Gallows Road paralleling the Beltway to Route 50 to a storage tank at the hospital, west out Arlington Boulevard along the line discussed by Mr. Empu in the previous case. It is the purpose of the proposed station to move the water from the Kings Park area at the end of the 36 inch transmission main, north and immediately east of the City of Fairfax into the older service area to meet increasing demands, where it would be picked up by the Fairfax Circle pumping station, brought out to Penderwood thus making more water available to the Centreville-Chantilly area. At the same time the increasing development of areas west of Kings Park require additional supply of water and this station would provide that water through transmission mains shown on the map. The proposed station will house two pumps ultimately, each 10,000,000 gallons. The initial installation would be one pump at 10,000,000 gallons a day. There is no storage at this site.

When they first considered this project they thought in terms of superstructure above grade, Mr. Corbalis continued, to house all of the equipment, the exterior appearance to resemble a residence. They submitted with the application the suggested architectural features of that pumping station. During the course of discussion before the Planning Commission, the neighboring property owners indicated that while they weren't in sympathy with any pumping station, if they had a choice, they would prefer it to be underground. They have subsequently given study to the matter of placing it underground and have conceived of a plan which would permit that to be accomplished as shown on the lower sketch. This would be a concrete vault some 10 ft. in height, 20 ft. wide and approximately 40 ft. long, 2 ft. of which would protrude above ground, but the ground would be sloped and sodded so that it would not appear as a wall and would cause no problems with children falling off it if they should gain access to it. However, they do require a small superstructure to be placed on top of the slab, a building of about 10' x 12' similar to what many people have in their yard as tool houses, to provide stairway access to the equipment below and to house the forced ventilation equipment. The cost of doing either of these plans is about the same in the order of $100,000. They had thought the superstructure above grade was the preferable one to blend with surrounding residences, but if the neighbors prefer, they would be just as happy to put it underground.

This is the only property that the Water Authority has in the area, Mr. Hobson pointed out, appropriate for the location of this site.

Opposition: J. G. McNab, 8944 Victoria Road, said he appeared before this Board when the original application for the standpipe was discussed. He discussed nuisance from water leaking on his property and also adjoining property. They are not overjoyed about this application, he said, they realize the public need but they are property owners and they have to think about their property values. They would rather see it somewhere else. The original facility was to serve Kings Park but the new facility will be serving somebody else and it should be located in somebody else's back yard. There must be plenty of good places in industrial parks or shopping centers where these could go.

The land is underutilized at the present time, Mr. Smith said. Actually the Water Authority doesn't own this land -- the citizens do and the citizens are the ones who are going to pay for it. He would think that citizens would think kindly of the Water Authority trying to utilize existing properties rather than condemning property and paying tremendous amounts for it. The users of the water are eventually going to pay for it. Some of that industrial land is $10.00 a square foot. This is almost prohibitive. Water rates are going up tremendously if they have to go into areas like this. The predominant factor is the piping arrangement, elevation, etc. This is to serve Kings Park as well as the entire County. Is there any noise from the existing facility, he asked?

Sitting on his patio on a quiet summer evening, he can hear the pumps, Mr. McNab said. These pumps are smaller than the ones they are talking about now.

The newer pumps are probably better baffled and there shouldn't be any noise, Mr. Smith said.

Inside the house, he cannot hear the pumps, Mr. McNab continued. Mr. Gallegher's porch will be practically on top of this new facility.

This is a large lot, about three times as large as the size required in this zone, Mr. Long stated. He suggested that planting a row of trees might act as a sound barrier to cut down on the noise.

In a period of eight years, the first two or three years were the worst as far as the water problems were concerned, Mr. McNab said. They have had only minor problems of water spillage lately.

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There is actually a drainage ravine running down one side of his property, Mr. McNab said, and they have noticed some small pools of water and they suspect it is coming from the water station. They were told that it had to do with leakage from some underground valves. The Civic Association had a meeting on this and they voted against locating this in Kings Park. Mr. McNab said that he is an engineer with twenty years experience and he has designed underground stations, both private and federal. His preference would be to put this underground. They have to think about when they sell their houses, too. The owners are very concerned about property values.

Since 1959, Mr. Smith said, he has been trying to find someone with proof that anything of this nature would devalue property - so far they have not been able to find anyone with this proof. Some of the best real estate appraisers in the County have stated that they have no adverse effect on adjacent property values then or ever. Basically these are "silent neighbors" - they don't have children who run around and make noises.

David R. Gallagher, closest property owner, said if there has to be one put here, he would be in favor of the underground station. The noise from the pump there now does not bother him but if they put in another larger one above ground, or underground with part of it sticking above ground, there is going to be more noise. He has no objection to the one there now but this new one would not blend in with the community. He has not had any water problems. There is some trash accumulation, but he gets it in his yard too from people driving down Rolling Road. What is the possibility of them putting in something else in this location ten years from now? They could put in two more pumps perhaps.

Mr. Smith said he did not know what future needs would be. It would be difficult for this Board to establish a limitation until such time as they make an application which the Board feels is beyond the scope of the available land area. The standpipe was well spelled out in the original application - the Board felt this was not the place for a 70 ft. high standpipe and he was sure the Board would stick to this. He would hope that any future Board would refer back to the original minutes.

Mr. Charles L. Donnelly, 8946 Victoria Road, discussed the water coming down the hill during a dry season. By removing the number of trees marked by the Water Authority, they lose the root structure which is presently holding back the normal water as it falls on the ground. He envisioned more water flowing down the hill unrestricted by trees or root structure, etc. possibly causing basement leakage, etc. Putting it underground might mean the loss of fewer trees.

Mr. Smith assured him that under the new site plan techniques, the water situation would be corrected. Run-off water from any part of this lot would have to be diverted from the residential property.

David White objected to the facility. It does not serve Kings Park and should be located in another area. The big trees on the property will be taken down. It was stated by one of the gentlemen that in ten years they would no longer need this site and to put this money into this property and destroy the trees, is money down the drain. If it must come in, the underground structure would be the lesser of two evils without the superstructure.

Mr. Smith read the Planning Commission recommendation for approval with the following conditions: that some consideration be given to requiring this to be underground and if above ground, it should be made certain to blend into the neighborhood; that underground electrical services to the site be required and that transformer be placed underground even if this is an above ground facility. That the record of the previous hearing be researched and if there was a commitment that there would be no expansion, the Board of Zoning Appeals should stick to that. There was no discussion at that time, and being one of the members on the Board at that time, Mr. Smith said, the Board felt that the only restriction was to the above ground standpipes proposed. That the area be policed, maintained and mowed - and these are recommendations the Planning Commission makes to this Board.

Mr. Mobson referred to Mr. McNab's point on water leakage - since the Water Authority has acquired the property they have never received any complaints about spillage of water from the station. If it ever should occur, they should be notified, and it would be corrected immediately. The points as to location for this facility, these were the points put to the Planning Commission at their hearing, and the Commission did approve this location. If the citizens feel that an underground facility is more desirable, they will put this in. They will try to conform as best they can practicably to the neighborhood and therefore between the two and say their preference is for "B". This is an R-12.5 zone and if the Water Authority were not here, the lot would be divided up into two or three lots with much less trees there; there might be single-family homes with garages and driveways and the water run-off would be considerably more than foreseen with this proposed pumping station. The trees with the red marks on them are trees that they want to protect rather than cut down. They will preserve as many as they can.

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Mr. Smith asked about the venting of possible overflow from the underground facility - would it be directed away from the residential area?

Necessarily, Mr. Corbalis replied, there will have to be a sump in this vault in which there will be a sump pump to discharge any drainage from within the building. It will be discharged out the front of the lot and into Rolling Road, storm drainage or ditch that exists. There will be no surface drainage from any faulty piping within the station. Any surface drainage would be from rainfall and would be accommodated same as it is now.

They will put it where Streets and Drainage tells them to put it, Mr. Hobson said. The point about this facility not being needed in ten years, was that if the increased supply is obtained from the Potomac River as opposed to the Occoquan and the Potomac service area extends gradually south to accommodate this area, then they would not except in times of emergency, need this facility after ten years. This is minimal impact upon the area and is for the general health and welfare of Fairfax County. The Planning Commission has approved the general location and it is a proper facility and complies with all provisions of the Zoning Ordinance. He submitted that they would be putting one house on a lot that would have three houses if developed for residential uses and in the other alternative, they have a little garden tool house smaller than a garage rather than three houses with possibilities of two houses or garages. This is minimal impact. They want to be good neighbors; they will maintain the property and make it appropriate for the neighborhood and will maintain as many trees as possible on the lot.

In application S-239-69, an application by the Fairfax County Water Authority, an application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional pumping station, located 5413 and 5415 Rolling Road, Kings Park, also known as tax map 78-2 ((6)) 1, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing before the Board of Zoning Appeals hadd on the 27th day of January 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 43,560 sq. ft. of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.
5. Subject application was reviewed by the County Facilities Site Selection Committee and recommended for approval.
6. The application was reviewed by the Planning Commission at its meeting of January 19, 1970 and recommended for approval subject to certain considerations:
7. The subject use is operating under use permit granted August 7, 1962.
8. The location proposed is necessary for the rendering of proper and efficient service by the proposed facility in that (a) the use proposed will supplement the existing pumping station on the site. (b) Location proposed is required for efficient service to the area to the north and west where new development is taking place and the demand for water service is increasing. (c) Location proposed for the pumping station will permit flexibility in source of water supply and that water from the Occoquan reservoir can be pumped into the Potomac River water service area.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts contained in Section 30-7.1.1 of the Zoning Ordinance and the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.
NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This use permit is an extension of a permit granted August 7, 1962.
2. The pumps are to be installed below ground with a 10' x 12' building of similar construction and material as the existing subdivision, constructed above the ground.
3. Trees are to be planted at random to make the property attractive and to abate noise and development is to be in accordance with renderings filed with this application.
4. Electric service and transformers are to be underground.
5. This approval is granted to the applicant only and is not transferable without

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further action of this Board and is for the location indicated in this application, not transferable to other land.

This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

This approval is granted for the uses and buildings indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman.

Mr. Smith asked for a rendering of the building for the folder. Mr. Hobson gave him the one displayed to the Board.

Mr. Hobson asked a question about the transformer. If Vepco would allow them, they would probably place the transformer on a pole and something in the motion indicated that it had to be underground.

Mr. Long said he was just following the Planning Commission's recommendation.

Mr. Smith stated that the transformer doesn't make any noise and reasonable placing of it in the enclosure would be all right. He said he would be concerned about placing an electrical transformer in the damp air with the possibility that there might be water spillage at some date.

They would prefer to put the transformer on the pole or in the little house on the property, Mr. Hobson said.

Probably the Planning Commission did not give this much thought, Mr. Smith suggested. If it's on the site, it should be placed in the house. He would hope that it could be placed off the site, probably on a pole. If its on the site, it would be either in the house or underground.

Mr. Long amended his motion -- if it's on the site it would be underground or installed in this small structure. Mr. Yeatman accepted the amendment.

Carried unanimously.

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OPERATION BREAKTHROUGH - This was deferred from January 20, Mr. Smith reminded the Board to receive copy of a valid lease and copy of the corporate charter for the operation and the by-laws. This was deferred for decision only.

The requested information was not in the folder.

Mr. Long moved to defer until after the office has received the necessary papers. Seconded, Mr. Yeatman. Carried unanimously.

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NORMAN H. STEVENS - Deferred from January 20 as the applicant was not present.

Mrs. Norman H. Stevens stated that her husband was here and was going to present the case but he had to leave. This application came up before but it wasn't clear to them that they had to be present. Her husband has polio and they are ready to move into the house but they can't move unless the garage is closed in.

Mr. Smith noted a petition signed by people in the neighborhood stating that they had no objection and hoped the Board would waive the 10 day notice requirement.

Mr. Yeatman moved to waive the 10 day requirement. Seconded, Mr. Baker. Carried 4-0, Mr. Smith abstaining.

Mrs. Stevens stated that the subdivision is about one year old and has about 164 houses. This house is on the half acre side and about all the carports are one car carports or enclosed garages. When they bought the property, they were under the impression that they couldenclose it without any problem.

Are there any houses that have enclosed garages, Mr. Long asked? Couldn't you have bought one of those?

That was a two-story house, Mrs. Stevens replied. All of the houses were sold. This house just happened to "kick out" and they live in a house now where you have to come into the double garage, completely across the recreation room and up eight steps with groceries and with her husband on a crutch and she having had a spinal fusion

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operation recently, this one leads directly from the garage to the kitchen on ground level in front and back.

Mr. Stevens apparently doesn't even own this property, Mr. Smith noted, it's owned by the Yeonas Company.

Mrs. Stevens said they made settlement on it quite a while ago. They bought it in November, or bought it in October and made settlement on it in November.

Apparently you didn't own it November 18 when the application was made, Mr. Smith said.

If they can't complete the garage, Mrs. Stevens said, they wouldn't be able to move into the house. The carport has already been fireproofed and the folder said they would be able to enclose it for a garage. The exhaust system has been vented out the roof instead of out the carport. Mr. Summers, adjoining where the garage would be, said it would be an asset to the property and he does not object.

Mr. Smith said he would like assurance that the carport was constructed to be enclosed as a garage. He would also like to verify the fact that the Stevens' hold title to this property. He was concerned about a variance being requested on a new house that's never been lived in.

If the carport were constructed with the intent of enclosing it for a garage, Mr. Long said, and these people bought it thinking that the variance had been granted, it is a hardship.

Mr. Smith objected because nothing was filed with the application to substantiate Mrs. Stevens' statements regarding the circumstances under which they bought the house. The Board has denied applications based on physical conditions of an individual. If we had the information that a contract had been signed with the Yeonas Company stating that this carport was built to be enclosed as a garage, it would be different, Mr. Smith said.

In the extra option sheet, there was a statement that this had been fireproofed for future enclosed garage from carport, Mrs. Stevens said, and there was nothing in the contract. The lot has 100 ft. frontage and is 200 ft. deep. They have made application for building permit and it is being held up until the Board acts on the variance.

Whose name was the building permit taken out in, Mr. Smith asked?

Norman H. Stevens, Mrs. Stevens said she thought. They would never have put their money in this house if they had thought they could not enclose the carport. This was an optional feature on the "extra" sheet.

If they don't get the garage, Mrs. Stevens continued, they would have to sell the house and get one with a closed in garage.

Mr. Yeatman moved to defer to February 17 until all the items have been cleared up and Mr. Stevens can be present with the right information that the Board needs to justify granting this type of variance. Seconded, Mr. Baker. The Board should have a copy of the contract, something showing the settlement date, and a report from the Building Inspector. Mr. Knowlton should furnish the Board with a copy of the building permit application now in the Zoning Office. Carried unanimously.

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The Board is in receipt of a letter from Nicholas B. Argerson, requesting a change in the motion to accommodate a two story building, Mr. Smith stated.

Mr. Paul Kincheloe represented Dr. Argerson. He said he appeared before the Board on November 18. At that time he had not talked with the client for several months -- he had been out of the country -- last summer he had proposed a one story office building on the subject property. Mr. Kincheloe filed the application in that way and the letter forwarded to adjoining property owners stated that he was requesting a setback for one story building. At the hearing, Mr. Kincheloe was still under the impression that he desired to put the one story building there. In the meantime, Dr. Argerson and his architect had gotten together and decided to make this a two story building due to the considerable real estate taxes on the property. The application was presented for a one story building and approved that way. Several days later he learned from his client that it was to have been a two story building. He asked the Board for guidance on what to do next. The Doctor has financing and is ready to go but this is holding him up. Since the hearing, one other thing has come up on this parcel. This is a very irregular shaped lot and there is a little triangular piece of property which cuts into the property which everyone felt was taken by the County when the road along there was condemned. He has done some title work in connection with financing and it has been indicated that the parcel was not acquired by the County, therefore it would probably do away with the necessity of his being here, Mr. Kincheloe said.

DR. NICHOLAS B. ARGERSON - Ctd.

Originally, Mr. Kincheloe continued, when the property was condemned for widening N. Beauregard Street, it was proposed to cut back into the property considerably deeper than they eventually took and the line was going to come through the triangular piece and take off more frontage. About the time they were negotiating on that, between the time the condemnation suit was filed, the property commenced to change hands and Dr. Argerson got into it and as they were drawing up deeds and contracts and holding up escrow pending a settlement of condemnation hearing, it was felt that they were going to take the triangular piece along the front. That is where they got into the problem with the survey. His client was waiting for the disposition of that and he was going to try to develop the property. In the meantime he had a surveyor come out and survey the property and this is perhaps why the little triangular piece got there. This location is behind a large shopping center and everything alongthere is becoming commercial. The ingress and egress to the property was restricted so as not to create any more traffic hazard on N. Beauregard.

When this application was heard, Mr.Smith recalled, there was a tremendous amount of opposition to a one story building and this plat was the same one that went to the Board of Supervisors. This Board could not change the motion to accommodate a two story building as shown on the plat without having a complete new application, new hearing, based on this new information. Actually, the Board of Supervisors restricted this.

They did not restrict the building, they restricted the access, Mr. Kincheloe said.

If the applicant desires a further hearing, he would have to file a new application, Mr. Smith suggested, for a two story building. There was some question of being able to provide parking for a one story building.

If it turns out that his client owns the triangular piece of property, he would meet the 50 ft. setback requirement, without his having to be here, Mr. Kincheloe said.

If this could be verified, it would clear up the intent of the Board of Supervisors, Mr. Smith said.

Consensus of the Board was that a new application would have to be filed for a two story building.

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ALEKANDRIA MOTOR LODGE - Request for out of turn hearing.

Mr. Yeatman moved to grant the request for out of turn hearing as soon as possible meeting posting and advertising requirements. Seconded, Mr. Baker. Carried unanimously.

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JACQUELINE S. NOVAK - Requested out of turn hearing for permit to operate riding school, summer camp and related tack shop on a farm in Centreville. She has 62 horses on the property now and would like out of turn hearing. Copy of lease and insurance policy has been submitted. The Health Department has inspected the new property and is satisfied with the septic and water systems and a letter will be forwarded in a few days.

Mr. Smith questioned "tack shop".

They would like to sell hard hats there, Mrs. Novak said, as a safety precaution. They do rent them.

This is a residentially zoned area and under the Ordinance, Mr. Smith said, he did not believe the Board had authority to set up sales in a residential zone. She could provide helmets and charge rent, perhaps. The hard hat could be included in the fee for riding instructions but to sell, she would have to have State sales tax and all.

Mrs. Novak said she understood that other riding schools advertise in the Yellow Pages of the Virginia phone directory that there is a tack shop at Jane Dillon's farm on Clarke Crossing Road in Vienna. There is one next door to her -- Gypsy Hill Farm -- where they sell tack and equipment. Patty's Riding Academy sells tack also.

Mr. Smith asked Mr. Knowlton to investigate this.

Mr. Long moved that the application be heard as soon as possible. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith recalled that Mr. Covington appeared at the last meeting of the Board and requested consideration for Computer Age School. The Board is now in receipt of a

January 27, 1970

COMPUTER AGE SCHOOL - Ctd.

letter from Mr. Tom Lawson in connection with this. "The following information is furnished pursuant to our telephone conversation of January 21, 1970, relative to the Computer Age Industries, Inc. Computer Age Industries has acquired full ownership of an industrial counseling firm. They will be located in the same building but will retain its separate identity. Its functions will be purely educational in investment counseling service. They plan to start the program with an evening seminar during the weekdays. The seminars will terminate at 11 p.m. and if the demand warrants they will schedule classes during the normal working hours. Size of each class would be limited to 20 students. As you know, Computer Age Industries, Inc. has spent a considerable amount of money remodeling the present facility and I think all concerned will agree that the present operation has been a decided improvement and an attractive addition to the area. I would appreciate your taking this up with the Board of Zoning Appeals in determining whether or not we will have to secure an amendment to our special use permit issued by the Board of Zoning Appeals July 30, 1968."

Consensus of the Board was that a new application would have to be filed in the name of the investment firm specifying what part of the building would be used, proposed number of students, maximum number, and what effect this would have on the parking requirements and whether or not the building is designed to take care of this additional number of people.

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Mr. Smith asked Mr. Knowlton to convey the Board's congratulations to Mr. Phillips and tell him that they are very happy for him, and for his 9 lb. son.

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Mr. Knowlton discussed the provision in the Ordinance regarding notification to the Planning Commission of Board of Zoning Appeals cases thirty days prior to BZA hearing. What is concerning him, he said, are applications like the ones today granted an out of turn hearing which time may well be before that 30 day period.

It's understood that any hearing granted out of turn by this Board if pulled off by the Planning Commission, possibly procedure would be in order to notify Planning Commission that someone has requested out of turn hearing and if the Board grants it, that the Planning Commission be notified and if they desire to take this off, it is understood that this is not meant in anyway to circumvent the procedures as far as the Planning Commission is concerned. It's only a means of accommodating people with certain hardships.

If they want to hear it, the Board could defer action on it, Mr. Long suggested.

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The meeting adjourned at 6:50 p.m.
Betty Haines, Clerk

Daniel Smith 6/9/70

Daniel Smith, Chairman Date

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The regular meeting of the Board of Zoning Appeals was held on February 10, 1970 in the Board Room of the Fairfax County Administration Building. All members were present, although Mr. Smith arrived late. (Mr. Joseph Baker, Mr. Richard Long, Mr. George Barnes, and Mr. Clarence Yeatman.)

Mr. Yeatman, Vice Chairman, called the meeting to order and noted that the Chairman would be a little bit late.

TIMOTHY RUSSELL, D. D. S, app. under Sec. 30-2.2.2, 30-67, 30-7.2.6.1.10 of the Zoning Ordinance, to permit dental office, Apt. 108, 6631 Wakefield Dr., Mt. Vernon District, (RM-2), Map 93-2 ((1)) pt. Par. 7A, S-261-69

Mr. Grayson Hanes represented the applicant. Dr. Russell went into the River Towers complex in 1966 as a resident under home occupation, he explained, and received an occupancy permit from the County. All inspections were made and approved. He subsequently moved out and did not realize that he then terminated the home occupation category. He has invested in this dental office a sum of $13,000 for improvements. He has an x-ray machine, fully protected by lead shields, on all sides. He has separate amperage to take care of his own electricity. There are 515 apartment units in this complex itself and his purpose is to serve the residents of River Towers. This is a two bedroom apartment converted to a dental office with an entrance from the side opening into the regular corridor. There are no parking problems.

Mr. Hanes said that he was initially rather worried about the jurisdiction of the Board to grant such a permit, however, upon examining the minutes of the Board, he found that in March of 1969 the Board granted a similar application in the Cavalier Apartments. The precedent has been established. He presented a petition with 372 signatures in favor of the application. There are six parking spaces reserved for the dental office.

No opposition.

In application S-261-69, an application by Timothy Russell, D. D. S., an application under Section 30-2.2.2, 30-67, 30-7.2.6.1.10 of the Zoning Ordinance, to permit dental office, located Apt. 108, 6631 Wakefield Drive, also known as tax map 93-2 ((1)) pt. Par. 7A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of February, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is Ralph D. Rocks.
2. Present zoning is RM-2.
3. Conformance with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

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TIMOTHY RUSSELL, D. D. S. - Ctd.
designated
4. Six/parking spaces shall be set aside in connection with this use permit.

Seconded, Mr. Barnes. Carried 5-0.

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C. C. CHOI, M. D., app. under Sec. 30-2.2.2, 30-67, 30-7.2.6.1.10 of the Ordinance, to permit medical office, Apt. 108, 6641 Wakefield Drive, Mt. Vernon District, (RM-2) Map 93-2 ((1)) pt. Par. 7, S-262-69

Mr. Grayson Hanes represented the applicant. This application is similar to the one just heard, he said, and he asked that the petition and pictures presented in the prior case be made a part of the record on this case. Dr. Choi's office is located on the side, on a ground floor. Parking (six spaces) is provided. This office is primarily to serve the residents of the apartment project. Dr. Choi is a General Practitioner and sees patients by appointment only from 8 a.m. to 8 p.m. The original doctor in this complex lived there and operated as a home occupation. In August of last year he moved and Dr. Choi came to the County, got an occupancy permit to operate as a home occupation and intended to live there. However, he found later that he would rather not live there but would like to have his office there. He will have two employees. There are no x-ray machines involved in his practice, and the amperage is on a separate meter and is sufficient. This office does not require the same type of amperage as the dental office in the prior application. He will have a nurse and receptionist.

No opposition.

In application S-262-69, an application by C. C. Choi, M. C., application under Sec. 30-2.2.2, 30-67, 30-7.2.6.1.10 of the Ordinance, to permit medical office, located Apartment 108, 6641 Wakefield Drive, also known as tax map 93-2 ((1)) pt. Par. 7, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of February 1970, and

WHEREAS, The Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is Ralph D. Rocks and Eugene F. Ford.
2. Present zoning is RM-2.
3. Conformance with Article XI (Site Plan Ordinance) will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Sec. 30-7.1.1 of the Zoning Ordinance and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There will be six designated parking spaces in connection with this use permit.

Seconded, Mr. Barnes. Carried unanimously.

// Mr. Smith took the Chair.

LOGAN FORD CO., app. under Sec. 30-6.6 of the Ordinance, to permit variance of outside display area restriction allowing it to exceed inside display area, located 6801 Commerce St., Springfield District, (C-G), Map 80-4 ((6)) Par. 4C, V-1-70

February 10, 1970

LOGAN FORD CO. - Ctd.

Mr. Grayson Hanes represented the applicant. This application is a bit complicated, Mr. Hanes stated. The existing use permit was granted March 13, 1962. Mr. McGinty who prepared the site plan, is present, and Mrs. Hunter and Mr. Morris, the owners of Logan Ford. On February 10, 1960 this property was zoned C-G. In the application before the Board of Supervisors it was represented that the purpose of the zoning was for the operation of an auto sales lot. That is what took place. The Board of Zoning Appeals approved a portion of the property for a used car lot before this client purchased it. On March 13, 1962 a special use permit was granted under Group X of the C-G zone whereby sales and rental lot for autos is allowed. That was approved for the entire three plus acres. In May of 1962 Logan Ford purchased the property a nd on June 4, 1962 site plan was approved showing the building and parking as now exists. In 1969 it was apparent to the operators of this agency that they were unable to give proper service to customers buying their cars there. The purpose behind this application is to allow them to give more mechanical service and additional working space. The proposal was to extend on to the present building and to build a tier of three stories under 40 ft. for parking of autos. As he interprets the Ordinance, first of all they have a use permit to operate an auto sales agency. What they intend to do is nothing more than they are doing now. This tier was not enclosed on all sides and the County will not approve the site plan until they get a variance from the BZA to allow this outside display area. They consider this parking on the tiers as outside display area because it is not fully enclosed.

This is a very technical case, Mr. Hanes continued. There is a provision in the Ordinance as a matter of right for the operation of a parking or repair garage in C-G. He felt this would come under that definition, however, the Planning Engineer considers this outside display area. There will be no increased display. They have a display room in the front for new cars. The new structure would alleviate some of the congestion they now have and would be a safety factor.

Mr. Long said he felt it was a good idea but what is the hardship involved?

They cannot continue to operate at the present location and give customers satisfactory service, Mr. Hanes replied; they sell cars and would like to give service to them.

Mr. Smith questioned whether or not the Board of Zoning Appeals had authority to grant such an application. If the Board did grant it, he feared it might set a precedent.

Mr. Morris stated that at first glance, it seems they would be increasing the display area, but this is not the case. The purpose is for service. If they were not adding any other service facilities, they would not need to do this for display. What brings this up is the additional eight mechanics. They will move their display space from the ground to the second floor. On the ground, instead of display space, they will have space to park customers cars that will be coming to the eight additional mechanics.

No opposition.

Mr. Phillips asked whether this had been discussed with Mr. Woodson. Mr. Chilton is not empowered to interpret the Ordinance. If any person is aggrieved at the decision of the Zoning Administrator, then he would make an appeal to the BZA.

Mr. Koneczny stated that Mr. Woodson is out of town and Mr. Covington is acting in his place. He has been asked to act on Mr. Covington's behalf, Mr. Koneczny stated. As to his interpretation, he could only find that it would be considered repair garage and storage.

Mr. Long moved to place this at the end of the agenda and have the Planning Engineer come in and discuss this with the Board. Seconded, Mr. Yeatman.

Carried 4-1, Mr. Smith voting against the motion.

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CHARLES COLEY & ROY DANIEL T/A FAIRFAX CUE CLUB, app. under Sec. 30-7.2.10.3.6 of the Ordinance, to permit operation of recreation center, 9452 Main St., Pickett Shopping Center, Providence District, (C-D), Map 58-4 ((1)) 51E, S-2-70

This application was deferred to March 10 as Mr. Swart had not sent out the required notices.

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ARCHIE & MERLE G. McPHERSON, app. under Sec. 30-6.6 of the Ordinance, to permit construc tion of addition 16 ft. from side property line, 9114 Santayana Dr., Providence District, (RE 0.5), Map 58-2 ((9)) 151, V-3-70

Mr. McPherson said he was requesting a variance due to the location of the existing dwelling on the lot. In the original construction the house was built at an acute

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ARCHIE & MERLE G. MCPHERSON - Ctd.

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angle on the lot. The proposed addition is an enlargement of the kitchen and addition of a family room on the upper level with storage and a study on the lower level. To construct it farther down the existing dwelling would mean that construction would be taking place off the back bedrooms. The house was constructed in 1961 or 1962 and he purchased it in 1965. It is a split foyer home.

Mr. Smith noted that this is the old section of Mantua developed on half acre lots and the newer areas are on R-12.5.

No opposition.

In application V-3-70, an application by Archie & Merle G. McPherson, an application under Section 30-6.6 of the Ordinance, to permit construction of addition 16 ft. from side property line, located at 9114 Santayana Drive, also known as tax map 58-2 ((9)) 151, County of Fairfax,Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of February 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE-0.5.
3. Area of the lot is 20,075 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land; (a) unusual condition of the location of existing buildings,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific uses indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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THE SOUTHLAND CORP., app. under Sec. 30-6.6 of the Ordinance, to permit variance for stairwell, 6400 Commerce St., Lee District, (CDM), 80-4 ((1)) 22C, V-4-70

Mr. Buford Duke, architect, represented the applicant. These are additions to the existing office building, he stated. They are adding approximately 15,000 sq. ft. to the building. This is an additional floor on the building. There is only one legal fire exit and any additional space would require a second exit to serve all floors, including the basement. In looking for a place to put the stairwell they find the only place they can put it is in front of the building which is on the opposite side of the existing stairs. The stair itself will be about 32 feet from the property line. Ultimate height of the building will be 40 ft.

Why can't they arrange the stairwell in such a manner so it would not be necessary to come into the setback area, Mr. Smith asked?

To get adequate footings which would have to be down below the basement level in order to support the existing stair they would have to cut through the existing structure and this would be an almost impossible technical problem. If they cut this building they must supply footings to the basement area and this is impossible. It cuts beams all the way through the existing building, Mr. Duke explained.

No opposition.

THE SOUTHLAND CORP. - Ctd.

In application V-4-70, an application by The Southland Corporation, an application under Section 30-6.6 of the Ordinance, to permit variance for stairwell, 6400 Commerce Street, also known as tax map 80-4 ((1)) 22C, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 10th day of February, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is CDM.
3. Area of the lot is 1.10716 acres of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved; (a) unusual condition of the location of existing buildings,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

This approval is granted for the location and the specific steucture indicated on plats included with this application only and is not transferable to other land or to other structures on the same land. The stairwell is to be located a minimum of 32 ft. from Commerce Street.

Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion as he felt the applicant has a reasonable use of the property and to grant a variance on the front setback in this area under these conditions is not good planning.

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DEFERRED CASES

HENRY A. LONG & P. WESLEY FOSTER, JR., TRUSTEES, app. under Sec. 30-6.6 of the Ordinance, to permit variance to the height limitation in the C-N zoning district to allow a commercial office building of 66 ft. in height and variance from sides, front and rear setbacks, located N.W. corner of Little River Turnpike & Prosperity Ave., Providence District, (C-N), Map 59-3 ((7)) pt. 17, V-265-69 (deferred from January 20)

Mr. Richard Long disqualified himself and left the room.

Mr. Smith read the recommendation of the Planning Commission recommending denial of the application.

Mr. Smith made several comments regarding the recommendation: First the land is zoned C-N and has been zoned C-N for a number of years and the Planning Commission should have taken action to change this if they did not agree with it, and whether the Board of Zoning Appeals agrees with it or not, they must plan the best they can for proper development of these C-N areas. He disagreed with the Planning Commission's statement that "any criteria which would permit a variance on this property could also apply across Prosperity Avenue where a bank building is planned" - any action would be based on the merits of each case, he said.

The Board is also in receipt of a letter from the applicant's attorney, Mr. Smith continued, and read the following:

"TO: Board of Zoning Appeals
DATE: February 10, 1970
FROM: Ralph G. Louk, Attorney
SUBJECT: Application V-265-69
BY: Henry A. Long and P. Wesley Foster, Trustees
FOR: Office Building Variance Northwest Corner Prosperity Avenue and Little River Turnpike (236)

In view of a Staff Report made January 29, 1970 after the hearing before the Board of Zoning Appeals of January 20, 1970, the following rebuttal to the report is offered:

1. Paragraph 1 of the report proves the case for the variance as the staff agrees that the land can be completely used for an office building.

2. Paragraph 2 of the report is incorrect; the C-N allows an average of 3 1/2 stories in height above ground and 1/2 below ground or 40 ft. --- the request is for an average height of 5 1/2 stories above ground and 1/2 story below ground making an average difference of two stories and not "twice the allowable height" which would be 80 ft. The request is for 5 stories along the north and most of the west sides.

3. Paragraph 3 omits the fact that the Board of Supervisors rezoned the said contiguous residential property to commercial office building use contrary to the recommendation of the Planning Commission.

4. This would not be an intrusion into adjacent single-family uses. The subject property is surrounded by commercially zoned property except to the west where it adjoins property owned by Eakin Properties, Inc., a part of which was recently zoned COL by the Board. An office building use has much less impact than retail stores or highway oriented uses allowed in the CN zone.

5. The subject property has nine (9) sides. It is exceptionally narrow along 236 and the development of adjoining property has caused exceptional topographical condition which would effectively prohibit or unreasonably restrict the use of the property for CN uses. This is not the case across Prosperity Avenue where a bank building is planned as indicated in the Staff Report.

6. The property was originally rezoned Rural Business on October 15, 1947. A strip of land 59.4' wide has been taken along Route 236 for road widening since the original zoning. The property is only 125' wide along Route 236 and required road widening under site plan control along Prosperity Avenue, including travel lanes, etc., leaves only 90' remaining for development. Commercial stores of an average depth of 75' along the North line would be impossible under present County site plan standards. With the property width of 133' along the rear of the present Texaco gas station would only allow a store building of 41' if you deduct 18' for a fire lane, 8' walkway, 62' parking bay, and 4' bumper overhang.

It is submitted that Section 15.1-495 of the State Code applies in that a physical hardship exists which deprives the owner of the reasonable use of his land and, at the same time, upholds the spirit of the ordinance."

Mr. Barnes noted that he was away during the hearing of this case but he has read the minutes and inspected the property.

In application V-265-69, an application by Henry A. Long and P. Wesley Foster, Jr., Trustees, application under Section 30-6.6 of the Ordinance, to permit variance to the height limitation in the C-N zoning district to allow a commercial office building of 66 ft. in height, and variance from sides, front and rear setbacks, located N. W. corner of Little River Turnpike and Prosperity Avenue, Providence District, also known as tax map 59-3 ((7)) pt. 17, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicants are the owners of the property.
2. Present zoning is C-N.
3. Area of the lot is 1.99745 ac. of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the lot; (b) exceptionally narrow lot; (c) exceptionally shallow lot; and (d) exceptional topographic problems of the land.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on plats submitted with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. There shall be a brick wall six feet high made of faced brick (probably same type of brick used in the building) on both sides, one foot inside the property line along the westerly side and northerly property line in lieu of planting. This comes under site plan control.

4. The applicant shall construct in accordance with exhibits on file with this application.

Seconded, Mr. Baker.

Carried with Mr. Yeatman, Mr. Barnes and Mr. Baker voting for the motion. Mr. Smith voted no - he agreed with the variance but was concerned about what the Board's position on height limitations should be. Mr. Long abstained.

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JOHN H. NICHOLSON, app. under Sec. 30-6.6 of the Ordinance, to permit erection of building closer to rear lot line than allowed, 118 Gordon Road, Providence District (I-L), Map 40-3 ((1)) 8A, V-246-69 (deferred from January 20)

The reason for the deferral, Mr. Cregger recalled, was to allow Board members to view the property, and if they have not looked at it, he would ask for another deferral. This is vacant land and is zoned industrial.

Mr. Barnes felt it would be better to have the storage under roof rather than out in the open as it is now.

Mr. Smith still felt that the variance requested was unreasonable.

In application V-246-69, an application by John H. Nicholson, application under Sec. 30-6.6 of the Ordinance, to permit erection of building closer to rear lot line than allowed, 118 Gordon Road, also known as tax map 40-3 ((1)) 8A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January, 1970, and

WHEREAS' the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning of the property is I-L.
3. The property contains 11,270 sq. ft. of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow and shallow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the folbwing limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The rear of the building shall be constructed of brick material.

4. Standard Fairfax County stockade type fence 6 ft. high and standard screening shall be placed on the rear property line.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting no as he felt the variance request was unreasonable and could not justify voting in favor of it.

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February 10, 1970

BESSIE R. TAYLOR, app. under Sec. 30-6.6 of the Ordinance, to permit lots with less width than required, located 1932 Virginia Ave., Dranesville District, (RE 0.5), Map 41-1 ((9)) 2A1, V-258-69 (deferred from January 27)

Mr. Wine presented new plats.

Mr. Smith noted that the garage would probably have to be moved if the present driveway is extended to the rear lot. He questioned whether a 12 ft. easement would be practical for exit and entrance to the rear property.

Under the Ordinance an easement can be 10 ft. wide, Mr. Long noted.

If this is granted, Mr. Smith said, it should be noted that there could be no additional driveway to the rear property. The existing driveway would be extended to the rear. The existing lot with the house meets the 1/2 acre requirement except possibly on frontage. It is understood that the garage would be removed and the variance would be granted on the house. How old is the house, he asked?

The house is sixteen years old and is of brick construction, Mrs. Taylor's daughter told the Board.

Mr. Wine added that public sewer and water are available to the property.

In application V-258-69, an application by Bessie R. Taylor, application under Section 30-6.6 of the Ordinance, to permit lots with less width than required, located 1932 Virginia Avenue, also known as tax map 41-1 ((9)) 2A1, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27 day of January 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE 0.5.
3. Area of the lot is 1 1/2 acres.
4. This was deferred from January 27 for new plats.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; (a) exceptionally narrow lot; (b) unusual location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started unless renewed by action of this Board prior to expiration.

3. This is to divide the subject property into a maximum of two lots with a 12 ft. easement for ingress and egress to the rear property placed along the southerly property line. Entrance to the front lot shall also be by the 12 ft. easement.

4. The existing garage is to be removed or relocated within the one year time limit.

Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith clarified the motion by saying that the subdivision should be of record within the one year; if not, it would die for lack of processing.

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WILLIAM COHEN & ROBERT L. & RUBY L. GROVES, app. under Sec. 30-6.6 of the Ordinance, to permit building closer to side property line, and Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day school, 5 days a week, ages 3-5, nursery 7 a.m. to 6 p.m., kindergarten 9 a.m. to 4 p.m., 9525 Leesburg Pike, Centreville District, (RE-1) Map 19-1, 19-3 ((1)) 19, S-250-69 and V-250-69 (deferred from January 27)

Mr. Lawson advised that the Building Inspector had checked the building and approved it as meeting Code standards for the school.

WILLIAM COHEN & ROBERT L. & RUBY L. GROVES - Ctd.

Obviously, there are going to have to be modifications to the present building before it can be used for school purposes, Mr. Lawson said.

There is nothing in this letter from the Building Inspector to indicate that this building would be approved for the school, Mr. Smith stated.

Mr. Phillips stated that he had talked with the building inspector and had been told that the requested information had been submitted and had been approved.

Mr. Smith asked to have a letter from the Building Inspector's office to that effect.

Mr. Lawson said that Mr. Murphy was to be present today with other information requested by the Board, however, he has not showed up yet. He presented a copy of the by-laws of Educo, Inc.

Mr. Smith noted that no correspondence had been received from the Health Department regarding the site. The applicant apparently is now approved to do business in the State of Virginia, however, the application will have to be deferred for other information requested by the Board.

Mr. Pete Moran appeared before the Board questioning safety factors involved with a school operation in this location. He presented drawings to illustrate what his objections were. Health officials have reported the results of percolation tests but they were not requested to report to the Board the location of 300 students on five acres without County public utilities, he said. Parking required for school buses and employees' cars would take up a large area. There would be little area left for the children to play. Plans for Route 7 show no cross-over and a left hand turn would be impossible. Resident Engineer for the State Highway Department has said that it is State Policy to have cross-overs not closer than 800 ft. in a 55 m.p.h. zone and cross-over to the property would be denied on this basis alone. Route 7 recently had its speed limit raised to 60 m.p.h. The plan the applicant submitted stops short of showing this median strip and the hazardous driving conditions. This request should be denied because of vehicular traffic to and from the property which would be hazardous and inconvenient.

Mr. Harry Smith, 1441 Montague Drive, said he had noticed no posting sign on this property and was not aware of the application until the last couple of days. He felt that if the application were granted it would encourage other commercial development along Route 7.

Mr. Smith explained that this was not a rezoning and schools are allowed in a residential zone with a special use permit from the Board.

Mr. Phillips advised that the property was correctly posted. This is a deferred hearing and the signs were put up several weeks ago and have been removed now.

Since Mr. Murphy still had not arrived, the Board proceeded to the next item on the agenda.

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OPERATION BREAKTHROUGH, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of weekday pre-school in community room in apartment building, 6700 James Lee St., Providence District, (C-G), Map 50-4 ((6)) 1, 2, 7A, S-253-69 (deferred from Jan. 27)

Mr. Phillips reported that the Board has not received the information requested.

The Board agreed to defer this until the information is received, at which time the staff could put the case back on the agenda.

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Mr. Covington presented a letter addressed to Mr. Woodson regarding the Sun Oil Company service station at 7030 Little River Turnpike. This was constructed in 1964 according to site plan #236 calling for a two bay station. Now, they would like to construct a third bay. Consensus of the Board was that a new application would have to be filed. Policy of the Board has been to upgrade these service stations whenever possible.

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LOGAN FORD COMPANY (deferred from the morning session) - Mr. Hanes reported that after he had talked with Mr. Chilton, he was in agreement that they did not need the variance for outside display area to exceed inside display area. He was in agreement with the interpretation given for parking garage. He asked the Board to make a motion that they had seen a plat showing the proposed facilities.

LOGAN FORD CO. - Ctd.

Mr. Smith said the Board would not make a formal motion until the applicant has obtained site plan approval. He did not believe the Board should have had this in the beginning. First the applicant should have gone to Mr. Woodson and had him deny this.

They were directed by the staff to apply for the variance, Mr. Hanes said. Perhaps they could withdraw their application.

Mr. Smith disagreed with the request for withdrawal. The Board will hold this in abeyance until the site plan has been approved.

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Mr. Covington raised several questions regarding dog kennels, riding stables, etc.

Mr. Smith told him to address a letter to the Board setting forth his request and the Board would be glad to discuss this at a future meeting.

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Mr. Koneczny reported on his inspections of riding schools in the County that are selling saddles and related items.

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Request for withdrawal of application of CAROLYN CRISTON. Mr. Knowlton informed that he had received a letter from the applicant's attorney requesting withdrawal. The letter which he said he had sent previously was never received by Mr. Knowlton's office, therefore the Board denied the application at a previous meeting.

Consensus of the Board was that the denial action stands.

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Mr. Knowlton reported that a stack of letters had been received regarding the application of WAYNEWOOD RECREATION ASSOCIATION which was granted with the provisions of a fence around the entire property, and additional on-site parking. It seems that the citizens are objecting to these requirements and would like a rehearing.

Mr. Long stated that he made the motion on the application and they could have a rehearing but it would not change his thinking on the additional parking.

Spokesman for the Waynewood Recreation Association stated that they intend to file a letter asking for a rehearing. They had a meeting last night and everyone was against the fence.

The parking was a major problem, Mr. Smith recalled, and he was not going to move on that.

The Board agreed that the Waynewood Recreation Association should get everyone in agreement on whether they do or do not want the fence and the Board would discuss this at a future date, however, they should be sure that everyone is in agreement, particularly the three ladies on Dalebrook Drive, before coming back to the Board. The Board will not discuss the parking - that is a mandatory requirement of the Ordinance.

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Mr. James T. Lewis, 8027 Leesburg Pike, represented Mr. Ray Bushwa who was interested in starting a private club in Fairfax County, on thirty acres presently zoned R-12.5. This would be a private, profit type social club for engineers and scientists. Would this be allowed under Section 30-7.2.5.1.4 of the Ordinance? The land in question was at Walnut Hill on Annandale Road.

Mr. Smith suggested to theBoard that they send this brochure to the staff and have them go over it and make a recommendation to the Board. From what he could see, he thought it would be getting into some areas that are not permitted as far as use permits are concerned. This is not a community use, it is not a recreational use, and it's not a school.

Mr. Long said he felt it would be of benefit to the County and if the staff could see a way that they could be be welcomed into the community, everyone could benefit. The County is changing and perhaps this should be looked at in a new light.

Consensus of the Board was that this should be turned over to the staff for review with discussion before the Planning Commission and Board of Supervisors, if they wish.

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February 10, 1970

Mr. Phillips stated that February 24 has a relatively light agenda. Mr. Knowlton and he were thinking of presenting any kind of presentation regarding planning and zoning and would like some suggestions from the Board as to what type of things they would like to have discussed on that date. The Board will make suggestions during the next week.

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Mr. Thomas Lawson asked the Board to defer the matter of WILLIAM COHEN & ROBERT L. & RUBY L. GROVES, hopefully until next week, and they would have all of the information requested by the Board. He submitted a letter from the Health Department stating that they have reviewed the location and the plan shown by the applicant is adequate to serve 300 students plus the staff. This is a memorandum from Mr. Clayton. The plats are with the Health Department.

Mr. Yeatman moved to defer decision to next week. Seconded, Mr. Baker. Carried unanimously.

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Mr. Phillips again passed out copies of the supplemental instruction sheet for BZA applications. The Board will take this under advisement until next week.

The meeting adjourned at 4:50 P.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

6/9/70 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 17, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. Joseph Baker, Mr. George Barnes and Mr. Richard Long. The Clerk to the Board was absent due to illness. The morning session was taken by Charlotte Russell and the afternoon session by Donna Robey.

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

H. D. HALL, app. under Sec. 30-7.2.10.3.1 ofthe Ordinance, to permit erection and operation of service station, located E. side of Rolling Road, approx. 396 ft. S. of Old Keene Mill Rd., Springfield District, (C-D & R-12.5), Map 79-3 ((1)) pt. 5, S-245-69

Mr. John Aylor represented the applicant. He stated that a service station was the best possible use for this land. The next best use would be a drive-in restaurant. The applicants would like to use the land for a Sunoco Station, Colonial design. They plan to set aside a 54 foot strip as a buffer which is not a requirement of existing regulations. They do not feel that they are creating any traffic problems because the primary back-up is on Old Keene Mill Road west, and Rolling Road south. A service station of such design would be harmonious under the requirements for special use permits. Rolling Valley is the closest residential area and the service station would have no serious impact on the value of homes there.

Mr. John Herrity, 6703 Portree Court, and President of the Rolling Valley Civic Association, spoke in opposition. All of the people in opposition were not present, he said, because of the weather.

Mr. Smith stated that he thought that the two people present in opposition were enough and that the Board makes its decisions on facts and not on how many people are opposed to an application.

Mr. Herrity stated that central Springfield has become a dumping ground for eyesores and the people of West Springfield are determined not to let this happen to them. He cited the gas stations and the Super Slide as examples of eyesores. He felt that the station would be an economic liability and would create traffic problems and requested the Board to deny the application.

Mr. U. T. Brown, 6102 Roxbury Avenue, Cardinal Forest, stated that he has been with Texaco for ten years in various fields of management and now owns a Shell station in the area. He did not feel that there was a need for another service station in the area and warned that if Fairfax County is not careful they are going to have a gasoline alley.

Mr. Yeatman stated that he lived in a higher priced home than the homes in this area a nd there were eight gas stations within two blocks of him. He stated that this had not hurt him and that there was a need for service stations. The Board had seen this need when they zoned the land C-D in 1960. He asked if any of the stations in the area have State inspection licenses.

Mr. Brown said that they do not but he has an application in with the State to obtain one. The individual dealer works twelve to sixteen hours a day, he said, and the rights of an individual must be protected.

Mr. Yeatman reminded Mr. Brown that this was a free enterprise system that we live in.

Mr. Aylor rebutted that there would be a travel lane and the State was going to make this area four lanes. There would be no left turns going south. The people of the area need the service that they would provide.

Mr. Knowlton read the Staff report recommending denial of the application.

Mr. Smith read the Planning Commission recommendation for denial of the application.

Mr. Yeatman moved that the application be deferred in order that the applicant could submit a plan for the entire development in his ownership. Seconded, Mr. Long.

Mr. Smith said the item would be deferred to February 24, 1970 and that there would be no public hearing on that date. The applicant need not submit a new plan - this is deferred so thatBoard members can take a look at the property in question.

Motion carried unanimously.

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February 17, 1970

STRATFORD RECREATION ASSOCIATION, INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection of additional swimming pool and appurtenances, additional buildings, and expansion of membership to 500, located at Camden Court, (R-12.5), 111-1 ((1)) 10, S-6-70

Mr. Norman A. Hawkinson, 8717 Bluedale Street, President of the Association, presented the case. He asked that two of the requests be removed from the application -- the swimming pool and the membership increase. What they want is an open shelter with a roof, 30' x 50' on a concrete slab 40' x 60'. They might move the softdrink machines under this shelter and put some picnic tables there.

Mr. Smith noted that they have provided sufficient parking spaces.

No opposition.

Mr. Long moved that the existing use permit for Application S-225-69 be enlarged to incorporate the shelter as shown on this plan. Seconded, Mr. Barnes. Carried 4-0. Mr. Yeatman was out of the room.

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ADDISON M. ROTHROCK, app. under Sec. 30-6.6 of the Ordinance, to permit enclosure of existing screened porch closer to side property line than allowed, 2202 Forest Hill Road, Mt. Vernon District, (R-10) 83-3 ((14)) (19)11, V-7-70

Mr. Kenneth Hardbower represented the applicant. He stated that the existing structure is one third masonry with screen panels. They want to remove the screen and install windows and put in sliding doors to a patio. They are asking for a 1.17 ft. variance which would enhance theproperty. The Rothrocks own the house and have lived there for about twenty years.

No opposition.

In application No. V-7-70, an application by Addison M. Rothrock, application under Section 30-6.6 of the Ordinance, to permit enclosure of existing screened porch closer to side property line than allowed, on property located at 2202 Forest Hill Road, also known as tax map 83-3 ((14)) (19) 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of February, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-10.
3. The lot contains 7,500 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot, (b) exceptionally shallow lot, and (c) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried unanimously.

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WILLS & PLANK, INC., app. under Sec. 30-6.6 of the Ordinance, to permit variance of width requirement on Outlot A which is to be consolidated with Lot 1, Creek Crossing Road, Miller Lane, Wexford East, Centreville District, (R-12.5), Map 28-4 ((1)) 39, V-17-70

Mr. John Aylor represented the applicant. They had planned to have the road enter a little further up on the land, he said, but that would have made the lot have high banks and fewer trees. He said the staff had suggested an outlot with 105 ft. frontage and to be conveyed to the Community Association. V.A. & F.H.A. did not think

it right for the citizens to be paying for this.

Are they asking to incorporate outlot A with Lot 1, Mr. Smith asked?

Mr. Aylor replied yes, and that in order to get V.A. loans it would be better to get this incorporated. They had tried to give the land to the owner of Lot 58 but he did not want it.

No opposition.

Mr. Long moved that the Board approve the following resolution:

In application V-17-70, an application by Wills & Plank, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit variance of width requirement on outlot A, on property located at CreekCrossing Road and Miller Lane, also known as tax map 28-4 ((1)) 39, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of February 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner.
2. Present zoning is R-12.5.
3. Area of the outlot is 1,735 sq. ft. Area of the lot is 12,536 sq. ft.
4. Outlot A will be combined with Lot 1.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land, (a) exceptional topographic problems of the land,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

1. This approval is granted for the location and specific uses indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date ofexpiration.

Seconded, Mr. Barnes. Carried 5-0.

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FRANCIS E. GADELL & MARGARET GADELL, app. under Sec. 30-6.6 of the Ordinance, to permit building closer to side property line than allowed, located W. of Leesburg Pike (Rt. 7) approximately across from Spring Hill Rd. (Rt. 684), (I-P), 29-3 ((1)) 2, Centreville District, V-9-70

Mr. Thomas Lawson represented the applicant. He submitted a letter from Mr. Daniel S. Capper, adjacent property owner, stating that he had no objection to the request. Mr. Lawson stated that Mr. and Mrs. Gadell have for some time operated a meat locker plant near the Tysons Corner section of the County. Because of the recent land transactions which have occurred in this area, they will have to move their operation to the proposed site. The land is zoned I-P which will permit this type of operation and pursuant thereto they filed a site plan. The staff felt they could not waive the yard setback aequirements and that this would have to be done by the Board of Zoning Appeals. Public facilities (sewer and water) are available in adequate capacities immediately across Leesburg Pike and there are no soil problems concerning the subject site. The area is either zoned or master planned for industrial purposes and the parcel immediately adjacent (Capper's Nursery) is zoned RE-1.

The applicants wish to continue their business in this area, Mr. Lawson continued, but because of the unusual topographical configuration of the parcel, they would be unable to fit their proposed building on the site without a side yard variance. The lot contains approximately 1.77 acres but it is very long and narrow and without a variance they would not be able to construct an adequate facility to continue their business.

February 17, 1970

FRANCIS & MARGARET GADELL - Ctd.

No opposition.

There was discussion among the Board members as to other possible locations for the building. The Board finally agreed that Mr. Lawson should get in touch with Mr. Lockhart and see if the building could be moved back another 2 ft., making it 4 ft. from Capper's Nursery.

Mr. Long asked Mr. Lawson if he would like to have the Board defer action on this until the end of the agenda so that he could contact Mr. Lockhart. Mr. Lawson said he would.

Mr. Yeatman moved to adjourn for a forty-five minute lunch break.

Upon reconvening, the Board continued with the application of Francis E. and Margaret Gadell.

Mr. Lawson said that he had talked with Mr. Lockhart and they had agreed to come over two more feet.

Mr. Long stated that he did not want a misunderstanding that the BZA approved the parking area. The County Code requires five spaces per 1,000 feet of floor area and there was tentative approval on the site plan to move the parking to the rear of the building.

In application V-9-70, an application by Francis E. Gadell and Margaret Gadell, an application under Section 30-6.6 of the Zoning Ordinance, to permit building closer to side property line than allowed by the Ordinance, on property located at Leesburg Pike across from Spring Hill Road, also known as tax map 29-3 ((1)) 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of February, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. The present zoning is I-P.
3. Area of the lot is 1.76735 ac.
4. Site plan #1586 has been submitted to the County.
5. The required side line setback is 20 ft. for the proposed building.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular shape of the lot; (b) exceptionally narrow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. The building shall be located 4.0 ft. from the common line with Meredith Capper.

4. The parking shall be arranged to provide a 23 ft. travel lane behind the loading platform.

Seconded, Mr. Barnes. Carried 5-0.

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JACQUELINE S. NOVAK, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit riding school, summer camp, boarding horses and tack shop, approx. 160 acres located at 5320 and 5322 Pleasant Valley Rd., Centreville District, (RE-1), Map 42 & 43 ((1)) 35, S-10-70

Mr. Smith stated that he understood that Mrs. Novak wanted to sell hard hats and riding equipment. To his knowledge, this has never been allowed in this type of operation.

Mr. Koneczny said he had investigated several operations and two out of three locations make sales along with instruction.

Mrs. Novak asked if she would be allowed to sell a hard hat as part of a series of riding lessons? They are required to be worn by insurance regulations.

Mr. Smith suggested renting hats to students.

Some people would prefer to have their own hat, Mrs. Novak said. It's quite inconvenient for them to buy some place else. They like to put their children in her hands and feel that she should take care of them.

Mr. Smith felt that convenience was not a criteria. She doesn't sell them the riding pants.

They don't require them to wear the riding pants, Mrs. Novak said. They are required to wear the riding hats.

Mr. Yeatman referred to the golf and country club nearby -- they sell shoes, clubs, balls, etc. What is the distinction?

This is a membership club - the property is owned by them, it's a permanent thing, Mr. Smith said.

Mr. Long felt that sales should be limited to certain items, sold to students only.

Mr. Barnes pointed out that many people cannot afford to pay $16.00 for a hat.

Used hats would be sold for much less, Mrs. Novak said. At present they are rented for 30 cents an hour and she pays sales tax on the rental.

Mr. Smith objected to retail sales in residential areas. The Board of Supervisors has indicated many times that this is not permitted.

Mrs. Novak did not consider this a commercial venture - people would not come here just to buy equipment. Her customers would like to bring in used riding equipment and trade it and there is no place they can do that. They do spend a lot of money for riding equipment and when the child grows out of it they have no way to dispose of it, so they feel this is a convenience to them. It is not really a money making venture. She would probably take a 10% commission on the trade-ins.

Mrs. Novak said she would probably be selling primarily used hard hats, from $2.00 up. At the present time she has about 35 hard hats on hand in all sizes.

What happens when you sell those 35 and you get another 100? Mr. Smith asked.

She would have to replenish her stock anyway, she said, occasionally they are lost or damaged.

Consensus was that certain items only were to be sold: hats, shirts, socks, breeches, vests, coats, boots, crops, spurs, basic riding attire and classbooks. This would be for students only, it would not be open to the general public. This is especially for the children coming out of the County schools.

Is it the consensus of the Board that these sames sales would be allowed under any use permit operating in a similar fashion, Mr. Smith asked?

No, each case should be considered on its own merits, Mr. Barnes said. The reason he was in favor in this case is that Mrs. Novak is out in the country and there is no place within 20 miles where they could buy these things.

The Zoning Administrator cannot change the law for one individual and not another, Mr. Smith said, and if it is permitted here, it should be legalized throughout the area for similar operations.

Mr. Yeatman moved to allow this list of items to be sold in schools of this type under use permit throughout the County. Seconded, Mr. Baker. Mr. Long amended the motion to "the sale of essential tack; riding hats, crops, clothes, books, sale being limited to the users of the riding school only."

It should be changed to read "for the schools under a County recreation program", Mr. Barnes said.

Mr. Smith felt that would be discriminatory and he would not vote for such a motion.

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Mr. Yeatman said he did not think the Board could stipulate that. They would have to have the right to do it if they have a use permit to operate the school.

Mr. Barnes said they should have proper display of tack, etc. in a specific place; it should not be out of the house; it should be in one of the buildings.

And there should be no signs outside advertising sale of this equipment, Mr. Yeatman added, no telephone directory advertising, etc.

Why couldn't the Board adopt this as a policy and let each riding stable apply individually, Mr. Long suggested? When they did, Mr. Covington could handle it with a letter.

Mrs. Novak said she would like to have the equipment in her office because of vandalism. Her office is on a closed porch at present and she would like to move it into an apartment directly across from the house which would be kept locked at all times.

Mr. Smith noted that all of the buildings to be used are going to have to be approved by the County Inspections Division.

Mrs. Novak asked whether she would have to set her ring back 75 ft. from the center line of the road. It's a roadway, Mr. Smith said, and the ring would have to be 100 ft. from the property line as stated in the Ordinance.

Mr. Barnes felt that the applicant should provide 35 parking spaces. The field would hold 500 cars, if necessary, for large shows, Mrs. Novak said.

Voting on Mr. Yeatman's motion to allow schools under use permit to sell the equipment named, and that Mr. Covington send a letter to schools of this type informing them that if they come in, they would be given the same advantage. This is a policy matter. Mr. Yeatman and Mr. Baker accepted Mr. Long's amendment - that the applicant may sell the named essential items, to be used in the riding school only, that there be no advertisement of the sale of tack and equipment. Carried, Mr. Smith voting "no".

Would this include stock pins and tie pins, Mrs. Novak asked?

Mr. Smith felt this was getting into the jewelry business.

Mr. Barnes said he hadn't included it, but he would.

Apparently the thinking is that the applicant would be allowed to use the house for waiting and recreation, Mr. Smith noted. Does the Board intend to grant a variance to allow a ring to be constructed as indicated on the plat?

They have a lot of land, the Board agreed, and they should be able to find a place on the property that would not require a variance. As long as she meets the setback requirements and indicates prior to construction where she would like to put the ring it would be all right. The permit, if granted, should be granted for the life of the lease.

At the present time, Mrs. Novak said, she has 55 horses of her own and six boarders, on the property. She would like the Board to allow her to have 110 horses, maximum. It's a large farm and extremely well fenced. They are doing over some of the stables. They probably have 10 or 15 stalls at the present time. The horses are kept in the fields and brought in to feed them. The veterinarians have told her that it's healthier for a horse to stay out in the field and the horses are in good shape. They have more than adequate water.

Mrs. Greenwood spoke in favor of the application.

Mr. Smith noted correspondence from people in the area stating that they had no objections to the application if certain restraints are invoked to insure protection of the rights of property owners in the area: proper fencing around the property, riding restricted to that property only, barns and feeding facilities be provided for the horses, proper sanitary facilities, persons using the facility will be kept off others' property, and that they be required to carry insurance to cover damage to others' property caused by the horses or persons using the facility.

Mr. Long noted some of the items to be covered by the motion, if granted - sale of tack, hours of operation, deceleration lane, separate men's and ladies' restrooms, horses should be cared for properly, fence to be inspected by the Zoning Administrator.

Mrs. Novak said she does not have lights now, but probably would have them installed.

This is a very lonely country road, Mrs. Novak said, and the traffic count per hour is not more than one or two cars at the most. The road is clear in both directions. They will remove any bushes that might obstruct the view and they would prefer not to put in a deceleration lane. There is a ditch along either side of Pleasant Valley Road, runoff for storm sewer, and putting in a deceleration lane would require them to pipe that, which would be an expensive proposition. There will be a one way entrance and exit so cars will not meet each other. If they have horse shows there will be police there to help with the traffic.

JACQUELINE S. NOVAK - Ctd.

Mr. Knowlton stated that the staff did not recommend a deceleration lane in this case and it was because Mr. Chilton did not suggest it. This type of use comes under site plan control and such a thing could be obtained through site plan if they thought it absolutely necessary. Probably what is needed here more than anything else is just an improvement to an entrance which is now a driveway, to turn it into a wider and easier turning movement to get this number of cars in and out.

The summer camp entails for the children who are advanced beginner level or above three hours of riding a day, two hours of Red Cross instructed swimming, and work with the horses on the ground and whenever they have a rainy day, something like arts and crafts. The children who are beginners, Mrs. Novak continued, usually the younger and less experienced children have two hours of riding, two hours of swimming and arts and crafts. The swimming, of course, takes place at the Lake Fairfax Park Authority pool. The school furnishes transportation. Total number they would ask for is 75, however, they have limited the camp this summer to 50 children at any one time. Perhaps by next summer they could take 75. None of them stay overnight. The camp is operated from 9:30 a.m. to 4:30 p.m. The children bring their own lunches.

Mr. Smith read the report of the Health Department.

Mr. Long moved to deferred for an inspection of the property to determine the suitability of the proposed use. Mrs. Novak should provide the Board with a revised plat showing the use of each building on the property. If inspection can be made prior to March 10 the Board could make a decision then. Seconded, Mr. Yeatman. Carried 3-2.

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DEFERRED CASES

NORMAN H. STEVENS, app. under Sec. 30-6.6 of the Ordinance, to permit double carport to be enclosed for garage, 1822 Abbotsford Dr., Waverly, Sec. 2, Lot 208, Centreville District, (RE 0.5), Map 28-4 ((14)) 208, V-244-69 (deferred from Jan. 20)

Mr. Stevens stated that he wished to enclose the carport because of the elements, because of disability, and because when he bought the home he understood he could enclose the carport with no problem. He plans to move in this week end. The house is situated on a narrow lot and a 20 ft. side line is required. There are no steps in the house and due to his handicap, he bought this house with the intent of enclosing the carport. Across the street is quarter acre zoning and they can be closer to the side.

This is a new subdivision, Mr. Smith pointed out.

In application V-244-69, an application by Norman H. Stevens, an application under Section 30-6.6 of the Ordinance, to permit double carport to be enclosed for garage on property located at 1822 Abbotsford Drive, also known as tax map 28-4 ((14)) 208, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January, 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 20,024 sq. ft. of land.
4. Required side line setback is 20 ft.
5. The applicant has established that he thought he could enclose the carport at the time of purchase.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the lot; (b) exceptionally narrow lot; (c) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted for the location and the specific structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

NORMAN H. STEVENS - Ctd.

2. This variance shallexpire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Furthermore, the applicant should be aware that granting of this action by the Board does not constitute exemption from the various requirements of the County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion.

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ALEXANDRIA MOTOR LODGE, app. under Sec. 30-6.6 of the Ord., to permit variance in height limit (Sec. 30-3.13.5 (c) of the identification sign, located U. S. Rt. 1 and Capital Beltway, Mt. Vernon District (C-G), 83-4 ((1)) 11A, V-8-70

Mr. Hansbarger represented the applicant.

Mr. Smith noted that the Board had received a memorandum from the Planning Commission requesting the Board to defer the application to a date after March 5, 1970 to give the Commission a chance to review the application.

Mr. Smith recalled that the BZA granted a height variance to the building itself a number of years ago, after the Board of Supervisors amended the Ordinance. Then the amendment was allowed to die later. In view of that, this is a unique situation where the question is whether or not the user of the building for the use originally intended doesn't have some vested right to place a sign at the height now granted by right, simply because it was a variance. The zoning category dictates the height of a building.

Mr. Knowlton stated that the present ordinance would not allow this particular type of sign. Even if this building met the height requirements of the zone in which it is located, this particular sign would not be permissible under the Code.

Mr. Hansbarger stated that the memorandum from the Planning Commission was just dictated apparently today. This application was filed January 23. At that time they asked the BZA to grant an out of turn hearing, for what they felt were emergency reasons under the circumstances. They have a motel which has been in the process of deteriorating over the years, and without a sign on the roof (6 ft. high letters and 4 ft. high letters) they feel it is a handicap. The area that they are asking for would be permitted under the existing Ordinance but not at the height they are asking for. If they had to place it under the existing Ordinance allowance they would cover up about two floors of rooms with a Howard Johnson's sign.

Mr. Long said he had seen this site many times and wondered what was going on there.

If the sign is granted, it is a sign that is permitted by right, the only change would be the height itself, Mr. Smith stated. In granting the variance in height in this particular zone category granted these people the right to construct the building there. The only thing they are requesting now is the variance in height of the sign.

Mr. Barnes said he felt they could put the sign there by right.

Across the street, in the City of Alexandria, Holiday Inn has a penthouse there with a big electric sign and people coming to the interchange can find Holiday Inn but they can't find Howard Johnson's, Mr. Hansbarger said. Mr. Marx was the Planning Commission member who asked that the Planning Commission take this item off for consideration. Assuming that the Commission has this right, to pull off a variance, under Sec. 30-6.13, they have scheduled their hearing for March 5 which is more than 30 days. He explained this to Mr. Marx, that it was an emergency, and he felt it was not proper, Mr. Hansbarger continued. The County Attorney has told him that there's nothing in the Code that is a mandate that the Board wait until after the Commission has taken action on a variance. If the Board feels the variance is proper, it would be an injustice to delay it.

The BZA granted an out of turn hearing on this application, Mr. Smith recalled, in view of the urgency of the situation. If the Board delays it any longer, they would defeat the original request for the out of turn hearing. If the Board does take action, it would be only on the height of the sign. The Board doesn't have authority to modify the sign ordinance and it would be only in this unique situation where by virtue of a variance to begin with where the building was allowed to exceed the height in the zone area. For this reason the Board should act today.

No opposition.

February 17, 1970

ALEXANDRIA MOTOR LODGE, Continued

In application V-8-70, an application by Alexandria Motor Lodge, under Sec. 30-3.13.5 of the Zoning Ordinance to permit variance in height limit of the sign, property located at U.S. Route 1 and Capital Beltway, also known as tax map 83-4 ((1)) 11A, County of Fairfax, Virginia, Mr. Long moved that the BZA adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with all applicable State and County Codes, and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, at a public hearing before the Board of Zoning Appeals held on the 17th day of February, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is the applicant.
2. The present zoning is C-G.
3. Area of the lot is 5.2833 ac. of land.
4. A height variance was granted for the building.
5. The County Attorney has stated that the Board of Zoning Appeals may act on the application, without Planning Commission action.
6. The sign must conform to existing sign regulations.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) unusual condition of the height of the existing building;

NOW, THEREFORE BE IT RESOLVED: That the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for a specific sign indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman.

Mr. Smith noted that there was no question in his mind of the authority of the Board, and this was not done simply to disregard the request of the Planning Commission but it came about simply because of a height variance to begin with and an out of turn hearing was requested by the applicant. The fact that the Planning Commission pulled this on the 29th means they could not hear it within the 30 days which is normally allowed under the Ordinance.

Carried unanimously.

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POOR SISTERS OF ST. JOSEPH, INC. - Request for extension. The day care center has been approved but unfortunately there have been some delays. The building is staked out but the weather has made it difficult to pour the footings. They would like a 30 d ay extension. Mr. Knowlton stated that site plan has been approved and the building permit issued. Mr. Barnes moved to grant 30 days from February 18, 1970. Seconded, Mr. Yeatman, for 60 days. Mr. Barnes accepted this amendment. After more discussion the Board voted for a 30 day extension from February 18, 1970. If they find this is not adequate, they can request more time prior to expiration date.

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Request for changes in use permit for HERMAN H. KLARE, JR., 2021 Hunter Mill Road.

Mr. Smith read a letter from Mr. Klare, dated February 14, 1970, outlining the requested changes. After much discussion, the Board agreed that Mr. Klare file a new application. It would be scheduled as soon as possible.

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Letter from W. T. Henry, 3325 Slade Run Drive, Falls Church, Virginia - Requesting an extension of his variance granted February 18, 1969 on Lot 42, Sec. 1, Lake Barcroft. The tight money situation has prevented his going ahead with construction. The Board granted a one year extension from February 18, 1970.

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BULL RUN WINCHESTER SHOOTING CENTER - Letter requested that they be allowed to be open on Monday, February 23 and close on Wednesday of that week. Mr. Baker moved that the request be granted since this is a one time special request. Seconded, Mr. Barnes. Carried unanimously.

February 17, 1970

Letter from Robert M. Hurst regarding an application of William R. Wilson for a variance, scheduled for hearing on February 24, requesting deferral to a later date. He was out of town when the letter came advising him of the hearing date and did not have a chance to get his notices out.

The Board agreed to defer this to March 17 when the item comes up on the 24th.

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Review of supplemental instructions - Mr. Long moved that the Board adopt the supplemental instructions as presented by Mr. Phillips. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed proposed/presentation for the 24th meeting.

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The Board adjourned at 6:30.
Minutes by: Charlotte Russell and Donna Robey

Daniel Smith, Chairman

6/9/70 Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 24, 1970 in the Board Room of the County Office Building. Those present were: Mr. Daniel Smith, Chairman, Mr. Clarence Yeatman, Mr. Joseph P. Baker, and Mr. George Barnes. Mr. Long was absent.

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

TYSON'S TRIANGLE LIMITED PARTNERSHIP, app. under Sec. 30-6.6 of the Ordinance, to permit variance from 75 ft. building setback line to place proposed office building on the property line; and 75 ft. variance to adjacent R district, located Tyson's International Shopping Center, (CO-H), 39-2 ((1)) 65A, V-247-69 (Dranesville District)

Mr. William Hansbarger represented the applicant. Some two or three years ago at the request of the applicant the land was zoned to the C-OH classification, Mr. Hansbarger explained. This permits office buildings up to a maximum height of 150 ft. In the subject case, the office building proposed is 13 stories or a height of 150 ft. Under the Zoning Ordinance the front yard which would be the yard in the interior of the Tysons Shopping Center must set back 1 - 1 for each foot above 45 ft. in height. They meet that requirement. There is a steep rise from #495 back to the property and the property lines comes roughly to the top of the ridge. They propose to put the building right up to the property line on the Capital Beltway and 75 ft. from the adjacent R property. There is a steep bank from this point going down into the Hollinswood Subdivision. The reason for putting the building in this position on the lot is that reasonable use of the lot would require maximum utilization under CO-H. Ultimately they plan more than one building here and with the second building they would plan to have underground parking. He has checked with the Highway Department, Mr. Hansbarger continued, and the Capital Beltway has about 360 ft. of right of way. The only thing the Highway Department expressed concern about was that they preserve enough space to make a ramp from Route 123 to #495 in the future. Mr. Brett says they don't want a dedication at this point simply because standards might change over the years but at such time as they say they want the dedication, the applicant will grant it.

If there had been a PDC zone at the time of rezoning, they would have requested this, Mr. Hansbarger said, and since they have the minimum acreage required, the setbacks would be done away with. In this case since the 75 ft. variance would not interfere w ith anybody and for the ultimate utilization of the property, he felt this met the Ordinance requirements.

At the time of rezoning, was the Board of Supervisors aware that variances would be necessary, Mr. Smith asked?

No, because plans were not totally formulated at that time, Mr. Hansbarger replied. If this appliation is granted, it will be a "shot in the arm" for the Hollinswood Subdivision which has been lying dormant, and it might make it worthwhile for someone to go in there. People could live here and work in the proposed office building. They plan to have two, possibly three buildings, here in the future.

Mr. Smith was concerned about providing enough parking on this site, however, Mr. Hansbarger said they would be required to comply with the parking requirements - the Board of Zoning Appeals cannot vary this anyway.

Mr. Phillips pointed out that although the variance was being requested on the residential side, that property was included in the master plan for commercial development. If the property were zoned as planned, this variance would not be necessary.

Mr. Woodson said it was his interpretation that the Board does have authority to grant this application.

No opposition.

Mr. Smith noted a letter from Mrs. Spirrell dated February 16 stating that she has no objections to the application.

In application V-247-69, an application by Tysons Triangle Limited Partnership, an application under Section 30-6.6 of the Ordinance, to permit variance from 75 ft. building setback line to place proposed office building on the property line, and 75 ft. variance to adjacent R district, located Tysons International Shopping Center, (COH) also known as 39-2 ((1)) 65A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals,and

WHEREAS, following proper notice to the public by advertisement in a local newspaper,

February 24, 1970

TYSONS TRIANGLE LIMITED PARTNERSHIP - Ctd.

posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of February 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is the applicant.
2. Present zoning is COH.
3. Area of the lot is 5.1422 ac.
4. Site Plan will be required in accordance with Article XI of the Code.
5. Future development will have to have underground parking.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) irregular shape of the lot; (b) topographic problems of the land,

NOW, THEREFORE BE IT RESOLVED, that the subject application be granted, with the following limitations:

This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

The applicant has agreed to dedicate land for a ramp from #123 to #495 at such time as the Highway Department wants it.

Seconded, Mr. Barnes. Carried 3-1, Mr. Smith voting against the motion as he felt it did not meet the criteria set forth in the variance section of the Ordinance.

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BAR J STABLES, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 8424 Hilltop Rd., Providence and Centreville Districts, (RE-1), Map 49-1 ((1)) 17, S-20-70

Mrs. Tony Ann Johnson stated that she is leasing about 70 acres for the operation. It used to be run by her husband and father-in-law but it is under her control now. She did not have a copy of the lease, however, said that Mr. Earl N. Chiles, the owner of the property was present. The hours of operation would be from 9 a.m. to 5 p.m. every day and in the summer time they would be open from 8 a.m. to 8 p.m. They board about twelve horses and they have twenty that they ride. They would probably never have more than 40 horses on the property at any one time.

Mr. Baker said he had noticed a lot of junk on the property. Mrs. Johnson told him that they are now in the process of cleaning that up. They do not have an insurance policy in effect now.

Mr. Smith said that an insurance policy would be required since they are responsible for accidents that occur on the property. The Board has required all other operations in the County to have insurance in effect.

No opposition.

Mr. Earl N. Chiles, Jr. stated that originally there were 99 acres involved, however, Route 66 split the property and now there are about 78 acres on one side and 7 acres on the other side of it. She is leasing approximately 70 acres - he will provide Mrs. Johnson with a copy of the lease for the Board.

Mr. Dimsey, Zoning Inspector, reported that his office had never received any complaints about the operation.

Mr. Yeatman moved to defer to March 10 for decision only, for a copy of the lease and insurance policy. Seconded, Mr. Baker. Carried 4-0.

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WILLIAM R. WILSON, app. under Section 30-6.6 of the Ordinance, to permit division of lots with less width and area than required, 2509 Fowler St., Providence District, (R-10), 40-3 ((1)) 11A, V-21-70

Mr. Smith recalled that the Board on February 17 had stated their intent to defer this application at the request of the applicant's attorney on that date. Deferred to March 17.

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February 24, 1970

TRI COUNTY ELECTRIC COOPERATIVE, application under Section 30-7.2.2.1.2 of the Ord. to permit erection and operation of electrical substation, located near intersection of Cain Branch of Cub Run and Braddock Road, Centreville District, (RE-1), 43 ((1)) pt. 12, S-241-69 (deferred from Jan. 13)

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Mr. Richard Hobson represented the applicant. He gave the background of the Cooperative and located the existing lines of service. The need for this facility is just a result of increased development in the southern end of the Co-op lines in Fairfax County. As a temporary device the Co-op has gotten a temporary meter installed where it adjoins Vepco lines at Centreville, whereby Vepco feeds power into the line at this point. The proposed site is immediately adjacent to the Vepco transmission line which will be the source of power for this substation. There is no commercial or industrial land within one mile of this site. This application was heard by the Planning Commission and approved, with the request that the applicant dedicate 55 ft. from the present right of way line for future roads and that no parking be shown in the 55 ft. The site plan has been revised that way.

Mr. Hobson stated that they do not own the property; the owner is Mr. Earl N. Chiles and Tri-County is a public utility with the power of imminent domain and a condemnation suit is pending in court. Parking will be provided as shown on the site plan. This will not be a manned substation. Screening around the site is shown on the plan with 2 1/2 ft. evergreens, 6 ft. evergreens, and a chain link fence with redwood slats. Screening is shown on three sides. They have not shown it on the Vepco side. The proposed site is necessary under the Ordinance for the rendering of efficient service by the applicant. If they did not have the sub-station immediately at the Vepco high transmission line, they would have to have a high powered transmission line a mile down the road to the sub-station. He presented an "additional finding of fact" for the Board to consider in connection with this case.

Mr. Smith suggested that the Board not act until the applicant has obtained a lease-hold interest or title to the property.

Mr. Hobson asked that the Board make its action contingent upon getting that. They will file a quick-take as soon as they receive word from the Board that it is in agreement. The case has been pending for some time and they have left it pending tillthey got to the Board.

Mr. Smith asked if the facility would have one transformer with a standby transformer.

There will not be a spare there at all times, Mr. Hobson said, but there is a storage pad shown on the plat. Maximum height on this site would be 37 ft. for the switch.

Mr. Chiles stated that they are not eagerly looking forward to any such installation but they don't feel they should oppose it either. They would be interested to see maximum screening imposed on this property. He owns 474 acres in the area.

Mr. Yeatman moved to defer for decision only. This could be put back on the agenda at Mr. Hobson's convenience. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Phillips told the Board that he had received the requested information regarding the application of OPERATION BREAKTHROUGH, INC.

Mr. Smith noted the copy of the State Corporate Charter dated 2-12-70 and a copy of the lease running for two years.

In application S-253-69, an application by Operation Breakthrough, Inc., to operate a weekday pre-school in community room of apartment building, under Section 30-7.2.6.1.3 of the Ordinance, located at 6700 James Lee Street, also known as tax map 50-4 ((6)) 1, 2, 7A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of January, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The property is owned by James Lee Limited Partnership.
2. Present zoning is C-G.
3. Site plan will be required under Article XI.

WHEREAS, THE Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

February 24, 1970

OPERATION BREAKTHROUGH, INC. - Ctd.

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NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application a nd is not transferable to other land.

This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

This will run with the lease which expires August 31, 1971.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith announced that the Board would hold a discussion with the staff and hear suggestions from the Board of Supervisors, Planning Commission and the staff.

Mr. Knowlton introduced Mr. William Hoofnagle, Chairman of the Board of Supervisors; Mr. Russell Hess, Chairman of the Planning Commission; Mr. George Lilly, Vice Chairman of the Planning Commission; and Mr. Robert Jentsch, Director of Planning.

Mr. Jentsch described the functions of the Planning Office and discussed the rapid growth taking place in the County.

Mr. Knowlton discussed the duties of the Division of Land Use Administration and their relationship to the Boards and Commissions of the County.

Mr. Hess spoke regarding the responsibilities and duties of the Planning Commission and said he hoped that the Board and the Planning Commission could get together soon to hold further discussions.

Mr. Lilly said that the only problem he knew of was the coordination of the agenda of the Board of Zoning Appeals. He hoped that something could be worked out so the Planning Commission could consider certain BZA applications prior to the BZA hearing date.

Dr. Hoofnagle stated that he was happy to meet with the Board of Zoning Appeals. The County has to set up objectives and assign priorities and work toward these goals.

Mr. James Pammel, Director of the Division of Land Use Administration, and also a member of the Board of Zoning Appeals in the Town of Vienna, told the Board how the Board of Zoning Appeals in Vienna operates.

Mr. Knowlton suggested setting aside a period of 20 minutes on each BZA agenda for discussions with the Staff. Consensus of the Board was that 20 minutes at the beginning of each meeting should be set aside for such discussions.

Mr. Yeatman said he felt that it would be very helpful to the Board if the staff would make recommendations on each application coming to the Board. Mr. Baker agreed, however, Mr. Smith and Mr. Barnes objected to this.

Mr. Pammel told the Board that it was his experience both in the City of Falls Church and the Town of Vienna that the staff made recommendations to the Board of Zoning Appeals and it had worked out very well.

Capt. C. W. Porter, Director of the Department of County Development, invited the Board to a meeting Thursday afternoon, February 26, at 2 p.m. in the Board Room. It will be a meeting of developers, engineers, citizens, attorneys, architects, and the whole spectrum of people interested in current development particularly with respect to revising the siltation ordinance.

Mr. York Phillips gave a brief talk on the work of the Land Use Administration Division as related to the Zoning Ordinance.

The Board recessed for twenty minutes for lunch.

Upon reconvening, the Board proceeded with the deferred application of H. D. HALL.

Mr. Knowlton recalled that the application had been deferred so the Board members could view the property.

Mr. Smith read the Planning Commission recommendation for denial, and a letter from Mr. Richard Gimer, dated February 13, urging denial of the application.

February 24, 1970

H. D. HALL - Ctd.

In application S-245-69, an application by H. D. Hall, under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located on the east side of Rolling Road, also known as tax map 79-3 ((1)) 5, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of February, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 28,365 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. The applicant shall maintain the wooded 54 ft. parcel to the south of the property (which is part of this property) in its natural state and it is never to be used for service station purposes.

2. This approval is granted to the applicant only, and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

4. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by the Board.

Seconded, Mr. Barnes. Carried 3-1, Mr. Smith voting against the motion as he felt that at the time the Board of Supervisors rezoned the land it was for "a gasoline service station and related stores" and this use permit is not in harmony with the intent of the comprehensive land use plan.

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The Board discussed a letter received from the International Town and Country Club regarding construction of a new golf cart storage building. The letter stated that the building would be one size and the plats showed another. After more discussion the Board agreed that a new application must be filed.

The meeting adjourned at 2:35 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

6/9/70 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 10, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Joseph Baker, Mr. Richard Long, Mr. George Barnes and Mr. Clarence Yeatman.

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

CITY ENGINEERING & DEVELOPMENT CO., app. under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, 6383 Little River Turnpike, Springfield District, (C-D), 72-3 ((1)) pt. 56, S-5-70

Mr. Mike Smith represented the applicant. Total area of the property is 2.7 ac. of which the applicant desires to sell 29,000 sq. ft. to Citgo for use as a service station. The architecture is somewhat modern. The development of the tract into this particular use in conjunction with the planned office building use which will follow the development of the service station would result in the continuation of the service road across the front of the property. As far as the traffic is concerned, the service station would not cause any greater traffic than would be permitted by right for uses in the C-D category at present. The impact on the area would be very slight considering the total development plan the developer has for the tract. The property to the immediate west owned by Mr. Quigg is zoned for office building use, and he presumed would be developed for that, so in the foreseeable future there would be office buildings, the service station, and apartments when that corner is completely developed. The plats show screening that they feel would protect the properties to the east and south.

Mr. John McIntyre, engineer, stated that the service station building construction would be of aggregate stone paneling, the same material as they station they propose to build at Arlington Boulevard and Graham Road. This material is known as "Mira Wall". The station will be a little over 120 ft. from Little River Turnpike and a little more than 75 ft. from the service road. There will be two pump islands and a free-standing canopy, with three rear entry bays.

Opposition: Mr. William Houston, 5204 Cherokee Avenue, represented the Lincolnia Park Civic Association in strong opposition. They opposed the application because they felt it would have an impact on surrounding development and because of the possible impact on the stream valley flooding problems. He gave a report made by the County Soil Scientist regarding soil conditions in the area, which was made at the time of the rezoning, indicating that some of this land was filled a number of years ago and some more recently, which rates poor for supporting large buildings.

Mr. Houston submitted that the application, if granted, would hinder appropriate development and land use of adjoining properties. The location, intensity and nature of the use would be objectionable to nearby dwellings. Also, the use sought would have a detrimental effect on the quality of the water in the stream which borders this property and would aggravate flooding conditions downstream. Grease, oil and spilled gasoline would be washed into the stream. There is no need for an additional gas station in this area as there are already more than enough to serve their needs.

One of the problems in this case is that the land has been zoned, Mr. Smith stated, into a category which makes it possible for a gas station to go there. He asked if this particular brand already has a station in the area. Mr. Houston replied that they do not.

Mr. Knowlton reported that the Planning Commission pulled this case off the BZA agenda and established it for hearing February 26. Prior to that the staff prepared a staff report which basically said three things: (1) the area is zoned C-D for designed shopping center but the single use submitted on part of the tract is not the design for the entire area; (2) that the rezoning was such that its proximity to the apartments might cause some problems; (3) that without the development of the entire tract this particular use on the front could preclude good development on the rest of the tract. The staff concluded that service station use alone is not a proper use for the property but is a proliferation of this type of use along #236, however, if the applicant were able to submit a plan for development of the entire tract the staff would review the plan. This report was transmitted to the Planning Commission. In the meantime, prior to Planning Commission hearing, he applicant submitted to the staff the plan for the development of the entire tract indicating the rest of the property would be used for an office building. The staff reviewed this and went before the Planning Commission with a recommendation that the use permit be granted with a condition that the service station

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CITY ENGINEERING & DEVELOPMENT CO. - Ctd.

be permitted provided that it not open prior to beginning of construction of the office building, a way of trying to tie the two plans together. The Planning Commission's report states that for reasons stated in the attached staff report the recommendation to the BZA was for denial.

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Mr. Mike Smith stated that the developer is hopeful that development of this tract will eliminate many of the impact problems that Col. Houston referred to with respect to the stream and drainage.

Mr. Dan Smith said that he did not believe the questions raised regarding pollution of the streams was relevant; that would not be dumped into the Run, it would be channelled into a storm drainage.

Mr. Knowlton told the Board that he had not seen the drainage plans but would assume that it would go into Turkey Cock Creek. Ultimately it would have to go into it.

Mr. McIntyre explained that all of the drains within the building go into a grease trap which is required by the County and from there goes into a regular sanitary sewer. The office building and the service station is the only development plan for this area. They plan to build the service station and then the office building. The developer will commission the architect to begin plans as soon as the transaction with Citgo is concluded. They have their plans ready and are prepared to go ahead with development of the station immediately.

Mr. Knowlton stated that the staff recommendation was that final occupancy permit not be granted to the service station until the office building construction was begun.

Mr. Smith noted a letter of opposition to the request from Mr. Gerard Lupine.

Mr. Berl Erlich stated that he and his wife own City Engineering & Development Company. They bought this property several years ago. He assured the Board that if a use permit is granted this afternoon, he would commission Mr. Mussolino to proceed with plans for the office building. On the recommendation that the building be built first, it is difficult because the property for the service station is being sold to Citgo. Citgo has exercised the option by contract and they will take title within thirty days after the use permit is granted. They have plans and financing. The highest and best use for the property is an office building and that's what he intends to develop it for.

Mr. Knowlton said he would assume that the service station is going to take a few months for site plan approval and a few more months before construction. In order to guarantee that the entire package will be constructed, prior to occupancy permit being issued for the service station, a building permit shall have been issued for construction of the office building.

Mr. Erlich assured the Board that he was going to build the office building but said he could not hang this contingency on Citgo.

In application S-5-70, an application by City Engineering and Development Co., Inc., application to permit erection and operation of service station, 6383 Little River Turnpike, also known as tax map 72-3 ((1)) pt. 56, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 29,463 sq. ft. of land.
4. Conformance with Article XI (Site Plan Ordinance) would be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permits in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

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CITY ENGINEERING & DEVELOPMENT CO. INC. - Ctd.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. The service station is to be constructed of precast aggregate stone material, with three service bays and two pump islands.

2. Service bays will open to the rear of the station.

3. Irregular strip of land along the east property line shall be planted with trees of a size and shape as approved by the Land Planning Branch.

4. Site plan for the service station and office building shall be prepared simultaneously and service station is not to be opened prior to commencement of erection of the office building.

5. This is granted to the applicant and Citgo only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

6. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried unanimously.

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FAIRFAX COUNTY SCHOOL BOARD, app. under Sec. 30-6.6 of the Ordinance, to permit addition closer to Miller Rd. than allowed, 3000 Chain Bridge Road, (Oakton Elementary School), Centreville District, (RE-1), 47-2 ((1)) 34, V-11-70

Mr. Ed Moore represented the applicant. This is a proposed addition to the Oakton Elementary School, he stated, located on a 9.29 acre site. It is the School Board's intention to expand the facility by upgrading and providing new facilities and increasing student capacity to 690. The 1969-70 enrollment was 530. The shape of the addition is very awkward for many reasons. Some of the problems they have encountered are the proposed widening of Route 123 which is a current project, and the dedication that will be required for the service drive along the frontage of #123. In addition the Highway Department will be relocating to a certain degree the intersection of Blake Lane and in the future the School will be required to provide a new turnaround and access to the school with adequate parking facilities along the front of the school.

Sanitary sewer septic seepage pits have been approved for the addition by the Health Department, Mr. Moore continued. They have to be located in a certain area because of soil conditions. They will have to widen Miller Road and dedicate an additional 15 ft.

Mr. Blackwell, adjoining property owner, expressed concern about the seepage pits. How would they affect his well?

Since the well is approximately 600 - 700 ft. from the seepage pits, it should have no effect on the well, Mr. Smith assured him.

Mr. Blackwell also expressed concern about drainage from the school property, however, he was assured that this would come under site plan control and could not be dumped on his property.

In application V-11-70, application by Fairfax County School Board, application under Section 30-6.6 of the Ordinance, to permit addition closer to Miller Road than allowed, 3000 Chain Bridge Road (Oakton Elementary School), also known as tax map 47-2 ((1)) 34, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 9.2963 acres of land.
4. Required setback from Miller Road is 75 ft. from center line.
5. Conformance with Art. XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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FAIRFAX COUNTY SCHOOL BOARD - Ctd.

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land/and or buildings involved:
   (a) exceptionally irregular shape of the lot,
   (b) unusual condition of the location of existing building,
   (c) proposed road widening,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN MOBILE HOME CO., app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit mobile home sales lot, S. side of Rt. 50, one mile W. of Rt. 28, Centreville District, (C-G), 34 ((1)) 102, S-12-70

Mr. John T. Hazel, Jr. stated that the applicant has acquired the tract of ground contained in the application. This property is in the western part of the County just east of the Loudoun County line. This is a tract of land (100 acres) zoned for mobile home park use five years ago. It is serviced by one of the five plants in Sanitary District #12 and more particularly, by one of the four plants in that district built by Fairfax County under the bond issue. The fifth plant now involved in this district is the Levitt plant as part of the Greenbriar development. This plant is the fourth of four built by County funds under the bond issue. It is the only plant which has not had any development. This proposal would utilize those sewer facilities. The land under consideration is zoned C-G, and is a two acre parcel located astride the entranceway to the mobile home court. Purpose of this application is to allow use of this two acres as a sales court primarily for the homes to be sold and located on the park area to the south. This area is subject to a site plan which is within one or two weeks of approval. They plan to locate and be in business in the sale of mobile homes between now and April 15. All technical problems have been accommodated with the single exception of sewer, which in his opinion has also been accommodated although he has seen a comment which Mr. Knowlton would bring to the Board's attention later during the hearing.

If this was a single-family residential development, Mr. Hazel continued, the builder would put model homes on six lots and when the project was completed, he would sell those lots. Because this is for mobile homes they are required to get a permit to exhibit the homes for sale. The County has had the sewer plant for ten years without customers. This is a burden to people in Sanitary District #12 who have carried the success of Sanitary District #12. He felt that the County Board of Supervisors would approve an agreement making sewer taps available to this property and to say that sewer is not available until that action by the Board is a little grandiose to describe what is a routine factor of development. He has talked with Sanitation and can characterize their attitude as hopeful anticipation, Mr. Hazel said. It is obvious that the housing problem in this country is approaching a crisis both in availability of homes and in the pricing of homes. He felt that the applicant would be able to demonstrate how mobile homes can be developed attractively and how they can provide housing at a reasonable cost. These mobile homes will be complete ready to occupy units, on the lot, and will sell for $8,000 - $12,000. The land is leased at a rate between $65 and $75 a month. The lease of the land provides on-site improvements, the pad, availability of all utility connections, etc. Homes can be financed in the vicinity of 15-20 per cent down.

No opposition.

Mr. Knowlton stated that it has been hard for the staff to disassociate this application from the rest of the application. He noted a letter from the County Executive stating that the Board of Supervisors has scheduled on the April 1 agenda the request for 365 sewer taps to the Upper Cub Run treatment plant. For this reason the staff would recommend that the Board of Zoning Appeals consider deferring action until after April 1.

Mr. Hazel objected to deferral. He felt that delays were a weapon and a tool and could be used to severely damage a project. It would be all right for this Board to grant the application with the condition that if sewer taps are not available within 90 days, the permit would require rehearing or renewal and if the Board of Supervisors does not approve the sewer taps, this approval would not need to continue in existence.

Mr. Smith read the staff report on this application.

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AMERICAN MOBILE HOME CO. - Ctd.

Will anyone with a trailer be allowed to rent a lot here, Mr. Baker asked, or will they have to buy a trailer from the people who own the park?

Because of the fact that trailers have been so far excluded in Fairfax County, they would take some of the people who wish to move in, Mr. Hazel replied. Since their business is partly selling trailers, you could not expect them to take in three hundred people who might arrive the first day and wish to move in.

Mr. Knowlton said the staff felt that to grant the sale when the rest of the application is still pending before the Board of Supervisors would be granting a vested right on the land which may or may not be consistent with the actions that the Board of Supervisors had in mind. Consequently, the staff feels that any part of this proposal should wait until the Board of Supervisors decision is made.

Mr. Hazel said he felt that the Board of Supervisors has no authority to withhold these sewer taps.

In application S-12-70, an application by American Mobile Home Company, to permit mobile home sales lot, located South side of Route 50, one mile West of Route 28, also known as tax map 34 ((1)) 102, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is the applicant.
2. Present zoning of the property is C-G.
3. Area of the lot is 3.6310 ac. of land.
4. Conformity with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law: The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion.

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VILLA LEE ASSOCIATES, app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit community association swimming pool, located N. of Lee Highway and E. side of Hunter Rd. Providence District, (RTC-5), 48-4 ((1)) pt. 31, S-13-70

Mr. Griffin Garnett, representing the applicant, did not have proof of notice to two adjacent property owners. The Board deferred the application to April 14 for proper notification.

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CARSON LEE FIFER, app. under Sec. 30-6.6 of the Ordinance, to permit variance for addition 20 ft. from property line, located intersection of Hilltop Rd. (#744) and Lee Hwy., (#29-211), Providence District, (I-L), 49-3 ((1)) 74A & 75, V-14-70

Mr. Bernard Fagelson represented the applicant. The application is to permit construction of a storage addition 20 ft. from the property line. This is a very narro point of a triangle and at the time the original application was filed they did not ask for an additional variance even though they had to dedicate a service road which is a major part of this particular property. There probably was a variance granted on the Martin & Gass property which is adjacent.

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CARSON LEE FIFER - Ctd.

Mr. Smith did not think there had been a variance granted on the Martin & Gass property. That was built at a different time, prior to site plan requirements.

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Rosslyn Tire Company is the tenant and has a 20 year lease from Dr. Fifer, Mr. Fagelson explained.

No opposition.

In application V-14-70, an application by Carson Lee Fifer, application under Section 30-6.6 of the Ordinance, to permit variance for addition 20 ft. from property line, located intersection of Hilltop Road and Lee Highway, also known as tax map 49-3 ((1)) 74A & 75, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is the applicant.
2. Present zoning of the property is I-L.
3. Area of the lot is 35,672 sq. ft.
4. Compliance with Art. XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
   (a) exceptionally narrow lot,
   (b) exceptionally shallow lot,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Exterior of the addition shall be constructed of red brick material similar to the existing building.

Seconded, Mr. Yeatman. Carried unanimously.

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The Board adopted the following Resolution regarding extensions of permits:

WHEREAS, Section 30-6.15 of the Code specifies that "an extension" of a use permit may be granted by the Board of Zoning Appeals beyond the one year time limit, and

WHEREAS, the County is involved in a study leading to a new Zoning Ordinance which could have an effect upon use permits granted, and

WHEREAS, changes in the surrounding use of land and in the codes under which we operate warrant that use permits are not of the same relative value from one time to another, and

WHEREAS, it has been determined that the present one year restriction allows ample time for the preparation and approval of a site plan and for initiation of construction,

NOW, THEREFORE BE IT RESOLVED, that the Fairfax County Board of Zoning Appeals hereby establishes as policy that:

1. No use permit may be granted more thanone extension.
2. No extension may be granted unless the applicant has presented evidence that the conditions preventing him from complying with the original permit constituted a hardship not of his own doing.
3. No use permit extension shall be for a period in excess of 180 days.
4. No extension of a use permit shall be granted for a permit which has expired.
5. No permit which does not meet the requirements of this resolution may be continued except by the filing of a new application, the payment of a new fee, the submission of new plats and other supporting material, and the holding of a public hearing as required in any new case, and

Policy - Extensions of Permits - Ctd.

BE IT FURTHER RESOLVED, that this resolution shall become part of and incorporated into the by-laws of the Board of Zoning Appeals, Fairfax County, Virginia, being Article IX, Section 2 of said by-laws.

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E. JAY SMITH CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit variance on front setback, 1458 and 1464 Ingleside Ave., West McLean, Dranesville District, (C-OL), 30-2 ((7)) (1) 11 thru 16, V-15-70

Mr. Phillips noted that the application requested reduction in parking requirements and the staff did not advertise this for hearing as the Board is not authorized to reduce parking under the Ordinance.

Mrs. Zena Smith stated that the property is zoned for office use and would be used for office use. It would require a 50 ft. setback and they are asking for 35 ft. inasmuch as the 50 ft. setback would run through the building. The land was rezoned approximately four years ago. At the time of rezoning they had no intention of putting a building between the two existing buildings which they now use for offices. They would do a lot of work on the front so that the final result would look like one building with the middle portion being higher than the two on each side. The construction company has occupied this house for three or four years and have not been able to get an occupancy permit. They have not been approached and told that they were illegally occupying the house. The other house is used as a real estate office.

Mr. Nicholas Yarorski, living on Ingleside Avenue on the same side of the street, spoke in favor of the application. This is an unusual situation, a very narrow street and the depth of the lots only 125 ft., he said. The other residents are not interested in changing to something other than residential use, but they know that one of these days it will become intolerable for residential purposes.

Mrs. Robert T. Andrews, representing the McLean Citizens Association, stated that the Association has a standing policy of opposing requests for variances unless there is some overriding reason to allow the variance and today they are not opposing the variance to allow the use of existing buildings. They feel that the existing building along Ingleside should be permitted to be converted to office use as an interim use. Ingleside is shown as a 40 ft. wide street intended for internal circulation. It is currently 25 ft. The proposed McLean CBD master plan now before the Planning Commission provides that Ingleside will become part of the McLean by-pass, a four lane road to by-pass the business area, is proposed in front of this structure. They have recommended that the right of way be 60 ft. wide for the five year plan. The plan consultants have recommended a wider right of way because they envision a larger traffic load. However, the Board should be aware of the fact that this is designated now as a 40 ft. wide road. They would oppose the variance on the new construction.

Mr. Calvin Cole stated that he would not oppose the use of the existing buildings in the manner in which they have been used since 1963. The screening that was required in 1965 has not yet taken place.

Mrs. Smith stated that the screening was not put in because the people in the area wanted the land to remain open.

Mr. Smith pointed out that if the variance is granted to allow the use of these two existing buildings, the applicant would be required to screen under the site plan ordinance.

In application V-15-70, an application by E. Jay Smith Construction Company, an application to permit variance on front setback, 1458 and 1464 Ingleside Avenue, also known as tax map 30-2 ((7)) (1) 11 thru 16, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March 1970,

WHEREAS the Board of Zoning Appeals has made the following findings of fact:
1. The applicant is the owner of the property.
2. Present zoning is COL.
3. Area of the lot is 18,750 sq. ft.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

WHEREAS THE Board of Zoning Appeals has reached the following conclusions of law:

March 10, 1970

E. JAY SMITH CONSTRUCTION CO. - Ctd.

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1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land/and or buildings involved; (a) shallow lot; (b) unusual condition of location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted, with the following limitations:

1. This variance is to the existing buildings shown on plats included with this application only.

Seconded, Mr. Barnes. Carried unanimously.

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PARK RUG & CARPET SHOP & SHOWKE GEORGE, app. under Sec. 30-6.6 of the Ordinance, to permit addition closer to property lines than allowed, 7732 Lee Hwy., Providence District, 49-2 ((11)) 12A, (C-G), V-19-70

In the staff notes, there is a long discussion on this application, Mr. Phillips stated. As far as the application is concerned, the Lee Highway side of the lot is the short frontage and therefore the front of the lot; the side opposite the parallel to Lee Highway is the rear of the lot. The side along Mary Street is a side yard, however, it requires a front yard setback, and the side opposite Mary Street is a side requiring 25 ft. setback or the height of the building. In addition, three variances would be necessary: (a) a variance of 16 ft. is required to allow the addition to encroach within 34 ft. of Mary St.; (b) a variance of 20 ft. is required to allow the building to be built on the north property line, and (c) a variance of 10 ft. is required to allow the northwest corner of the building to encroach within 15 ft. of the property of an R district (25 ft.) requirement.

Mr. Richard Shadyac represented the applicant. He stated that they have no problem with the Lee Highway requirement but he did not feel that they needed three variances. The building would set back 34 ft. from Mary Street which would be in conformance with the other buildings. The third variance mentioned would be on the northwest corner of the lot. This strip is technically residential but he did not think there would be any problem rezoning it to commercial. The building which they propose to enlarge is 50' x 80'. The staff has given some indication on the parking that would be required and they are prepared to comply. They would move the cleaning and drying operation from across to the street to the larger quarters. The building across the street would be used for additional storage and drying space.

Opposition: Mrs. Marian Yarger stated that the have just purchased the building in the rear of Park Rug's present building and have applied for occupancy permit. They have not moved into the building yet. They have no objection to the variance from Mary Street but they have found out that according to the definition of the Code, their property would be on the rear of that building. The Code specifies 20 ft., which is fine. Mrs. Yarger said that her building is old and was built within one foot of the property line. They have windows and air conditioning units on the side and hot water heat in the building. It is almost prohibitive to put in central air conditioning. They have rooms that are lighted from the side and to protect their own investment, they would have to oppose bringing the new construction up to the property line.

Mr. Harry C. Taylor, speaking on behalf of the owner of property at 7800 Lee Highway, said that inasmuch as the applicant expects to expand his building, this means it would come within 15 ft. of his parents; property line. They feel that existing regulations should be adhered to and the setback variance on that side should not be granted. His parents' land is still zoned Residential.

Mr. Smith suggested that perhaps the only variance that should be considered would be to come closer to Mary Street.

Mr. Shadyac said he could appreciate Mrs. Yarger's air and light problem, and suggested that they go 3 or 4 ft. from that property line rather than to the property line. The building will be cinderblock with brick facing. As far as the residential strip is concerned, the applicant is buying that, and he had no doubt that a rezoning to commercial would be granted.

Mr.Smith explained that there is no topographic situation here to warrant a variance. The Board cannot grant a variance merely for the applicant's convenience.

The Board deferred decision on this matter to April 21 for new plats showing the additional piece of land.

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March 10, 1970

ROBERT A. BUTLER, TRUSTEE, app. under Sec. 30-6.6 of the Ordinance, to permit reduction of front yard setback from 65 ft. to 60.95 ft. from center line of Valley Avenue, Dranesville District, 49-2 ((11)) 12A, V-19-70

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Mr. Richard Shadyac represented the applicant. This is a narrow lot in a residential area that is undeveloped. Valley Avenue is undeveloped and has not been used in a long time. Lots across the street are vacant and property to the north is vacant. This lot is only 77.55 ft. wide. They propose a 28 ft. wide house and need 4.35 ft. reduction in the front setback. Valley Avenue is dedicated but is not used.

Opposition: Mr. Venil Lock, 1742 Valley Avenue, and Mrs. Sanchez, co-owner with Mr. Lock, appeared in opposition. They felt that the variance would adversely affect their house which is 150 years old and if Valley Avenue is opened on account of the variance, it would run through the front of their house.

Mr. Smith assured them that the variance would not open Valley Avenue. He noted a letter from Mrs. Bessie M. Miller opposing a reduction of the rear yard setback. There must be some misunderstanding, he said, as there is no variance being granted adjoining the Miller property - this variance is from Valley Avenue.

Mr. Shadyac suggested that Mr. Lock petition to the Board of Supervisors for the vacation of Valley Drive.

In application V-18-70, an application by Robert A. Butler, Trustee, application under Section 30-6.6 of the Ordinance, to permit reduction of front yard setback from 65 ft. to 60.95 ft. from center line of Valley Avenue, also known as tax map 31-3 ((8)) 29A thru 35A, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 15,073 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transfarable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A strip of land 4 ft. wide shall be dedicated to Valley Avenue for future road widening.

Seconded, Mr. Barnes. Carried unanimously.

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JOHN W. NOCITA, app. under Sec. 30-6.6 of the Ordinance, to permit erection of carport to extend to 1 ft. from side property line, 1807 Barbee Street, Grass Ridge, Sec. I, Blk. 1, Lot 8, Dranesville District, (R-12.5) 30-4 ((8)) (1) 8, V-24-70

Mr. Nocita stated that due to a physical condition which exists on the lot (a large tree) he is denied normal access for a carport. If he had to abide by regular zoning regulations, he could construct the carport but could not get in due to the posts.

Mr. Smith suggested building a 13 ft. carport which would be 7 ft. from the property line.

The house has a large overhang, Mr. Nocita explained, and he wished to carry the same roof line to the carport.

Mr. Smith suggested granting a variance to allow him to have a 2 ft. extension on the overhang and set the posts at the 7 ft. line. This would give a usable carport.

March 10, 1970

JOHN W. NOCITA - Ctd.

Mr. Smith noted a letter of objection from the adjacent neighbor, Dr. Feroizi.

Mr. Nocita said that Dr. Feroizi had not lived in that house for ten years and the back yard is the worst looking in the neighborhood.

In application V-24-70, an application by John W. Nocita, application under Section 30-6.6 of the Ordinance, to permit erection of carport to extend to 1 ft. from side property line, 1807 Barbee Street, also known as tax map 30-4 ((8)) (1) 8, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,880 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved,

NOW THEREFORE BE IT RESOLVED that the subject application be and the same hereby is denied.

Seconded, Mr. Barnes.

Mr. Smith pointed out that Mr. Nocita could build a carport within 7 ft. as indicated, with a 2 ft. overhang. This would allow him to place the posts at the 7 ft. mark and have a 2 ft. roof overhang. Mr. Woodson agreed.

Carried unanimously.

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DEFERRED CASES:

CHARLES COLEY & ROY DANIEL T/A FAIRFAX CUE CLUB, app. under Sec. 30-7.2.10.3.6 of the Ordinance, to permit recreation center, 9452 Main St., Pickett Shopping Center, Providence District, (C-D) 58-4 ((1)) 51E, S-2-70 (deferred from Feb. 10)

Mr. Frank Swart represented the applicant. This has been a tragedy of errors. The applicant has been operating here for a couple of years. The recreation center contains approximately 12 pool tables in the Pickett Shopping Center. It's in the heart of the shopping center and the property line between the City and County of Fairfax is just inside the wall of the store portion which he leases. When they opened in 1968 they applied to the County for a license and he was sent to the Zoning Office for an occupancy permit. The County then sent him to the City because of the fact that there was an agreement between the County and the City that the City would issue all the occupancy permits and police the shopping center. All the other stores there have had occupancy permits issued by the City. The applicants did obtain an occupancy permit from the City and have been occupying the property under that permit thinking it was legal all the time. This past December they were given notice by the County officials that because this store was in the County, they did not have a proper occupancy permit. The City now says they shouldn't have issued the permit. This is a logical location for this type of business and the County Board itself indirectly put its stamp of approval on it when last fall they went to the Board asking to amend the Ordinance regarding pool halls. Prior to that time a State law said unless the County adopts an ordinance regulating pool halls, State law will be applicable, and no one under 18 can go in them. They went to the Board and asked that it be amended to make it more liberal. They did, they made no restrictions, and any age can go into the pool hall. As a matter of policy, no one under 18 is admitted during school hours. Other than that, children do come in with parents. There is television, chess and checkers and six pinball machines, and a snack bar, in addition to the pool tables. No alcoholic beverages are sold and there are no plans to sell any.

No opposition.

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FAIRFAX CUE CLUB - Ctd.

On weekdays they operate from 10 a.m. to midnight; on weekends 10 a.m. to 2 a.m., Mr. Swart stated. They are open seven days a week.

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In application S-2-70, an application by Charles Coley & Roy Daniel Trading As Fairfax Cue Club under Sec. 30-7.2.10.3.6 of the Ordinance, to permit recreation center, located 9452 Main Street, also known as tax map 58-4 ((1)) 51E, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is Pickett Limited Partnership, and/or Pickett Shopping Center, Inc.
2. Present zoning is C-D.
3. Area of the lot is 414,604 sq. ft. of land.

Mr. Smith asked that this be amended - the application only covers 3,000 sq. ft.

Mr. Long accepted. The area of the lot is 3,000 sq. ft. This use will be in a planned shopping center.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in C districts as contained in Section 30-7.1.2 in the Zoning Ordinance. The use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan for land use provided by the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. There are to be twelve pool tables, tv, six pinball machines and a snack bar.
2. The age limit is unrestricted, with no sale of alcoholic beverages.
3. This approval is granted to the applicant only, not transferable without further action by this Board and is for the location indicated in this application, not transferable to other land.
4. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to expiration.

Seconded, Mr. Barnes.

Mr. Swart pointed out that Mr. Long had omitted the chess and checkers.

Mr. Long and Mr. Barnes accepted chess and checkers as a part of the motion.

Carried unanimously.

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JACQUELINE S. NOVAK T/A POTOMAC EQUITATION, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit riding school, summer camp, boarding horses and tack shop, 5320 and 5322 Pleasant Valley Rd., Centreville District, (RE-1), 42 & 43 ((1)) 35, S-10-70 (deferred from Feb. 17)

Mr. Koneczny said that a copy of the inspections report was in the folder.

Mr. Smith read letter from the Building Inspector's office giving a list of things that had to be done prior to occupancy. He also read the results of the other inspections made by the County.

Mr. Koneczny suggested that the shrubbery along the entrance be cut back for 200 ft. distance in either direction and widening of the entrance, he felt this would give ample visibility up and down Pleasant Valley Road. For the amount of traffic along that road, if the entrance was widened and the shrubbery removed, it would serve a better purpose than a deceleration lane.

Mr. Smith suggested that Mrs. Novak put up signs warning people that this was the entrance and exit to a recreational area.

Mr. Conrad Marshall, attorney for the applicant, stated that she had not received a copy of the inspections report, but he believed she could comply with the bulk of the requirements.

Mr. Smith noted that all of the requirements would have to be met in order to receive an occupancy permit.

March 10, 1970

JACQUELINE S. NOVAK - Ctd.

Mr. Smith cautioned Mrs. Novak that if the permit is granted, no horses should be allowed to get off the property and no one is to ride off of this 160 acres.

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In application S-10-70, an application by Jacqueline S. Novak T/A Potomac Equitation, an application to permit riding school, summer camp, boarding of horses and tack shop, property located at 5320 and 5322 Pleasant Valley Road, also known as tax map 42 and 43 ((1)) 35, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals,

AND WHEREAS, following proper notice to the public by advertisement in a local newspapers posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of February,1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Pleasant Valley Joint Venture.
2. Present zoning is RE-1.
3. Area of the property is 160 acres.
4. Conformance with Article XI (Site Plan Ordinance)will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. The use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. The applicant may sell the following essential tack items: riding hard hats, riding shirts, riding socks, riding breeches, riding boots, riding spurs, crops, stockpins, and riding instruction books. These items may be sold to users of the riding school only and there is not to be any advertisement of these sales.

2. Signs indicating a recreational entrance shall be erected, or deceleration lane constructed at the entrance on Pleasant Valley Road. These shall be of such design and length or type as may be approved by the Division of Design Review.

3. All parking shall be confined to the premises.

4. Riding of horses shall be confined to the property. Horses are not to be ridden on Pleasant Valley Road.

5. There shall be separate men's and ladies' restrooms for the public.

6. All noise from loudspeakers shall be confined to the premises.

7. Hours of operation shall be seven days a week from 8 a.m. to 9 p.m. Horse shows may terminate at 9 p.m. also.

8. Insurance for the benefit of the public shall be provided in the following amounts: $25,000 property damage for each accident, $100,000 personal injury, each accident, $300,000 personal injury total; and there shall be a record kept of all accidents, these records to be available to the Zoning Administrator.

9. The Zoning Administrator shall inspect and approve fencing as being adequate to contain animals.

10. Number of Horses shall be limited to 110 at any one time.

11. Zoning Administrator and Building Inspector shall approve all buildings.

12. The summer day camp shall consist of a maximum of 75 students, a counselor for each six children.

13. The summer day camp will comply with all State and County Building and Health Department regulations.

14. Separate bathroom facilities for male and female users shall be provided for this use.

15. A separate occupancy permit may be obtained for the riding school and summer day camp.

16. This approval is granted to the applicant only, not transferable without further

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JACQUELINE S. NOVAK - Ctd.

action of this Board, and is for the location indicated in this application and is not transferable to other land.

17. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

and uses indicated

18. This approval is granted for all buildings/shown on the plat submitted with this application. Any additional structures, changes in use or additional uses, whether or not these uses require a use permit, shall require this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes.

Mr. Long amended the motion to include the following: Shrubbery shall be removed on either side of the entrance to Pleasant Valley Road to provide adequate sight distance. Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes accepted.

This permit will run with the lease and expire if not renewed, on November 20, 1971, Mr. Smith pointed out. Mr. Long and Mr. Barnes accepted this as part of the motion.

Mr. Marshall asked if sale from the tack shop would include grooming equipment for the horses?

Only the items listed in the motion, Mr. Smith stated - these are the items the Board has agreed to allow any tack shop to sell in connection with riding stables. The Board has adopted a certain list of items that would be allowed to be sold.

Carried unanimously.

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WILLIAM COHEN & ROBERT L. & RUBY L. GROVES, app. under Sec. 30-7.2.6.1.3 of the Ord., to permit building closer to side property line and to permit operation of day school, ages 3-5, 5 days a week, nursery 7 a.m. to 6 p.m., and kindergarten 9 a.m. to 4 p.m., 9525 Leesburg Pike, Centreville District (RE-1) 19-1, 19-3 ((1)) 19, S-250-69 and V-250-69 (deferred from Feb. 10)

Since Mr. Lawson was not in the room, the Board agreed to take up another item and come back to this later.

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The Board members discussed the resolution regarding the extension of use permits and variances. Consensus of the members was that this resolution would apply to all pending applications and any that have been granted but on which construction has not started. This will be added to the Resolution.

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The Board proceeded with the application of William Cohen & Robert L. & Ruby L. Groves as called earlier.

Mr. Smith noted the report from the Inspections Division.

Mr. Lawson stated that he had talked with the Inspectors and his clients had also. They are advised that the building can be used for school purposes but the floor alterations will have to be made. They have explained that there are two or three ways that this can be done.

Mr. Smith noted letters from Mr. Harry Smith, 1441 Montague Drive, in opposition to the application. (Letters are on file with the records of this case.)

The Board has not taken action on the request to substitute Educo, Inc. for the name of the applicant, Mr. Smith noted, and there was some question in his mind whether or not the Board could do this. There was a request in the early stages of this application that the Board substitute Educo, Inc. for the advertised applicant. Educo certainly would not be entitled to any consideration as far as the variance is concerned as they are not an affected property owner by virtue of Mr. and Mrs. Groves being a part of the application and they own the property. A contract purchaser cannot be adversely affected as there is no hardship involved; it's something he doesn't own. Then there is another problem -- if the permit is granted to the applicant it would not be transferable. Educo would have to come back to the Board.

March 10, 1970

WILLIAM COHEN & ROBERT L. & RUBY L. GROVES - Ctd.

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Mr. Lawson recalled that at the first hearing on this application, he requested that the application be amended to show Educo, Inc. as the applicant. He felt the Board does have the power to amend and it has been done in the past.

At that time, Mr. Smith pointed out, there was no evidence that Educo, Inc. had any interest in the property and the Board took no action.

If the use is granted, it should be granted as advertised, Mr. Smith suggested, with the right within a period of ninety days to transfer to Educo, Inc. But, he would not be in favor of granting a variance. This is a tremendous operation proposed and all of the buildings should be comply. The Board recently granted a variance on a church and the Board of Supervisors overruled this action and if that was over-utilization of a property, this one far exceeds that one. There's no hardship on Educo, Inc. for granting a variance. He would not object to use of the barn for a school if it had the proper setbacks.

In application S-250-69 and V-250-69, an application by William Cohen & Robert L. & Ruby L. Groves, under Section 30-7.2.6.1.3 of the Zoning Ordinance Ordinance and 30-6.6 of the Zoning Ordinance to permit building closer to side property line and permit operation of day school, property located at 9525 Leesburg Pike, also known as tax map 19-1, 19-3 ((1)) 19, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 10th day of March, 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Robert L. and Ruby L. Groves.
2. Present zoning is RE-1.
3. Area of the lot is five acres of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

AND, WHEREAS the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance and,

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only, and is transferable to Educo, Inc. within ninety days. It is not further transferable without action of this Board.

2. This is for the location indicated in this application and is not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to date of expiration.

4. This approval is granted for the buildings and uses shown on plats submitted with this application. Any additional structures of any kind,whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

5. The applicant shall comply with all County and State, Building Inspector's, Health Department, and setback requirements (building setback requirements).

6. This is to permit operation of day school with maximum number of 300 students ages 3 through 6, five days a week, 7 a.m. to 6 p.m.

Seconded, Mr. Barnes.

March 10, 1970

WILLIAM COHEN & ROBERT L. & RUBY L. GROVES - Ctd.

Mr. Lawson questioned the part of the motion dealing with age limits.

Mr. Long amended the motion to read "nursery school through sixth grade". Also, he clarified the motion by stating that his intent was not to grant the variance portion of the application. The motion should be to grant the application in part, eliminating the part dealing with the variance. Mr. Barnes accepted.

If they do acquire additional land from the Groves, Mr. Lawson asked, what would be necessary?

Amend the application to show the additional property involved, Mr. Smith said. Any change in land area or anything would have to have action by the Board. It might be one that could be resolved without public hearing, if it is just for additional land and nothing more than that. If it is within the time limits contained in the Ordinance, it could come back for reconsideration.

Carried unanimously.

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BAR J STABLES - Special Use Permit for riding stable - deferred for revised plats and copy of lease and insurance policy.

Tony Ann Johnson said the plats were not ready. They surveyed yesterday. She submitted copy of lease and insurance policy and the Board agreed that they would take action on the application whenever she could bring in the plats.

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Requests for out of turn hearings

Mrs. Shirley W. Boyett re Commonwealth Christian School (JJS Corporation) - The Board agreed to hear this on March 24.

MT. VERNON LODGE #219 A.F. & A.M. - The Board will hear this on March 24.

RRR LIMITED PARTNERSHIP, INC. - The Board will hear this on March 24.

THOMAS J. DAWSON - The Board will hear this on March 24 also.

ERNEST J. THOMAS, DOMINION BLDG. CO. - Board will hear this March 24.

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The Board discussed proposed Youth Activities Day - April 1, 1970.

Meeting adjourned at 7:00 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman 6/9/70
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, March 17, 1970 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman, presiding; Mr. Clarence M. Yeatman, Mr. George P. Barnes, Mr. Joseph P. Baker, and Mr. Richard W. Long.

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

LEONARD WORTHMAN, app. under Sec. 30-6.6 of the Ordinance, to permit erection of swimming pool closer to dwelling than allowed, Lot 188, Sec. 2, Stonewall Manor, 8322 Stonewall Dr., Centreville District, (R-12.5), Map 39-3 ((16)) 188, V-22-70

There is an easement that runs through the yard, Mr. Worthman explained, and the area that can be utilized is so small it would be necessary to obtain a variance for the swimming pool. If the pool could be put 12 ft. in back of the house it could come closer to the property line, but the variance is to permit the pool closer to the house.

Mr. Smith said he would like to see the Ordinance amended to allow pools the same advantages as carports encroaching into the side yard.

Mr. Phillips suggested that perhaps the staff could make a study on this and come back with a resolution.

Representative from Sylvan Pools stated that the proposed pool would be 18' x 39'.

In further discussion, the Board discovered that Mr. Worthman had already been granted a variance for a garage on his property.

Mr. Yeatman moved that the Board defer this to March 24 for better plats showing the size of the existing garage and the proposed size of the pool. Seconded, Mr. Baker. Carried unanimously.

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WILLIAM G. & SUZANNE MILLER, app. under Sec. 30-6.6 of the Ordinance, to permit storage addition 38 ft. from Beechwood Rd., Lot 191, Sec. 8, Hollin Hills, 7220 Beechwood Rd., Mt. Vernon District, (R-17) 93-3 ((4)) 191, V-23-70

The lot is very steep, Mr. Miller explained, and they would like to enlarge their entrance and have a storage addition. The house to the north of them sits at a peculiar angle. This storage addition would not be visible to the neighbors opposite them in the summer time because of the steepness of the hill. Overall extent of the addition would be 15.6 ft. x 11 ft. Two sides of the addition would be entirely glass, including the entry door and the side facing the street would be of the same material as the present house -- brick and cedar siding. The plats have been presented to the Architectural Review Board and they have no objections.

No opposition.

Mr. Long suggested viewing the property.

Mr. Yeatman moved to defer to April 14 to view the property and for a letter from the local architectural review board. Seconded, Mr. Long..Carried unanimously.

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ACCA DAY CARE CENTER, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit day care center, max. of 30 children, ages 2 to 8 yrs., Mon. thru Fri., 7 a.m. to 7 p.m., 5901 Leesburg Pike, Mason District, (R-12.5), 61-2 ((1)) 25A, S-25-70

Rev. Charles Carlson, 6065 Brook Drive, Falls Church, Virginia, stated that they presently operate a day care center in the John Calvin Presbyterian Church on Columbia Pike. They have fifty children there and are filled to capacity. There is a waiting list. They would like to move as soon as they can to these facilities in the Culmore Methodist Church. The purpose of this center is to make it possible for low income parents to work. The children would be served lunch at Bailey's School after kindergarten in the morning and would be brought over to these facilities. This is a non-profit organization. In good weather the children would walk over to the church in a group. The State will limit the number of children to twelve until they can get the fencing put in around the play area.

Mr. Smith read a letter from the Bailey's Elementary School (letter on file in the folder for this case), and a letter from the Long Branch Citizens Association in support of the application. Letters from James Squires and Robert D. Allred, in favor of the application, were also read.

March 17, 1970

ACCA DAY CARE CENTER - Ctd.

Rev. Carlson asked that they have permission to move in for two months with two professional teachers on duty at all times and eight children, or no more than twelve, and this would give them time to construct a playground to be adequate for thirty children which they hope to have next fall when they open again. There would never be more than twelve children on the property until it is fenced. The State licensing people will grant them a license on this basis.

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Mr. Smith read a letter from the Culmore Apartments supporting the application providing certain safeguards are established: (1) When the number of children exceeds twelve, that adequate fencing be installed to contain all of the users within its perimeter. (2) That the Day Care Center provide adequate liability insurance holding the Culmore Apartments free from any and all liability that may be sustained by the users of the Day Care Center should they sustain physical injuries while on the Culmore Apartments property during the time they are consigned to the Day Care Center. (3) That they pay all damages caused by their users to the property or buildings of Culmore Apartments.

Mrs. Bateman, day care coordinator for the County spoke in favor of the application.

No opposition.

Mr. Harold Mayo, official representative of the Culmore Methodist Church and ACCA stated that the trustees have control over the property concerned with this activity. The Adminstrative Board also wholeheartedly endorses this activity.

In application S-25-70, an application by ACCA Day Care Center, an application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care center, 5901 Leesburg Pike, also known as tax map 61-2 ((1)) 25A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of March, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the Culmore United Methodist Church.
2. Zoning of the property is R-12.5.
3. Area of the lot is 2.2626 ac. of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Day care center is limited to 12 children until the rear portion of the property (play area) is fenced. Fencing must be constructed in conformance with County and State requirements before September 1970 and at that time the enrollment may be increased to thirty children.

Seconded, Mr. Yeatman. Carried unanimously.

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March 17, 1970

JAMES A. MORRISON, JR., app. under Sec. 30-7.2.8.1.1 of the Ordinance, to permit construction and operation of boarding kennel, 10127 Colvin Run Rd., Dranesville District, (RE-1 & C-G), 12-4 ((1)) 30, S-27-70

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Mr. Smith noted a letter from the Planning Commission requesting the BZA to defer consideration of the application to a time after April 20 in order that the Planning Commission might review the application.

Mr. Morrison stated that the property is owned by Lee Michelitch. A corporation will be formed of which he and Lee Michelitch will be a part, along with two or three other people.

Mr. Smith explained that the application was premature. The Corporation should be formed prior to applying for use permit. The applicant would have to have an interest in the property prior to making application.

Mr. Barnes moved that the application be deferred to allow the applicant to amend the application to read the name of the corporation that would ultimately operate the kennel and for the Planning Commission to consider the application. Seconded, Mr. Yeatman. Carried unanimously.

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RAVENSWORTH INDUSTRIAL ASSOCIATES, app. under Sec. 30-6.6 of the Ordinance, to permit 40 ft. building setback in lieu of 50 ft. to conform to other setbacks in the industrial park (40' directly across Forbes Place) and to provide ample parking, ingress and egress, 8000 Forbes Place, Annandale District, (I-L), 70-4 ((10)) 11E, V-28-70

Mr. Bernard Lubchek represented the applicant. They have a difficult lot to work with, he explained -- it is irregularly shaped and is at the dead end of a cul-de-sac. They are hampered on the south side by a 100 ft.side yard restriction. Permitting them to set the building back 40 ft. instead of 50 ft. would help with the auto pattern and permit thirty additional parking spaces on the property. All of their parking has to be on the side or rear of the building. Port Royal Road is the main artery within the park and I-L exists on one side with I-P zoning on the other side. This variance, if granted, would not adversely affect the neighborhood or traffic. They plan to lease the building for research and development.

Mr. Russell Lewis, 7253 Maple Place, spoke in favor of the application.

No opposition.

The proposed building will have a brick and glass front with pre-cast panelings or architectural design, Mr. Lubchek continued.

The Board discussed the application at length. Mr. Smith thought that application had been made for variance on the property before, however, a check revealed that this property had not applied for a variance before. The fact that this is located on a dead end street that will never be opened up has some bearing on it, Mr. Smith commented, but perhaps the variance should not be granted on the entire building.

In application V-28-70, an application by Ravensworth Industrial Associates, application under Section 30-6.6 of the Ordinance, to permit 40 ft. building setback in lieu of 50 ft. to conform to other setbacks in the industrial park (40' across Forbes Pl.), and to provide ample parking, ingress and egress,8000 Forbes Place, Annandale District, also known as tax map 70-4 ((10)) 11E, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is I-L.
3. Area of the lot is 2.8044 ac.
4. Conformance with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in

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practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: irregular shape of the property;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on the plats presented with this application only and is not transferable to other land or structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. The southeasterly corner of the proposed building opposite the cul-de-sac may be constructed within 40 ft. of the property line providing, however, that no other part of the building opposite the cul-de-sac is closer than 23 ft. of the property line.

4. The front of the building shall be constructed of brick and precast concrete material, architecturally designed.

Seconded, Mr. Barnes. Carried unanimously.

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TEXACO, INC., app.under Sec. 30-6.6 of the Ordinance, to permit installation of free-standing canopy over pump island approx. 7.8 ft. from propertyline of U. S. #1, NE corner of U. S. #1 and Memorial St., Mt. Vernon District, (C-G), 93-1 ((18)) (A) 1, 2, 3,4, V-29-70

Mr. Frank Foley, real estate agent for Texaco, stated that they wish to improve the exterior appearance of the service station by putting two canopies over the two pump islands. One of the canopies does not require a variance. The canopy closest to the sales rooms will need a variance. They will improve the exterior appearance of the building with a stone exterior. This is a three bay porcelain station now. The canopies will be freestanding. They will paint the porcelain a tan color to blend with the stone on the front.

Mr. Yeatman felt that the stone should be carried all the way around the side of the building.

They would be willing to put the stone on the restroom side, Mr. Foley replied, however, the other side would not need it. The station has been in existence for about thirteen years.U. S. #1 in this area has been widened.

Opposition: Mr. Jim Givens, living behind the station, described the cluttered appearance of the service station. The nicest looking thing in front of the station, he said, is the telephone booth. The station is not a good neighbor. The tank truck comes in at 4:00 a.m. to fill the tanks and wakes them up in the mornings and sours the air in the summer time. He objected to the carbon papers from charge tickets blowing over onto his property. He said he has called Texaco with his complaints but it has done no good. Sometimes the trash goes for two weeks without being picked up. This is a cinderblock building - the storm gutters are falling down and the building looks terrible from the rear.

Mr. Andy Repasse, 2836 Memorial Street, behind the Texaco station, showed pictures which he said were taken March 8 showing the back side of the station in question. Cars roll down from the service station onto his property, he said, and described several times that this happened. Also, he felt the station should make some provisions to carry away the oil from this service station. It has drained on the property now and killed the grass.

Mr. Long suggested that construction of curb and gutter might stop rolling cars.

Mr. Smith suggested extending the guard rail all the way around. Also, there should be something done about the noise problem at 4 a.m. andthe trash situation will have to be improved.

In application V-29-70, application by Texaco, Inc., application under Section 30-6.6 of the Ordinance, to permit installation offreestanding canopy over pump island approx. 7.8 ft. from property line of U. S. #1, northeast corner of U. S. #1 and Memorial Street, also known as tax map 93-1 ((18)) (A) 1, 2, 3, 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

March 17, 1970

TEXACO, INC. - Ctd.

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearbyproperty owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of March, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Joseph C. Patterson.
2. Present zoning is C-G.
3. Area of the lot is 15,413 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: exceptionally narrow lot and unusual condition in the location of the building and pump islands;

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The front and sides of the building must be improved with stone front or architectural design.

4. For service station use only -- no sale or rental of trucks or trailers of any type.

Seconded, Mr. Barnes.

Mr. Yeatman asked to amend the motion to include stone on all four sides.

Mr. Foley said they would prefer to paint the rear similar to the upper portion of the front and sides. They have painting scheduled every year and they use epoxy type paint.

Mr.Yeatman said he would further amend the motion to delete the requirement of stone in the rear of the building and would require a brick fence around the rear of the property with a guard rail in front of that to keep cars from going onto other people's property. The fence and guard rail should be put wherever the Planning Engineer designates.

Mr. Long said he would amend his motion to say a brick wall to be erected one foot inside the property line along the residentially zoned properties and the rear of the building to be painted rather than stone. The brick wall is to be erected at the top of the slope. The motion would omit the guard rail if the fence is at the top of the slope. Mr. Barnes accepted the amendment.

Mr. Smith felt that Texaco would install a guard rail to keep cars from knocking down the fence. An expensive fence should be protected.

Carried unanimously.

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DEFERRED CASES:

SUN OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed, located N. W. corner of Rt. 50 and Downs Drive,Centreville District, (C-G), 34 ((1)) A, Bl, V-124-69 (deferred from Nov. 25)

Letter from the applicant's attorney requested withdrawal of the application in view of sewer problems.

Mr. Barnes moved that the application be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM R. WILSON, app. under Section 30-6.6 of the Ordinance, to permit less width than required to permit three lots, 2509 Fowler St., (R-10), 40-3 ((1)) 119A, Providence

March 17, 1970

WILLIAM R. WILSON - Ctd.

District, V-21-70 (deferred from Feb. 24)

Mr. Robert Hurst represented the applicant and thanked the Board for the deferral. He was out of town when the first notice arrived and he could not get his notices mailed out in time. This application was brought up about two years ago for the same thing and was approved by the Board. The applicant at that time was unable to move ahead and do any construction on the lots and the variance expired. Now construction loans have been approved and they can go ahead with construction if the variance is granted. One lot would be taken up by the existing structure and two n ew dwellings would be built. This is not the most desirable site for residential construction with Virginia Concrete's property nearby. Mr. Wilson has been building houses in the County for a number of years. Myer Abraham received the original variance on this property.

Mr. Smith noted that the house location was not shown on the plat. The Board cannot grant an application without knowing the location of the existing house.

The house is located on Lot 1 at the front right at the building restriction line, Mr. Hurst stated. The County-City line runs through there. They have talked with the people in Falls Church - they have no objection to the application.

The Board should have this in writing, Mr. Smith suggested. There was some doubt in his mind, he said, whether the Board has jurisdiction on Lot 1. The majority of the lot is in the City.

Mr. Woodson suggested that the Board read the original minutes on this application. The existing house could be in violation.

No opposition.

The Board deferred action to April 14 to read the minutes of the previous hearing.

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WAYNEWOOD RECREATION ASSOCIATION - Request to delete fence required in resolution granting the application.

Mr. Smith announced that the Board had set the guidelines in the beginning - only discussion that would take place would be on the fence and not on the parking. The Board is not going to consider revision of the parking as this was indicated when the request for reconsideration was considered. Parking will have to be met.

Mr. John T. Hazel, Jr. represented Waynewood Recreation Association. One hundred and fifty standard parking spaces are going to be provided, he said, and they think they will be able to do that by using the basketball courts, etc. and he hoped that the language would not cause the staff to immediately discard it and say "you have to get a brand new site plan showing 150 parking spaces according to County specifications". He hoped it was not the staff and Board consensus for them to tear up the parking and redesign the project, forcing them to make a commercial venture out of a longstanding recreation area.

The parking ratio is the same for all pools in the County, Mr. Smith stated, and this was not designed especially for this particular organization.

Mr. Hazel said it was one thing to provide additional spaces for parking, and another to come in and submit an entirely new site plan for the entire project.

That would be up to the site plan department, Mr. Smith said. The motion only mentioned the fact that this comes under site plan requirements. It is up to the staff. There are provisions where it can be waived. The Board is specific as far as site plan requirements being met and this does not mean site plan cannot be waived. The Board will consider waiving the fencing requirement in the motion if that is what the citizens in the area want.

Mr. Hazel stated that he had a letter from the Waynewood Citizens Association in opposition tothe fence and he understood that the garden club has taken the position of opposition to the fence. The Pool Association is very much opposed for economic reasons. All of the adjacent owners except two are asking to delete the fence.

Mr. Engle stated that the Roohrs, who live at the corner of Dalebrook and Potomac Lane, are the only ones who object and they are quite a distance from the pool.

Mrs. Lutes, 1010 Danton Lane, stated that she had no objection to deleting the fence. 150 parking spaces are fine, but she questioned the way they plan to do it. If they use the baskatball courts for parking, what would they do about basketball?

It could still be used for basketball when not being used for parking, Mr. Smith said.

Mrs. Lutes asked how they expect to drive cars through the opening through the fence and the basketball and tennis courts.

This would have to be discussed with the people who propose to do this, Mr. Smith suggested.

Suppose they still park on the street even with the additional parking facilities, Mrs. Lutes asked?

Call the Zoning Administrator's office and he will check into this and if it continues, they would be called in for revocation of the permit, Mr. Smith said.

In application S-233-69, an application by Waynewood Recreation Association, application under Section 30-7.2.6.1.1 of the Ordinance, to enlarge existing swimming area in existing recreation area, located at Waynewood Boulevard and Dalebrook Drive, also known as tax map 102-4 ((5)) (21) 21C, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals amend their resolution of January 27, 1970, as follows:

Amend Number 5 under limitations: The Zoning Administrator may cause the property to be fenced entirely with a four foot chain link fence where none presently exists at such time as he finds that parking in connection with this use is not being confined to the site, or that trash is being allowed to accumulate excessively on adjacent properties. If they comply, there is no need to fence. If they comply with the parking requirements and police their grounds, there will be no problem. Seconded, Mr.Yeatman. Carried unanimously.

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DEFERRED CASES:

TRI COUNTY ELECTRIC COOPERATIVE, app. under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of electrical sub-station, located near intersec. of Cain Branch of Cub Run & Braddock Rd., Centreville District, (RE-1), Map 43 ((1)) pt. 12, S-241-69 (deferred from February 24)

Mr. Hobson stated that he had already submitted a certified copy of the court order and a copy of the writ of proceeding. He hoped that the Board in its motion would include the finding of fact which he submitted at the time of the hearing.

In application S-241-69, an application by Tri County Electric Cooperative, an application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of electrical sub-station, located near intersection of Cain Branch of Cub Run and Braddock Road, also known as tax map 43 ((1)) pt. 12, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of February, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is E. N. Chiles.
2. Present zoning is RE-1.
3. The area of the lot is 2.0087 ac. of land.
4. Existing facilities do not provide sufficient voltage to the southern end of the Company's franchise area.
5. Proposed use is immediately adjacent to the VEPCO high power transmission line which will provide power input into the proposed distribution station.
6. Proposed location is within a distance of the end of the distribution area that will permit maximum efficiency in reduction of the high power voltage at the earliest point for distribution at low voltage.
7. There is no commercially zoned land within one mile of the proposed site.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

TRI COUNTY ELECTRIC COOPERATIVE - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

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BAR J STABLES, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 8424 Hilltop Road, Providence & Centreville Districts, (RE-1), 49-1 ((1)) 17, S-20-70 (deferred from February 24, 1970)

Mr. Smith noted that the Board had received a copy of the lease.

Mrs. Johnson stated that she would have a maximum of seventy horses at any one time. At the present time she has thirty. There are two barns on the property; one with 26 stalls and one with 25. Horses are rented by the hour - $3.00 per hour.

In application S-20-70, an application by Bar J Stables, an application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, on property located at 8424 Hilltop Road, also known as tax map 49-1 ((1)) 17, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of February, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Earl N. Chiles.
2. Present zoning is RE-1.
3. Area of the land is 70.133 acres.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Hours of operation: 9 a.m. to 9 p.m., seven days a week.

5. Separate men's and ladies' restrooms for the benefit of the public must be provided.

6. All noise shall be confined to the site.

7. This is granted for a maximum of seventy horses on the premises at any one time.

8. All riding is to be confined to the premises - no riding on a public right of way.

9. There shall be a record kept of all accidents submitted to the Zoning Administrator upon request.

10. Fencing shall be inspected by the Zoning Administrator to determine whether it is adequate, prior to issuance of an occupancy permit.

March 17, 1970

BAR J STABLES - Ctd.

11. A minimum of twenty five parking spaces must be provided.

12. An insurance policy is to be maintained in force for the benefit of the public for the lifetime of this use permit.

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Seconded, Mr. Barnes. Carried unanimously.

Mrs. Johnson questioned the requirement of separate mens' and ladies' restrooms, saying there is only one facility on the property. Mr. Yeatman suggested renting a portable restroom.

Consensus of the Board was that the sanitary facilities for men and women would be left up to the Health Department.

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The Board discussed an application for Little League with Mr. Robert Hurst. Mr. Hurst requested that he be allowed to file the application along with plats that do not show some of the things that the application requires. They are anxious to proceed and they would like to do some clearning. When they get to the point where they have site plan, they could come back and have the site plan approved by this Board.

The Board agreed to accept the application with the plats presented, however, Mr. Hurst should bring a site plan to the Board later.

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DR. PROVENZANO - Request for extension.

Since the letter was sent in prior to the expiration date, Mr. Baker moved that the Board grant an extension of 180 days (in accordance with the recent Resolution adopted by the Board) from March 12, 1970 and it should be understood that there will be no further extensions. Seconded, Mr. Yeatman. Carried unanimously.

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The Board and Mike Smith discussed the possibility of rehearing the application of City Engineering and Development Company, since Mr. M. Smith said that Citgo has refused to settle on the property under the terms stated by the Board in their resolution.

Mr. Smith stated that he could not in his own thinking delete this requirement from the condition as he felt the entire motion was based on it.

Mr. Yeatman moved that the Board advertise reconsideration of this application, in view of new evidence. Seconded, Mr. Baker.

Mr. Long amended the motion to have the County Attorney review the covenant and rule on it prior to reconsideration.

The Board instructed Mr. Phillips to request a ruling from the County Attorney before the next meeting.

Mr. Yeatman and Mr. Baker accepted the amendment.

Carried unanimously.

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The meeting adjourned at 4:56 P.M.
By Betty Haines, Clerk

Daniel Smith, Chairman Date 6/9/70

The regular meeting of the Board of Zoning Appeals was held on March 24, 1970 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mrs Daniel Smith, Chairman; Mr. Clarence Yeatman; Mr. Richard Long; Mr. George P. Barnes; Mr. Joseph Baker.

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

Mr. Knowlton introduced Mr. Robert W. Jentsch who spoke on the basics of planning.

GEORGE M. & JEAN C. POLLARD, application under Section 30-6.6 of the Ordinance, to permit stable closer to side property line than allowed, 9369 Campbell Road, Centreville District, (RE-1), 28-1 ((2)) 10, 11, V-30-70

The Board granted them a variance last December, Mr. Pollard explained, and since then they have discovered they are too close to the well and the Health Department will not approve the building permit. The Health Department requires a 100 ft. separation between the well and the stable. The stable will be 13' x 31' and will have two stalls and tack and feed room.

No opposition.

In application V-30-70, an application by George M. and Jean C. Pollard, to permit stable closer to side property line than allowed, 9369 Campbell Road, also known as tax map 28-1 ((2)) 10, 11, County of Fairfax, Virginia, Mr. Yeatman moved that the Board adopt the following Resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is approximately two acres.
4. A variance was granted on a separate setback December 16, 1969 but the Health Department would not allow the applicants to build the stable because it was too close to the well.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (the topography of the land prevents it from being used as desired originally by the owner),

NOW, THEREFORE BE IT RESOLVED that the subject application be granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on the plats included with the application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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RICHARD O. SWIM, application under Section 30-6.6 of the Ordinance, to permit erection of garage closer to side property line than allowed, 2211 N. Trinidad Street, Dranesville District, (R-10), 41-3 ((6)) 14, V-31-70

Mr. Swim stated that the requirement in R-10 zone would mean that a garage would have to be 10 ft. from the side property line. It would be impossible for them to build a two car garage that distance from the side line. The garage they intend to build would be the length of the house, 28' 1" and the width would be 23' 4". There is a fireplace on that side of the house which protrudes out into that area 17 inches.

March 24, 1970

RICHARD O. SWIM - Ctd.

Mr. Barnes brought out the fact that the applicant could have a one car garage and still stay 10 ft. off the property line and he would not need a variance.

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They have two cars, Mr. Swim replied, and would like to put them in the garage. The second reason is that they need storage space. There is very limited storage in the house.

Mr. Smith explained that according to the Ordinance, the hardship must be based on certain requirements such as topography. The applicant is requesting a maximum variance and the Board can only grant a minimum variance. The Board is very sympathetic, but cannot grant variances as a matter of convenience. Most families today have two cars. The fireplace which was spoken of does not show on the plat, he noted.

Mr. Swim said he regretted that the fireplace location did not show on the plat. He thought the engineer knew of the requirements, he said, however he would like to point out that the lot is so shallow it would prevent him from making a detached garage which would be possible in some cases.

A carport could be constructed five feet from the side property line, Mr. Smith suggested, and this would house two cars.

Because of the limited storage space available in the back of a carport, Mr. Swim said, this would not be adequate for his needs. His opinion was that an enclosed garage would be nicer than an open carport would be and would be better for the neighborhood. The house was constructed about three and a half years ago. He plans to use the same type of brick and cinderblock as the dwelling, Mr. Swim continued.

Mrs. Patricia Otto asked for clarification as to how granting this variance would affect her property.

Mr. Smith assured Mrs. Otto that this would not affect her property.

In application V-31-70, an application by Richard O. Swim, application under Section 30-6.6 of the Ordinance, to permit erection of garage closer to side property line than allowed, 2211 N. Trinidad Street, also known as tax map 41-3 ((6)) 14, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the applicant.
2. Present zoning is R-10.
3. Area of the lot is 9,102 sq. ft.
4. Required side yard setback is 10 ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) especially shallow lot:

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following limitations:

1. The garage is not to be constructed closer than six feet from the side property line.

2. The garage exterior shall be of brick similar to the existing dwelling.

3. This approval is granted for the location and the specific structure indicated on plats presented with this application and is not transferable to other land or to other structures on the same land.

4. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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March 24, 1970

SHELL OIL COMPANY, app. under Sec. 30-7.2.10.2.1 of the Ordinance, to permit remodeling and add new bay and portico to existing Shell station, S. W. corner of Columbia Pike and Evergreen Lane, Annandale District, (C-N), 71-2 ((2)) pt. 2, 3, S-32-70

Mr. William Hansbarger stated that the use permit for this station was granted about thirteen years ago. Shell has programmed to take good locations and upgrade them to give better facilities and better looking buildings, Mr. Hansbarger said. What they propose to do here is to upgrade this station in accordance with color photographs which he presented. They propose to add a bay on the west side along with a storage room and on the east side an overhang for the telephone and vending machines. A portion of this property was taken for widening of Columbia Pike and in accordance with that, they show on their plat where they will move back the entrance to that site to conform with the taking. No variances are needed. The people who own property to the rear are the owners of this property also. Shell does not actually lease the 67.18 ft. in the rear. The lease line is shown on the plats presented.

Do they plan to screen the rear property line, Mr. Long asked?

It is not screened now, but if the Board requires it they will screen, Mr. Hansbarger agreed. The owners, who live there, are not concerned about it, but he thought the land was in the Annandale Plan for Commercial.

The Board discussed the "Top Value" banners over the bay, shown in the picture.

Mr. Hansbarger agreed they would have to come down.

No opposition.

In application S-32-70, an application by Shell Oil Company, an application under Section 30-7.2.10.2.1 of the Ordinance, to permit remodeling and add new bay and portico to existing Shell Station, located at the southwest corner of Columbia Pike and Evergreen Lane, also known as tax map 71-2 ((2)) pt. 2, 3, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the' by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a publi hearing by the Board of Zoning Appeals held on the 24th day of March, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is John N. and Catherine Davian.
2. Present zoning is C-N.
3. Area of the lot is 19,981 sq. ft.
4. Conformance with Article XI (Site Plan) will be required.
5. This is an existing service station operating under use permit of September 10, 1957.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. There will be constructed a six foot brick wall one foot inside the rear property line or lease line at such time as the Land Planning Branch determines the need.

2. All existing signs shall be in conformity with the sign ordinance.

3. No rental or leasing of trucks, autos or trailers, including sales, shall be allowed.

4. Granted to the applicant only; not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

5. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

6. This approval is granted for the buildings and uses indicated on plats submitted with this application.

Seconded, Mr. Barnes. Carried unanimously.

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March 24, 1970

OLD FRONTIER TOWN, INC., app. under Sec. 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Providence and Centreville Districts, (RE-1, C-G &C-N), 56-1, 56-3, ((1)) 4, S-33-70

Mr.Glen Goodsell represented the applicant. Nothing has changed in the last three years, he said. The registered agent for the Corporation is Robert I. Lainof, 1513 King Street, Alexandria.

The only criticism in the past year was the train whistle and gunshots, Mr. Smith recalled. The noise should be confined to the site.

Mr. Goodsell said they felt the shooting was necessary to give some added attraction to the children. The operation's profit is so marginal the Corporation would like to close it, but there are some people who feel this is of benefit to the County. His own children enjoyed it, Mr. Goodsell said.

Mr. Smith asked who supervises the operation on a day to day basis.

Mr. Goodsell did not know. Complaints about the operation are channeled through the office of Lainof or Cohen.

Mr. Smith asked that Mr. Goodsell submit the name of the person who would be responsible for the operation.

Mrs. Cora Fisher, 5000 Piney Branch Road, said she lives approximately one-half mile from this location, and the noise from this operation has been extremely bad at times. The noise from the guns shooting at times have had such reverberation that it sounds like a cannon being shot. She did not agree that this was of benefit to the County.

Perhaps the only way to stop the train whistle, Mr. Smith suggested, is to take the whistle off the train.

Mr. Lowell Wright, 12038 Lee Highway, also discussed noise from the operation. He told the Board that horses from Old Frontier Town have been driven down Lee Highway to the place where they are boarded and this is a very dangerous situation. One morning about eight to ten horses loose on the property directly opposite his. He said he was not asking the Board to close the facility down, but hoped that the County would better police the operation and be certain that they follow the restrictions set down by the Board.

Neal Riddell, 4621 Dixie Hill Road, represented the Dixie Hill Citizens Association, said that the points he had wished to make had been made by the other two speakers.

After more discussion, Mr. Baker moved to April 14, for further information requested by the Board -- a new certificate of incorporation showing that it is a valid Virginia Corporation, a lease on the parking area, and it would be helpful to the Board if one of the partners could be present and give the answers to the Board on the number of horses, etc. Seconded, Mr. Yeatman. Carried unanimously.

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VICTOR HERRMANN, app. under Section 30-6.6 of the Ordinance, to permit garage and wall closer to property lines than allowed, 8110 Timber Valley Court, Centreville District, (R-12.5), 49-2 ((20)) 7A, V-34-70

No one was present to represent the applicant. The application was placed at the end of the agenda.

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SHELL OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit storeroom addition to existing building, 6136 Franconia Road, Lee District, (C-N), 81-3 ((4)) 4A, S-35-70

Representative for the applicant did not have the required notices. Application was placed at the end of the agenda to allow him to go get them.

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CLIFFORD M. HEATH, application under Section 30-6.6 of the Ordinance, to permit dwelling closer to front and side property lines than allowed, 1922-1926 Birch Road, Dranesville District, (RE-1), 41-1 ((1)) 55, 55A, V-36-70

These are the last two lots that do not have houses on them in this side of the block, Mr. Heath explained. Most of the houses were built prior to the present Zoning Ordinance. He built some of the houses. They are asking that this be the same setback as the rest of the houses on the block. The frontage has always been 75 ft. and the lots were extended back to give more space. The land was subdivided in 1944.

This is an area of the County where there are a number of hardships, Mr. Phillips explained -- the unusual lot sizes and the nature of the lot lines, the rugged topography and sewer problems.

March 24, 1970

CLIFFORD M.HEATH - Ctd.

No opposition.

In application V-36-70, an application by Clifford M. Heath, application under Section 30-6.6 of the Ordinance, to permit dwelling closer to front and side property lines than allowed, 1922-1926 Birch Road, Dranesville District, (RE-1), 41-1 ((1)) 55, 55A, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of Lot 55A is 21,056 sq. ft. and 55 is 17,090 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot; (b) location of existing lots and buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started, or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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JJS CORP., T/A COMMONWEALTH CHRISTIAN SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit transfer of existing use permit for school, pre-kindergarten, thru 8th grade, day care, summer camp, 12 month operation, 7 a.m. to 6 p.m., maximum 325 students; 8822 Little River Turnpike, Providence District, (RE-1), 58-4 ((1)) 65, S-38-70

Mrs. Shirley W. Boyett requested permission to allow the JJS Corporation to take over the operation of Benjamin Acres Country Day School. The School has been doing business for thirty-one years. The new operation would continue in a very similar manner. Facilities are available for 325 students, nursery through eighty grade, including day care, with hours of operation from seven in the morning to six in the evening, five days a week, twelve months a year. During summer there would be a day camp similar to the one they now operate. The camp program would include various sports, etc. and swimming under supervision of trained counselors. The property consists of 4.2 acres of land, and three buildings suitable for school use. The only change they want to make in the existing facilities would be to add an additional parking area as shown on the plat. They would operate nine small school buses.

Mr. Smith noted a memo from the Health Department stating that they had no objection to the application providing enrollment is limited to 325 pupils due to on-site sewage disposal system serving the facility.

Mrs. Boyett said she was familiar with the Inspections reports and was prepared to correct any deficiencies.

Normally a service drive would be required along #236, Mr. Phillips stated, but as in most cases this would be waived until such time as the service drive is put in for the entire section, otherwise it would serve no real purpose.

Mr.Long said this would be subject to site plan control and could be left up to the Land Planning Branch.

No opposition.

JJS CORPORATION - Ctd.

In application S-38-70, an application by JJS Corporation, Trading As Commonwealth Christian School, an application under Section 30-7.2.6.1.3 of the Ordinance, to permit transfer of existing use permit for a school, pre-kindergarten through eighth grade, day care, summer camp; twelve month operation; 7 a.m. to 6 p.m., maximum 325 students, 8822 Little River Turnpike, Providence District, also known as tax map 58-4 ((1)) 65, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Hilda B. Hatton.
2. Present zoning is RE-1.
3. Area is 4.7944 acres of land.
4. Article XI (Site Plans) must be complied with.
5. This use has been operating under use permit granted in 1952 or 1953.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This is granted for a maximum of 325 students at any one time; ages 3 thru 15; nursery thru eighth grade.

2. Hours of operation will be 7 a.m. to 6 p.m., five days a week.

3. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

4. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

5. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

The Board briefly discussed the service drive requirement for this property.

Mr. Phillips stated that normally a service drive would be required along #236 but as in most cases this could be waived until such time as the entire service drive is put in for the section, otherwise it would not serve any real purpose.

The Board agreed this would be left up to the Land Planning Branch.

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MT. VERNON LODGE #219, A. F. & A. M., application under Section 30-7.2.5.1.4 of the Ordinance, to permit construction and operation of lodge temple with maximum of 250 members and permit construction of building closer to property line than allowed, 8209-8215 Mt. Vernon Road, Mt. Vernon District (R-12.5), 101-4 ((1)) 27 & 27A, S-26-70 and V-26-70

Mr. Bernard Fagelson represented the applicant.

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Mr. Fagelson stated that he was not here as a lawyer, but as a friend on behalf of the Masons. The Mount Vernon Lodge #219 is proposing to build a regular temple for the lodge. This lodge will be for the use of the Mount Vernon Lodge, the Eastern Star auxiliary, Jobs daughters and DeMolays associated with the Masons. This will be a 50' x 100' two story building to be used only for lodge purposes. The very fact that being a Mason to some extent indicates reliability and responsibility. The organization would probably have two stated or called meetings a month and the Eastern Star may have as many, as may the DeMolays and the Job's Daughters. It is safe to assume that in a month they might have six or eight stated or called meetings. Probably 25 to 30 people out of 250 membership would attend regular meetings. Once a year at a meeting where the Grand Master is in attendance, there might be over 100 but that is only once a year. The building is proposed to be brick veneer with white Colonial columns.

Mr. Johnson visited four of the five neighbors, Mr. Fagelson continued. Mrs. Allen, adjoining neighbor to the north stated that she was very much in favor and the other three stated that they were in favor of the application. Because of the odd shape of the lot, it is necessary to request variance from the 100 ft. setback. The variance should not create any problems.

Mr. Smith questioned the proposed parking - he felt that one space for each three members should be provided. Is the lodge the owner of the property, he asked?

Yes, they have owned it for six years, Mr. Fagelson replied. The building on the property will be torn down.

Opposition: Maurice Wolf appeared as a resident of Riverside Estates, as President of the Riverside Estates Civic Association, and as President of the Mount Vernon Council of Citizens Associations. The Council had a Board meeting, he said, and voted unanimously to oppose the application. Eight were present of the total membership of nine. The Riverside Estates Civic Association had 122 people present and 120 were opposed. He said he was also appearing in a fourth capacity -- representing four of the most immediate neighbors: Mr. and Mrs. O'Brien, Lot 28A, contiguous to the property; Mr. and Mrs. Sabrine, Lot 21 opposite the property; Mr. and Mrs. Risso, Lot 20 opposite the property, and Mr. and Mrs. Kelp, 3404 Ayers Drive. He presented a letter signed by these four people. The reason the other lady, Mrs. Allen, adjoining the property on the north, did not sign was because she is the daughter of the lady who sold the property to the Masons and said that she was neutral.

Mr. Wolf stated that he had been informed by the Chairman of the Building Committee of the Masons Club that the building would be used for as many as 250 members. The same gentleman informed him that present membership is 270 and someone along the line has mentioned a figure of 400. There would be many other functions taking place at the lodge and it would be used by school children during week days for rehearsals and other meetings. With 250 members and an average of two children each, theoretically there could be 500 children there.

How many people would be allowed to use the building at one time according to fire regulations, Mr. Smith asked?

Mr. Fagelson did not know.

Mr. Wolf continued by saying that the number of children using the premises was immaterial, but he described the road as being dangerous and school children would be using that road. Also, in granting a use permit, the Board must take into account the effect that traffic would have on the area and the citizens contend that it would be detrimental to adjacent properties. He said they also understood that the lodge would be rented to other groups -- how many groups and how many people? Also, that Christmas trees would be sold on the premises, and they felt these activities would be detrimental to the area.

Mr. Wolf said he had been informed that the Masons do not plan to construct the building for two years. Someone else mentioned that the purpose of the hurry was to allow the contractor to use fill from this site to fill another location. What about erosion?

Mrs. O'Brien, Lot 28A, stated that the Lodge property would be on two sides of hers. She objected to loss of privacy in a residential area and felt this would affect the resale of her house. The house on the property has been used by the Lodge once or twice a week with 10 to 14 cars parked there. She is a teacher, she said, a nd teaches teenagers 7 1/2 to 8 hours and after all day it gets pretty wearing on the nerves and she would appreciate coming home to peace and quiet, and not being exposed to teenagers at the Lodge. She would be delighted to sell her home to the Masons as it would not be a desirable property for anyone else.

Mr. Smith pointed out that the Masons would be prohibited by their by-laws from renting the building to anyone else. The organizations mentioned are families of the Lodge members and it could be stipulated in the motion that this would not be rented to outside organizations.

March 24, 1970

MT. VERNON LODGE #219 - Ctd.

Mr. Fagelson stated that it was their intention to construct the building well within the period of the use permit.

Mr. Smith reminded him of the Board's policy to grant only 180 days for an extension of a use permit or variance.

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What is the overall height of the building, Mr. Smith asked?

Mr.Fagelson said the building would be 4 ft. underground and 12 ft. above ground.

Mr. Smith noted the staff recommendation and Planning Commission recommendation for denial.

The Board discussed the removal of topsoil from the property.

The building is going to be 4 ft. in the ground, Mr. Johnson of the Building Committee, said and they had no place to put the dirt, so they took it across the highway and got rid of it without costing them any money.

The excavation would not be allowed to remain open, Mr. Long cautioned.

In application S-26-70, an application by Mount Vernon Lodge #219, A.F. & A.M., application under Section 30-7.2.5.1.4 of the Ordinance, to permit construction and operation of lodge temple with maximum of 250 members, 8209-8215 Mount Vernon Road, also known as tax map 101-4 ((1)) 27 & 27A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning of the property is R-12.5.
3. Area of the lot is 2.66 acres of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

The building shall be of architectural design, brick Colonial, 50' x 100'; there will be 250 members maximum; 85 parking spaces must be provided. Standard County stockade fence and screening shall be placed on the north property line for the limits of this use. There will be no rental to outside organizations of the building or the premises. Any outside lighting must be directed onto the property itself and all noise confined to the premises. The building must be constructed in a continuous operation -- no excavation should be left open beyond what is considered good construction practice. A deceleration and acceleration lane must be constructed on Mount Vernon Road frontage, length and width to be determined by the Land Planning Branch. There shall be no entrance and exit along the eastern property line. No use shall be made of these premises beyond 11:30 p.m. on weeknights without prior approval of the Zoning Administrator. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board. Seconded, Mr. Baker. Carried unanimously.

In application V-26-70, an application by Mount Vernon Lodge #219 A. F. & A.M., application to permit construction of building closer to property line than allowed, 8209-8215 Mount Vernon Road, Mount Vernon District, also known as tax map 101-4

March 24, 1970

MOUNT VERNON LODGE #219 - Ctd.

((1)) 27 & 27A, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning of the property is R-12.5.
3. Area of the lot is 2.66 acres of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) irregular shape of the property;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried unanimously.

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THOMAS J. DAWSON, app. under Sec. 30-6.6 of the Ordinance, to permit construction of carport 2 ft. from side property line, 6632 Moly Drive, Dranesville District, (R-10) 40-4 ((6)) 47, V-42-70

The driveway slopes, Mr. Dawson stated, and parking cars on the steep rise makes a dangerous situation. He would like to have a carport for parking his cars. The property terminates at the end of Primrose Drive, a side street that dead ends and on street parking creates a safety hazard, especially during bad weather. The street at this point is 26' 5" including curb and gutter. The proposed carport would enhance the property and other properties in the area. The neighbors have no objections. The addition will meet all Zoning regulations and due to the urgency of a situation with relation to his wife's sister who has terminal cancer, they already have the permit to start that work. The only variance is for the carport.

The size of the carport could be cut back at least one or two feet, Mr. Smith suggested. The Board must talk about minimum variances rather than maximum. A 12 ft. carport normally is considered satisfactory relief and in some cases the Board has limited the size to 10 ft.

The ground level of the house is approximately 30 to 40 inches above ground level, Mr. Dawson stated, and they have to have a stoop in the carport to get in the house. The stoop would take up some of the space in the carport.

The house is 15.6 ft. from the other side, Mr. Long noted, and if the house had been moved over further that way, he probably could get a carport all right. This is a narrow lot and the placement of the house on the lot has certainly restricted this use. The house was built 13 or 14 years ago.

No opposition.

In application V-42-70, an application by Thomas J. Dawson, an application under Section 30-6.6 of the Ordinance, to permit construction of carport 2 ft. from side property line, on property located 6632 Moly Drive, also known as tax map 40-4 ((6)) 47, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

March 24, 1970

THOMAS J. DAWSON - Ctd.

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WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 10,318 sq. ft. of land.

AND WHEREAS, the Board has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot; (b) unusual condition of the placement of the existing dwelling;

NOW, THEREFORE BE IT RESOLVED that the application be and the same hereby is granted with the following restrictions:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 4-0, Mr. Yeatman out of the room.

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JAMES A. SMITH, RRR LIMITED PARTNERSHIP, INC., application under Section 30-6.6 of the Ordinance, to permit building closer to property line than allowed by Ordinance, 5400 Port Royal Road, Annandale District, (I-L), 79-2 ((4)) F-1, E-2, V-48-70

Mr. James Smith stated that the building is under roof but not quite complete. Site plan was approved about six months ago and the encroachment was not apparent. They later added a retaining wall and found the encroachment. This was a mistake which was not found till the building was almost completed.

No opposition.

In application V-48-70, an application by James A. Smith, RRR Limited Partnership, Inc., an application under Section 30-6.6 of the Ordinance, to permit building closer to property line than allowed by Ordinance, 5400 Port Royal Road, Annandale District, (I-L), 79-2 ((4)) F-1, E-2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is RRR Limited Partnership, Inc.
2. Present zoning is I-L.
3. Area of the lot is 2.8934 acres of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that noncompliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

March 24, 1970

RRR LIMITED PARTNERSHIP, INC. - Ctd.

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This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

Seconded, Mr. Barnes. Carried 4-0 (Mr. Yeatman out of the room).

//

ERNEST J. THOMAS, DOMINION BUILDING COMPANY, application under Section 30-7.2. 10.5.4 of the Ordinance, to permit retail sales for travel trailers and camping equipment, located on Curran Street, part of Lot 4, all of 5, 6, 7, Mackalls Addition to McLean, Dranesville District, (C-G), 30-2 ((11)) pt. 4, all of 5, 6, 7 S-49-70

Mr. Thomas stated that he is leasing the property from Dr. Patton and his lease runs from March 1970 to March 1971 with option for renewal for one year. He would use the front portion of the building for office space as required by the State and have parking for the trailers and customers as shown on the plat. These would be camping trailers; there would be no utility trailers. He requested an out of turn hearing on this application because he was in danger of losing his franchise. It was supposed to expire March 20 but they have given him two or three more weeks. He has already purchased one unit to keep the franchise open and it is sitting in his back yard.

Mr. Smith noted that a variance would be required in connection with this application.

Mr. Thomas stated that he was not aware of this.

Mrs. Andrews, Vice President of the McLean Citizens Association, reminded the Board of their standing policy to oppose variances unless there is a special overriding reason. They will be opposing any variance on the use of this property at a future date. It appears that the applicant plans to use the property right away and will require a variance, so even though that's not before the Board today, she wished to state that he is asking for a two year waiver of site plan and will be using the property primarily for outdoor display which will contribute to the visual pollution of McLean at a point which has been chosen as a focal point of the central business district under the new McLean Plan. One of the problems of the central business district has been the fragmentation of the property into 25 ft. lots in the 1920's and one of the goals of the new McLean Plan will be to encourage the assembling of the small parcels into a large enough tract to have a major retail commercial use at this location with a skating rink, a shopping mall and other amenities that will make McLean an attractive, livable place and bring new business and broader tax base to McLean and the County. They would hope that the interim uses permitted by the Board would not contribute further to the downgrading of the area as far as the appearance is concerned.

Mr. Smith reminded Mrs. Andrews that this is C-G zoning and there are many uses that could go in by right which might be more objectionable than these enclosed trailers. If the permit were granted, the property could be used as long as he does not use the house, without the variance.

It's not the use of the house as an interim use, Mrs. Andrews said, it's the outdoor display that they object to. They have just had a $50,000 study completed which justified the proposal that a department store be encouraged to locate here.

The Board discussed the McLean Plan proposals with Mrs. Andrews.

Mr. Smith asked if there was any possibility of this plan being implemented within two years?

In the case of all master plans there is no question as to whether a plan will be adopted, Mr. Phillips stated, the question is to what exact plan will be adopted and in reviewing the Planning Commission's recommendations on this plan, the major points of departure that they recommend from the proposal are concerned with the Old Dominion by-pass and a couple of road situations and some minor uses. The overall concept of the plan is supported by the Commission and will probably be adopted and implemented, this being an excellent location for this kind of thing. As to the cost of land and desirability of different types of development, the cost of land will be because of the potential for development and, of course, the potential for development will justify the expenses that developers would have to go to to acquire land. This whole area, no matter what the development is at present will eventually be developed with private initiative justified by the potential return. This use as proposed would most likely be, at best, an interim use. It's hard to say when redevelopment would occur.

Mr. Thomas stated that he did intend to put a good, clean business in this area. He felt that McLean could use the business.

March 24, 1970

ERNEST J. THOMAS - Ctd.

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In application S-49-70, an application by Ernest J. Thomas, Dominion Building Company, under Section 30-7.2.10.5.4 of the Zoning Ordinance, to permit retail sales of travel trailers and camping equipment, property located at 6725 Curran Street, also known as tax map 30-2 ((11)) pt. 4, 5, 6, 7, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of March, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Dr. Charles Patton.
2. Present zoning is C-G.
3. Area of the property is 24,500 sq. ft. of land.
4. Compliance with Article XI would be required.
5. Variance would be required for front setback which must be considered in conjunction with a use permit.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not presented testimony indicating compliance with standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and the use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion.

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The Chairman recalled the application of VICTOR HERRMAN which was placed at the end of today's agenda because the applicant was not present when the case was called.

Mr. Herrman did not have the required notices and the case was deferred for the April 21 hearing.

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Mr. Smith called the case of SHELL OIL COMPANY which was deferred from the morning session for proper notices.

Mr. Charles Langen requested continuance of the case until proper notification had been made.

The Board deferred to April 14 for notices.

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V-22-70 - LEONARD WORTHMAN - deferred from March 17 for new plats and for decision only. (to allow pool to be constructed closer to house than allowed)

In application V-22-70, an application by Leonard Worthman, under Section 30-6.6 of the Zoning Ordinance, to permit erection of swimming pool closer to dwelling and property lines than allowed by Ordinance, located 8322 Stonewall Drive, also known as tax map 39-3 ((16)) 188, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspapers posting of the property, letters to contiguous and nearby property owners, and a public hearing held by the Board of Zoning Appeals on the 17th day of March, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the property is 14,160 sq. ft. of land,

March 24, 1970

LEONARD WORTHMAN - Ctd.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

1. exceptionally irregular shaped property;
2. exceptional topography problems and easement problems;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for location of specific structures indicated on plats included with this application only - not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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Request from Riverside Gardens Recreation Association - Mr. Smith read the request for improvements to be made to the lounge area and enlargement of the area, without the necessity of refiling.

Where there have been expansion of uses, Mr. Smith noted, it would require a new application. Will this proposed change not require a review by the Site Plan office?

This is questionable, Mr. Knowlton stated. It might require a site plan waiver. There are no additional recreational facilities included in that,no additional membership or parking required.

It seems, said Mr. Long, that it would be the Zoning Administrator's job to require a rehearing, and then if the Board was not satisfied with his decision they could overrule it but that's what his job is.

The Board is now specifying in its motions that any change must come back to the Board for further review, Mr. Knowlton said, and the staff doesn't have this on the old cases, but are requiring it -- that any changes, additions, etc. are cause for further review by the Board and it doesn't say a "formal application before this Board", it says further review. It's this review we are looking for to see if the Board's interpretation would be to amend the original action to include this or if it would require an application.

Mr. Long was concerned about theZoning Administrator being by-passed when these things are brought before the Board without his interpretation first.

The Zoning Administrator's responsibility for interpretation is traditional and the staff tries to maintain it as much as possible. Of course, the vast increase in the number of offices that handle different aspects of the Ordinance, has created a great deal of confusion. Some responsibilities of the Zoning Administrator are carried out by a large number of people and they act as agents of the Zoning Administrator. Possibly the solution in this case would be to designate somebody as being responsible for these things and appeal their decision through the Zoning Administrator to the Board, if necessary.

Mr. Mead explained what they propose to do. The use of the lounge area will remain as it has been except that by extending the roof line they will provide a certain amount of shade. They plan no change in the use of the property in any way.

The Board discussed this at length. Consensus of the Board was that a new application would be required and that the application could be heard on April 21.

The Board discussed establishing a policy on these matters, to require a new application. Mr. Long felt that the Zoning Administrator should be consulted on these matters and if anyone wanted to appeal his decision, then they could come to the Board.

Mr. Phillips stated that this situation points to some tremendous problems in the reorganization, with conflicts between the organization and the State law and the County Code.

Mr. Barnes felt this was something that should have been taken to the Zoning Administrator for his approval - he is capable of approving this.

March 24, 1970

RIVERSIDE GARDENS RECREATION ASSOCIATION - Ctd.

Mr. Smith disagreed that the Zoning Administrator was empowered to do so under the present ordinance. Any time the request involves a building permit, the Board must take action on it before the Zoning Administrator can approve it. This is a good item that the Board could spend some time on at a later date.

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Mr. Smith read a letter from the County Attorney dated March 23, 1970 regarding the application of CITY ENGINEERING AND DEVELOPMENT CORPORATION, in response to a request of this Board.

The County Attorney's letter does comply with the intent of his motion, Mr. Long said.

The Board agreed to advertise this for reconsideration on April 14. The Board has granted the permit and this is not to change the motion other than to the stipulation of staging of development.

The meeting adjourned at 6:09.
By Betty Haines, Clerk

Daniel Smith, Chairman

6/9/70 Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 14, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Clarence Yeatman, Mr. Joseph Baker and Mr. Richard Long.

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

Mr. James Bell from the Park Authority gave a brief talk on the functions of the Park Authority. He showed slides of various parks throughout the County.

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HUNTER MILL COUNTRY DAY SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit expansion of use permit to allow 100 children, ages 2-16, nursery through third grade, all day care, remedial tutoring for older children, and use of small ponies for the younger children, 2021 Hunter Mill Road, Centreville District, (RE-2) 27-4 ((1)) 3, S-37-70

Mr. Klare, President of the Hunter Mill Country Day School, Inc. and administrator of the School, stated that the owner of the five acre property is the Angelica Corporation. The Hunter Mill Country Day School, Inc. has a lease from the Angelica Corporation. These are family held corporations in the State of Virginia. The lease runs until the day that Angelica Corporation might decide to dispose of the property.

The Board should have a copy of the lease and the articles of incorporation, Mr. Smith stated.

In answer to a question from Mr. Long, Mr. Klare stated that the school owns two buses and two station wagons and the transport some of the children; the rest are brought by parents.

Mr. Long stated that eight parking spaces for 100 students did not seem like enough.

There are eight parking spaces prepared, Mr. Klare stated, and on the plat there are three more indicated.

Mr. Smith expressed concern about the fact that the distances from property lines were not shown on the plat for the barns, shed, and buildings. How much land is involved, he asked? Is the Board talking about the entire five acres of land?

It is a fact that when they take the children on hikes, they go back into the five acres, Mr. Klare said. Sometimes they take the children on to other people's land.

If the school has permission from the property owners it might be all right, but the Board would not be involved, Mr. Smith noted. How many ponies are on the property, he asked?

They have four at present, Mr. Klare replied. In the summer time they only have two. They keep two for friends during the winter.

No opposition.

Mr. Smith read the report from the Inspections Division and the Planning Commission recommendation recommending approval of the application subject to compliance with all applicable State and County Codes.

There was much discussion regarding the barns and distances from property lines. Mr. Klare stated that if this became a problem, he would give up the idea of using the horses. They cannot move the buildings. Another alternative, he suggested, might be to bring the horses to the school.

There is no advertised request for a variance, Mr. Smith stated, therefore the Board cannot consider granting a variance on the buildings.

Mr. Long moved to defer to April 21 for a copy of the lease and proper plats showing distances from the property lines for all of the buildings. Seconded, Mr. Barnes. Carried unanimously.

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SHAWNEE FARM, JAMES S. CHACONAS, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit riding stable (lessons available), and buying and selling of horses, 9600 Leesburg Pike, Dranesville District, (RE-1), 19-1, 19-2 ((1)) 16, 21, S-39-70

April 14, 1970

SHAWNEE FARM, JAMES S. CHACONAS - Ctd.

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Mr. Smith noted a letter from the applicant's attorney requesting deferral.

Mr. Koneczny stated that yesterday afternoon, Mr. Chaconas had told him that there was one requirement he had not completed and he hoped the Board would defer action to a later date.

The attorney does not give a reason for requesting deferral, Mr. Smith stated. He said he was quite concerned when a deferral is requested and no one shows up at the meeting. The applicant or his representative should be present to answer questions as to why he is requesting the deferral.

Mrs. Bettijane Allen, Humane Agent, stated that Mr. Chaconas' attorney had called her twice last week to ask if she planned to oppose the application and she told him that she did plan to. There is proof that the applicant is a front man for Wally Holly and there are cruelty charges against the applicant also, she said.

Mr. Smith stated that he was not in favor of deferring this application because no reason was given for the request to defer. The letter indicates to him that the attorney is getting out of it and it states that Mr. Chaconas will petition the Board for hearing at a later date. There is no indication that the attorney will pursue the application.

Mr. Baker moved that the application be allowed to be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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WESTERN UNION TELEGRAPH CO., application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of microwave tower and attendant telegraph facilities, and application under Section 30-6.6 of the Ordinance, to permit construction of building closer to lot lines as well as a microwave tower, closer to lot lines and higher than permitted by the Ordinance, 6565 Columbia Pike, (R-17), Annandale District, 60-4 ((1)) pt. 33, S-40-70 and V-40-70

The applicant's representative was not present.

Mr. Yeatman moved that the application be denied for lack of interest. Seconded, Mr. Baker.

Possibly the best approach on this application would be dismissal, Mr. Phillips suggested.

Mr. Smith read the Planning Commission recommendation to deny and the County Facilities Site Selection Committee recommendation to deny. He questioned whether the Board had authority to approve anything that is not approved by these two bodies. Without their approval, he doubted that it could ever be established. They have indicated very strong disapproval. Apparently the applicant no longer has interest in this application and in view of the fact that so many people are in the room interested in this case, the Board should dispose of it.

Mr. Yeatman moved that the case be discussed in view of the recommendation for denial by the Planning Commission and the Site Selection Committee. Seconded, Mr. Baker. Carried unanimously.

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THOMAS A. & PATRICIA B. GRANT, application under Section 30-6.6 of the Ordinance, to permit construction of addition closer to existing swimming pool than allowed, 2417 Childs Lane, Mount Vernon District, (R-12.5), 102-3 ((11)) (9) 25, V-44-70

Mr. Grant explained that they wish to add an additional bedroom to the upper level. There are two bedrooms in the upper level at the present time. They have one son who is eight years old and are expecting an additional child in May. The eight year old has a fear of being left alone in the dark and it would be difficult at this age to move him to the lower level of the house. They feel that it would be necessary to have separate bedrooms for the children due to difference in age. This is the only location for an addition primarily because of the style and the location of the house on the lot. They are the original owners of the house. The swimming pool was installed after they purchased the house. The only variance they are seeking is from the swimming pool itself.

No opposition.

In application V-44-70, an application by Thomas A. and Patricia B. Grant, application to permit construction of addition closer to existing swimming pool than allowed on property located at 2417 Childs Lane, also known as tax map 102-3 ((11)) (9) 25, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

April 14, 1970

THOMAS A. & PATRICIA B. GRANT - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of April, 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 10,800 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) unusual condition of the location of existing structures on the property;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structures indicated on plats presented with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

VILLA LEE ASSOCIATES, application under Section 30-7.2.6.1.1 of the Ordinance, to permit community association swimming pool, located N. of Lee Hwy., and E. side of Hunter Rd., Providence District, (RTC-5), 48-4 ((1)) pt. 31, S-13-70 (deferred from March 10)

Mr. Griffitt Garnett represented the applicant. This is a private subdivision of forty-four townhouses, he said, and the pool would serve only these homes. This will be the first of Spanish motif subdivisions. All of the houses will be within 400 ft. of the pool. This is an F.H.A. project which means that all of the common areas, parking, streets, etc. will be dedicated to the association of homeowners and they will maintain and run the association exactly as it is done in Strathmeade Square Community Association. These homes will sell from $35,000 to $38,000. The pool, streets, etc. will be dedicated to the Association to be utilized by the Association as their recreational area. They will be assessed against the property on a monthly basis. Maintenance is set by F.H.A. as a minimum and the only method of raising that assessment is a very laborious one. They have shown five parking spaces on the plat for maintenance vehicles and people working at the pool to park. They will erect whatever type of fence is required by the County.

Mrs. William G. Miller asked if Hunter Road is to be widened.

Mr. Garnett replied that the County will have it as park area and can do anything it wants to along there.

No opposition.

In application S-13-17, an application by Villa Lee Associates, application under Section 30-7.2.6.1.1 of the Ordinance, to permit community association swimming pool, located north of Lee Highway and east side of Hunter Road, Providence District, also known as tax map 48-4 ((1)) pt. 31, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable state and county codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of April, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact;

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Villa Lee Associates - Ctd.

1. Owner of the property is the applicant
2. Present zoning is RTC-5.
3. Area of the lot is 6,352 sq. ft.
4. Compliance with Article XI will be required.

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WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony that the application complies with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and;

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive land use plan embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses reqire a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. Membership of the pool shall be limited to people occupying the dwellings in this subdivision and their guests.

5. A stockade fence six feet in height shall be erected along the northerly line of Lot 17 from the rear toward the front for a distance which will provide proper screening.

6. There will be a minimum of five parking spaces provided for the use.

7. All noise shall be confined to the site.

8. All lighting shall be directed onto the site.

9. Hours of operation 9 a.m. to 9 p.m. seven days a week.

Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM & SUZANNE MILLER, application under Section 30-6.6 of the Ordinance, to permit storage addition 38 ft. from Beechwood Road, Lot 191, Section 8, Hollin Hills, 7220 Beechwood Road, Mount Vernon District, (R-17), 93-3 ((4)) 191, V-23-70 (deferred from March 17)

Mr. Smith read a letter from the Architectural Committee approving the proposed addition.

In application V-21-70, an application by William and Suzanne Miller, application under Section 30-6.6 of the Ordinance to permit storage addition 38 ft. from Beechwood Road, also known as tax map 93-3 ((4)) 191, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of March, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 15,112 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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WILLIAM AND SUZANNE MILLER - Ctd.

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems of the land; and (b) unusual condition of the location of existing buildings.

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NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The addition is to be constructed of material similar to that of the existing dwelling.

Seconded, Mr. Baker. Carried unanimously.

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WILLIAM R. WILSON, application under Section 30-6.6 of the Ordinance, to permit less width and area than required to permit three lots, 2509 Fowler Street, (R-10), 40-3 ((1)) 119A, Providence District, V-21-70 (deferred from March 17)

Mr. Robert Hurst presented new plats showing house location. This property was the subject of an application several years ago for exactly the same use, he recalled, but that variance expired. There is an old house on part of the property which will remain there. Lots 2 and 3 would have new houses built on them. This would help fulfill the need for low cost housing in the area. The original variance was granted to Myer Abraham, Mr. Wilson's partner.

No opposition.

In application V-21-70, an application by William R. Wilson, to permit less width and area than required to permit three lots, located at 2509 Fowler Street, also known as tax map 40-3 ((1)) 119A, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 28,381 sq. ft.
4. A similar variance was granted on this property before which expired.

AND WHEREAS the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless subdivision plat has been recorded. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Hurst apologized for not being present when the case of Western Union Telegraph Company was called earlier in the day. He said he was under the impression that the staff was going to take the case off of the agenda.

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SHELL OIL CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit store room addition to existing building, 6136 Franconia Road, Lee District, (C-N), 81-3 ((4)) 4A, S-35-70 (deferred from March 24)

Mr. Charles Langley represented the applicant. Shell Oil Company over the past eighteen months have been modernizing and beautifying their existing stations, he explained. They would like to add a store room and trash enclosure in order to improve the station in this location. This would be for storage of batteries, tires, etc.

Mrs. Helen Apperson stated that she owns property to the rear of the station and she questioned the two adjacent property owners which Mr. Langley said he had notified. Also, she said, they were assured that there would be a buffer zone which would be beautified with planting and on several occasions they have had to notify the County that this service station was abusing the C-N zoning by storing wrecked autos in the back of it. At the present time they are parking large dump trucks on what is supposed to be the buffer zone. The 8' x 25' extension which they propose to add will be within the buffer zone. If this addition is going to be allowed, then all of the other service stations should be allowed the same privilege.

Mr. Langley stated that the people he notified were adjacent property owners according to County tax records.

Mr. Yeatman moved that the Board hear the case. Seconded, Mr. Baker. Carried unanimously.

Mrs. Apperson asked who would be responsible for burying the pipe in back of the station? Right now, it is open drainage.

Public Works should handle this, Mr. Smith advised.

Mr. Lyles' neice, who did not give her name, stated that Mr. Lyles sold the property to Shell and he owns property adjoining the station. He has owned this land for thirty or forty years.

Mr. Covington assured Mrs. Apperson that the situation of large trucks being parked on the property would be corrected.

What type of fence is on the rear property line, Mr. Smith asked?

There is a white fence there at present, Mrs. Apperson said, and the ground is not paved. That is where the wrecked cars have been parked, outside of the fence.

Mr. Langley asked if they could fence the entire area with a fence to prevent the trucks from driving in. He agreed that they should be concerned with the storage of trucks on the property. This station is leased to Mr. Parsons, he said.

Trucks should not be allowed to park in a C-N zone, Mr. Long stated.

If they could put three trucks inside the bays at night, this would allow some flexibility, Mr. Smith suggested. There are many small contractors who do have to have their trucks serviced at night so they can use them during the day.

Mr. Lyles' neice suggested some type of fencing or screening to hide the station from the residential section to the rear.

In application S-35-70, an application by Shell Oil Company, to permit store room addition to existing building, located at 6136 Franconia Rd., also known as tax map 81-3 ((4)) 4A, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held the 14th day of April, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning of the property is C-N.
3. Area of the lot is 38,684 sq. ft.
4. Compliance with Article XI will be required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and,

SHELL OIL CO. - Ctd.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The proposed additions should be constructed of material similar to that of the existing building.

5. There will not be at any time, storage, selling, renting or leasing of trucks, trailers or automobiles in connection with this use.

6. Lighting is to be directed onto the property itself.

7. Any new signs shall be limited to 26 ft. maximum height.

8. A chain link fence with standard screening shall be placed 20 ft. behind the proposed addition along the back portion of the property.

Seconded, Mr. Barnes. Carried unanimously.

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OLD FRONTIER TOWN, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Providence and Centreville Districts, (RE-1, C-G and C-N), 56-1, 56-3 ((1)) 4, S-33-70 (deferred from March 24)

Mr. Glen Goodsell represented the applicant and stated that the manager of the property is present, and also one of the directors of the Corporation. He presented the Board with a copy of the articles of incorporation and the lease.

In view of the problems with the train whistle, Mr. Smith suggested that a copy of the motion granting this application, if it is granted, be placed in a conspicuous place so that any new management coming in would know that the train whistle is not to be used. All noise from the operation should be contained on the property of Old Frontier Town.

Mr. Lainof said the charges had been cut down to one-fourth and they should not be heard off of the property.

Mr. Smith questioned the statement that someone made at the previous hearing regarding horses walking up and down the highway from the recreational establishment to the Meade property.

Mr. Joseph Feldman, manager, and one of the Board of Directors, stated that they had a trailer for moving the animals but it broke down and they had boys ride a horse and lead two or three down the road. The horses are a pretty heavy expense to feed over the winter so from now on, at the end of the season they will sell the horses and in the spring they will repurchase others. There will be no need to move them and no need to keep them over the winter. Some of the horses escaped once when the wind blew down the pony ring and a portion of the fence but the caretaker was informed and they were brought back and corralled in another section. At present there are twelve horses on the property.

In application S-33-70, an application by Old Frontier Town, Inc., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, property located at 12300 Lee Highway, also known as tax map 56-1, 56-3, ((1)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of April, 1970 and,

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

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OLD FRONTIER TOWN, INC. - Ctd.

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NOW, THEREFORE BE IT RESOLVED, that the subject application be granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application.

4. This permit is granted for a period of from May 1, 1970 through October 31, 1970 and hours of operation will be from 9 a.m. to 8 p.m. seven days a week.

5. All noise is to be confined to the premises.

6. Horses shall be transported to and from the premises by conveyance, or individually led along the highway to adjacent property.

7. The train whistle shall be disconnected and not blown.

8. Sale of commercial items shall be limited to those approved under last year's use permit.

9. Copy of this use permit shall be posted in the office, including a copy of the sales items.

Seconded, Mr. Barnes. Carried unanimously.

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CITY ENGINEERING & DEVELOPMENT COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, 6383 Little River Turnpike, Springfield District, (C-D), 72-3 ((1)) pt. 56, S-5-70 RECONSIDERATION OF STIPULATION AS TO STAGING OF DEVELOPMENT

Mr. Smith read a letter from the County Attorney relating to this application. (Copy on file in the folder for this case.)

In reopening the case, the Chair ruled that interested citizens would be allowed to make a few brief remarks.

Mr. William Houston, 5204 Cherokee Avenue, President of the Lincolnia Park Civic Association, stated that when this application was before the Board on March 10, they opposed it because they felt that a gas station was not a harmonious use of the property. They still feel that way, however, if the County tells them they have to have a gas station as a next door neighbor, they would like as much protection as possible. Specifically, they would like the strongest possible assurance that the property be developed to provide screening between the gas station and residential properties on Chowan Avenue. A proposed office building would fulfill that need. After thorough consideration of the applicant's covenant proposal as a substitution for the Board's stipulation, they must object to it as not affording them the same protection.

This is a covenant that goes with the land, Mr. Smith said, and it is recorded with the land records of the County. The County Attorney has approved this as a proper document. The agreement is addressed to the Board of Supervisors.

Mr. Houston noted a letter from Supervisor Bowman dated April 10, 1970 stating that the covenant had never been submitted to the Board of Supervisors, therefore they have obviously not agreed to such a covenant. Mr. Houston urged the Board to deny the request. Also, he added, he has been instructed by the Executive Committee to advise the Board that they intend to ask under Section 30-6.11 of the Ordinance for a re-hearing on grounds that they have new evidence that could not have been reasonably submitted at the original hearing.

The Board can only take this up when they have a written letter requesting reconsideration and the facts must be presented at that time as to the information and the reason for requesting it, Mr. Smith stated. The covenant could not be used as a basis for reconsideration.

Mr. Houston agreed that in the request for rehearing they would make no reference as to the covenant.

Mr. Smith said he had been assured by the County Attorney that this covenant was a proper document when signed by the officials of City Engineering. Enforcement comes under site plan and the covenant would run with the land.

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CITY ENGINEERING & DEVELOPMENT - Ctd.

The Board of Supervisors is not required the sign this covenant, Mr. Smith continued -- it is a voluntary covenant and is actually a part of this use permit.

Mr. Myron Smith, representing the applicant, stated that he felt the covenant in replacing the limitation No. 4 on page 2 of the report dated March 11 would carry out the spirit and intent of the Board setting forth the limitations of that date and would insure that total development of this tract would be a service station and office building. The covenant does not need to be signed by the Board of Supervisors. As far as the entrance to the bays of the station is concerned, Citgo does not have any preference - they will go front or rear, whatever the Board directs.

Agent for the applicant has stated his intent and it is part of the record, Mr. Daniel Smith said. The only thing he could add would be that prior to the issuance of a building permit for the service station, that this be recorded in the land records and a copy of the time of recording, covenant, etc. be submitted as part of this record. It should be a certified copy.

In application S-5-70, an application by City Engineering and Development Company, to permit erection and operation of service station, 6383 Little River Turnpike, Mr. Long moved that the Board amend their resolution of March 11, 1970 as follows:

Under limitations: #2: Stipulation that service bays will open to the rear of the station -- change this to read: service bays may open to the rear or the front of the station. #4. Strike "site plan for the service station and office building shall be prepared simultaneously and service station is not to be opened prior to commencement of erection of the office building" and insert "a site plan for the service station may be filed separately and occupancy permit for the operation of the station may be issued upon the recordation of the covenant approved by the County Attorney, filed by the applicant with this application."

Mr. Smith restated the motion as he understood it -- that no building permit for the service station would be granted until such time as certification of the records is on file with the Land Use Administration office rather than through occupancy.

Seconded, Mr. Yeatman. Carried unanimously.

A copy of the voluntary covenant to run with the land is to be made a part of the record and overall development is to go forward as indicated in this covenant.

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Mr. Smith read a letter from Mr. Richard O. Swim asking for reconsideration of his application for variance which the Board granted in part. He cannot build a garage 6 ft. from the property line and he would like to have the Board review his application again.

The Board discussed the request with Mrs. Swim and Mr. Yeatman moved that the request be denied. The facts were presented at the hearing and the Board took the chimney into consideration. Seconded, Mr. Baker. Carried unanimously.

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A letter from Mr. Thomas Lawson indicated that the school of Educo, Inc. on Route 7 had obtained additional land along the side to make the building conform to setback requirements. The Board asked that a copy of a new plat be submitted showing the entire property involved in the use permit.

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FAIRFAX-FALLS CHURCH MENTAL HEALTH CENTER - Sleepy Hollow Road - Letter requested extension of time on the two trailers on the property, to September 1971.

Mr. Baker moved that the request be granted. Seconded, Mr. Yeatman. Carried unanimously.

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Colonel Futrell - Aquinas School - Request to use temporary trailers in connection with the school.

The Board has never allowed temporary structures for school use on residentially zoned property to his knowledge, Mr. Smith said. The Board took a long time to even grant some temporary use out in Reston for summer festival music. This could not be done without a formal hearing and he did not know whether the Board had authority to grant temporary buildings in a residential area for this type of use. There is a swimming pool on the property now and 150 students at one session and 20 in the afternoon -- that is 170 a day, quite a large number of students on less than one acre of land. There could be 300 if there were 150 at each session. The Board granted

some temporary trailers on commercial land for a school but never on residential property.

Col. Futrell asked about using the basement for school purposes if they do not expand the enrollment.

The basement could be used, Mr. Smith said, if they are not expanding the use itself.

There will be a basement dug under the existing building, Col. Futrell said.

Mr. Smith said he did not know whether this could be allowed but if the Building Inspector allows it to be done, and the enrollment is not increased, it could be used.

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Letter from Gaylord Leonard stated that a permit was issued to E. W. Maxwell four years ago to operate a beauty salon in an apartment complex. Now it is to be transferred to two other names. Is a new application necessary?

Consensus of the Board was that use permits are not transferable from one individual to another. A new application will be necessary.

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The Board read a letter from Mr. Crouch in connection with Brentwood School and stated that a new application would have to be filed.

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In connection with the court case of Long and Foster, Mr. Smith stated that Mr. Ralph Louk had offered his services at no expense to the Board, to represent the Board in the court case. Mr. Louk does have a valid interest in the application as he represented the applicants before the Board.

Mr. Yeatman moved that the Board authorize Mr. Louk to represent the Board.

Mr. Long expressed concern that it has taken the Board so long to get an attorney to represent the Board.

The Board members agreed to accept Mr. Louk's offer.

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The meeting adjourned at 4:33 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman Date 6/9/70

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 21, 1970 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. Clarence Yeatman, Mr. George Barnes and Mr. Joseph P. Baker.

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

Mr. Knowlton introduced Mr. Pete Johnson from the Division of Planning to give a short talk on the Site Selection Committee.

SCHOOL FOR CONTEMPORARY EDUCATION, DR. E. LAKIN PHILLIPS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit basement use for school, 25 to 30 children; 10 to 15 years old; 9 a.m. to 3:30 p.m., Monday through Friday, Charles Wesley Methodist Church, located at 6817 Dean Drive, Dranesville District, 30-4 ((1)) 26, (R-12.5) S-46-70

Mr. Edward A. Pierce, Jr. represented the applicant.

Mr. Smith asked for some written communication from the church giving Dr. Phillips authority to use the premises.

Mr. Pierce submitted a letter dated April 20 from the church indicating that the Board of Trustees has given approval for the use of their building for the school. There is no formal lease at this time but they will get one if necessary. The applicant in this case is the School for Contemporary Education, which is a Virginia non-profit corporation. E. Lakin Phillips is the Director of the School. Dr. Phillips is a professor of psychology and is director of the psychiatric clinic. He has been operating a school at 1524-1530 Chain Bridge Road since the fall of 1967. The school has a total of 70 students at this location and the McLean Baptist Church. The students at the school are retarded and disturbed children receiving special education which is not available in the public school system. The school is not supported by tax money, however, parents of the children do receive tuition grants to help them. The Board previously granted the applicant special permits for the existing schools. In December he was seeking a special use permit for property near Vienna which was denied.

The present site in question is zoned R-12.5, Mr. Pierce continued. It is on a three acre site and has parking for fifty cars, with room for more, if necessary. This is an existing building -- a one story building, with two levels. The school would occupy the lower level of the church building, consisting of approximately eight rooms. The church does not operate a nursery school or kindergarten and they use the rooms only on Sundays. The existing building sets back from Dean Drive approximately 200 ft.: it is a very nice site. The school, which would begin in September 1970, would have from 25 to 30 students; hours of operation would be 9 a.m. to 3 p.m. Students would be brought by parents or bussed in. In the school children are broken up into small groups, in separate rooms. There would be a short play period in the morning and one in the afternoon. Children would be closely supervised. The school would operate eleven months a year.

Mr. Smith asked if Dr. Phillips had seen the report from the Inspections Division.

Dr. Phillips said that he had, and that there did not appear to be any corrections that were substantial or that would be financially prohibitive.

Have the proposed sanctuary and the other buildings shown on the plat been built, Mr. Yeatman asked?

No, there are no immediate building plans, Dr. Phillips replied. This is special education for children who are retarded including disturbed children. Their problems overlap. These are children who could not function in public schools and their education has to be somewhat different. The purpose is to bring these children along to where they can be self-sustaining. These children are aged 10 to 15.

The Board is aware that Dr. Phillips does a good job in the area of retarded children, Mr. Smith noted.

Dr. Phillips stated that this type of education is not being supplied to these children in Fairfax County or Arlington and in many cases the alternative is institutionalizing these children. This is an emotional issue. There are two neighbors present who are happy about the school coming into the church.

Mr. Pierce presented a letter from Reverend Jackson of the McLean Baptist Church and Mrs. Eva Alexander who lives adjacent to the school at 1524-1530 Chain Bridge Road, in favor of the application.

Will the school in the Baptist church continue, Mr. Smith asked?

Mr. Pierce replied that it would.

Mr. Yeatman asked about tuition.

Mr. Pierce explained that the school is supported by tuition which is approximately

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SCHOOL FOR CONTEMPORARY EDUCATION - Ctd.

$4200 a year. Parents do receive tuition grants from the State, military and sometimes from insurance policies.

What about children who cannot pay, Mr. Yeatman asked?

They have two scholarship children in school now where little or no funds are available and the parents do receive about eighty per cent of the tuition from the military, Medicare, from the State and County school systems, and insurance policies, Mr. Pierce replied. Dr. Phillips' people are trained people. The principals in the school are psychologists and all of the principal staff are doctors. The teachers are trained in special education and this requires a very special type of training.

Mr. Smith noted that the Board had received two letters from people residing in McLean in close proximity to the existing school in the Baptist Church which spoke favorably of the school.

Mr. Pierce presented twenty-seven letters in support of the school.

Opposition: Mr. Alan Gates, 6816 Dean Drive, living directly across the street from the church registered objection to the opening of the school on the grounds that it would be a disrupting influence to the neighborhood. This number of people and attending traffic and service functions to supply this group would change the character of the neighborhood, he said. This activity "smacks" of commercialism. If this is granted, it might open the door to other objectionable activities. This is not the place for this type of activity and he recommended that the Board deny the application.

Mr. Gates presented an opposing statement signed by Mr. and Mrs. Charles Keller, Arthur R. Cook, James Shell, Richard Leach, Hugh W. Pettit, and Mr. and Mrs. Alan Gates.

Mr. George Embrey, 6820 Dean Drive, stated that the neighborhood is very lovely. The church is there and causes activity on Sundays and weeknight meetings. No one minds a church. Dean Drive is a very narrow street and the church is in a landlocked section. The neighbors thought this school was going to be a church kindergarten and now they have a feeling of alarm after listening to the presentation. A mystery has been created about the future of this property. They feel this is a step toward a different use of the property.

It is a use that is allowed in a residential zone with a use permit, Mr. Smith pointed out. He thought it would have been well if the minister of the church had been aware of the opposition to this and could have made the neighbors aware of what Dr. Phillips would be doing.

Would they have someone to restrain these children, Mr. Embrey asked?

In the first place they would not accept a child who has discipline problems, Mr. Smith said. This is a specialized school and would be similar to a Montessori school.

Emotionally disturbed children means children who need special care and supervision and he thought that was something the people in the neighborhood would like to know, Mr. Embrey said -- are they going to have a fence around the property?

The play area would have to be fenced, Mr. Smith answered.

If the church cannot afford to build the sanctuary, how are they going to make all of these corrections to the property, Mr. Embrey asked?

There is nothing major, Mr. Smith said. They will have to make some changes simply because the code requires more for all day school use.

Mr. Embrey stated that he had never had any feeling about insecurity about his wife and children and did not want to feel insecure about having to leave his wife and children for long periods of time. They would like the opportunity to research this and find out what is involved and perhaps they could be better prepared.

If this is deferred for additional information, the Chair will allow the citizens to submit in writing to the Clerk any additional information pro or con within one week, Mr. Smith suggested. No more testimony will be taken.

A woman who identified herself only as the mother of an emotionally disturbed child described her child's problems in school and the progress made since getting him in this type of school.

Mrs. Vivian Krizer, 3148 N. Quincy Street, described the desperate need for this type of facility. She, too, has a child in the school. Her child has an emotional problem and cannot keep up with the classes.

The children are transported to the school by bus and by car. They will have two or three small buses, 10-passenger buses, Mr. Pierce said. There will be a ratio of one teacher to five youngsters, plus an aide. There would be a couple of administrative people there too. The aides are hired and paid just like the teachers - they do not use parents as aides.

Mr. Smith suggested that the Board defer the matter and that the record be held open for one week for written testimony only. This concludes the public hearing. The Board should have a copy of a lease designating the square footage involved and the parking area to be utilized.

Mr. Yeatman moved to defer to April 28 for decision only. Seconded, Mr. Baker. Carried unanimously.

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SCHROTT, WHITAKER & DOUGLAS, INC., application under Section 30-7.1, Sub-sec. 30-7.2.6.1.3 of the Ordinance, to permit existing use permit issued July 30, 1968 to Computer Age Industries, Inc. to be amended to permit a school and counseling services, located 8800 Arlington Boulevard, Providence District, (RE-1), 48-4 ((1)) 39, S-43-70

Mr. Smith noted that the existing use which is under a Special Use Permit does not have an occupancy permit and is now asking for an additional use.

Mr. Chess appeared on behalf of the applicant in the absence of Mr. Thomas Lawson who filed the application. Mr. Chess stated that the original use permit was issued July 1968 and the staff report indicates that there has been no as built site plan filed or approved, therefore no occupancy permit has been issued. This is the result of the failure to complete the service drive. His client has made every effort to place a service drive along Route 50 but has been stalled in his negotiations with Vepco. There seems to be one or more poles in the right of way. The initial groundwork has been completed and the curb and gutter are in place, but negotiations have reached an impasse with Vepco at this time. It is his understanding, Mr. Chess continued, that the property is under lease from the Sauveurs. Computer Age recently acquired Schrott, Whitaker & Douglas, Inc. and would like to have this in their building.

Originally the Board was told that Computer Age would acquire the property, Mr. Smith recalled. The Board should have a copy of the lease from the owners of the property on the original application and a lease from the owners of the property or sub-lease to them showing authority to have Schrott, Whitaker & Douglas, Inc. to occupy the premises.

Computer Age has been conducting classes in computer training, Mr. Chess stated. The subsidiary is presently occupying the premises as well. He requested that the Board consider amending the original use permit to permit them to expand subject to their complying with all of the original requirements laid down in the use permit.

The Board has no authority to expand the use when they have not complied with the original restrictions, Mr. Smith said. The Board should have had a lease from the property owners to the Computer Age people at that time.

Mr. Smith questioned the notice to two contiguous property owners but Mr. Chess did not know which two were adjacent.

Mr. Smith asked him to find out who owns the property and see if the applicant has a lease-hold interest in this and the Board should be given a copy of the certificate of incorporation for the record. To grant the applicant this subsidiary the Board would have to see a copy of the certificate of incorporation and a lease from the owners of the property to Computer Age, and a sub-lease from Computer Age to the new applicant. If there is no lease, they could drop the name of the subsidiary and use only the name of Computer Age. No final action should be taken until all the facts are in on this.

No opposition.

The Board placed the case at the end of the agenda to allow Mr. Chess to get the additional information.

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MRS. GOLDIE A. GEHLEY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school for maximum of 20 children at any one time; hrs. of operation 6:30 a.m. to 6:30 p.m., 6467 N. Rochester Street, Dranesville District, (R-10), 41-3 ((5)) 52, S-47-70

Mrs. Gehley said she was requesting a use permit to do what she has been doing all of her life -- taking care of children in her home. The inspectors have inspected the property. She will use the whole house and the whole yard for these children. She would be providing a baby-sitting service for the neighborhood.

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GOLDIE A. GEHLEY - Ctd.

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Some days there would only be two or three children at her home, Mrs. Gehley said. She would take care of children five days a week.

If there were twenty children on the premises, who would help take care of them, Mr. Smith asked?

Mrs. Gehley replied that no one would help.

Mr. Thomas Forcort, neighbor of Mrs. Gehley, stated that he is a user of her services. Mrs. Gehley asked for twenty children because that's what the County told her to ask for. There is no magic in that number, he said. She will comply with the State and County requirements - if the State says she can have ten, she will have only ten. Mrs. Gehley does not furnish transportation. Most of the children are brought by their parents. Some of them are discharged from school buses after school and stay there until their parents come for them. The oldest child would be eleven or twelve years old. She occasionally keeps some children on Saturdays.

The plat does not show the location of the driveway, Mr. Smith commented. Would people be backing out into the street?

There is a 60 ft. hard surfaced driveway on the property, Mr. Forcort answered.

Mr. Smith explained the requirement in the Ordinance prohibiting parking in the front setback or within 25 ft. of any other property line and said that the Board must be assured by proper plats that all of these provisions can be met if the use permit is granted. Parking would not be allowed on the street in connection with the use permit and parents would not be allowed to back out into the street.

No opposition.

Mr. Yeatman moved to defer to April 28 for decision only providing that the applicant brings in plats showing a turnaround on the property with a minimum of two parking spaces meeting the setback requirements contained in the Ordinance. Seconded, Mr. Baker. Carried unanimously.

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Since the time was past 12:00, Mr. Smith stated for the benefit of anyone in the room who was interested in the case of HAYWOOD McCLARY, JR., application for nursery school at 4217 Evergreen Lane, that the applicant's attorney had requested deferral of the application in order to negotiate terminating a lease that now exists on the property. If the lease cannot be negotiated, he would abandon the application.

Mr. Yeatman moved that the application be deferred for sixty days. Seconded, Mr. Baker. Carried unanimously.

The tenant who lives in the house at the above address was present. Mr. Smith assured him that unless the gentleman who made the application has a valid lease on the property, the Board would not hear the case.

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DR. AND MRS. E. S. BRADLEY, JR., application under Section 30-6.6 of the Ordinance, to permit construction of open carport and open walkway closer to property line than allowed, 3701 Sprucedale Drive, Annandale District, (R-12.5), 60-4 ((16)) (I) 16, V-50-70

Dr. Bradley explained that they wish to enhance the beauty of their property by adding a carport. It is planned as part of the renovation of their property, including painting and landscaping work and for the convenience of their family for parking automobiles. They also want it for additional storage space.

Mrs. Patterson, neighbor of the applicant, appeared in favor of the application. It was her understanding, she said, that the applicant was told at the time of purchase that a carport could be built in this location, but she did not have anything in writing to back up this statement. The original plan showed that a carport could be built.

Mr. Smith read from the section of the Ordinance under which Dr. Bradley was applying.

Dr. Bradley stated that he purchased the house in December 1968 with the understanding that he could add a carport. He, too, had nothing in writing to back this up.

It would be an unusual circumstance, Mr. Smith said, if you had it in writing. The house should not have been purchased on the basis of conversation -- there should have been a contract to this effect. The carport would need an eleven foot variance even for a single carport, he said.

No opposition.

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DR. AND MRS. E. S. BRADLEY, Jr. - Ctd.

In application V-50-70, an application by Dr. and Mrs. E. S. Bradley, Jr., application under Section 30-6.6 of the Ordinance, to permit construction of open carport and open walkway closer to property line than allowed, property located at 3701 Sprucedale Drive, also known as tax map 60-4 ((16)) (I) 16, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning of the property is R-12.5.
3. Area of the lot is 12,516 sq. ft. of land.
4. Required setback from the property line for carport is 40 ft.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Barnes. Carried unanimously.

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PAUL M. ASBURY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school, 9 a.m. to 4 p.m., ages 6-9, maximum of 300 students; 8428 Highland Lane (Engleside Baptist Church), Lee District, (R-17), 101-3 ((4)) 34, 35, 36, S-51-70

Mr. Asbury requested that the application be amended to show the applicant as the Engleside Christian School. The receipt for the $50.00 filing fee was issued to Engleside Christian School.

Mr. George Whitton, member of the school board, stated that the church had drafted a resolution authorizing the school to be set up.

The Board placed the application at the end of the agenda to allow Mr. Whitton and Mr. Asbury to get a copy of the resolution that was passed.

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WESTMORELAND BAPTIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit morning nursery facility, 9:30 a.m. to 12:30 p.m., Wednesday, Thursday and Friday (maximum 30 children) located Westmoreland Baptist Church, 1988 Kirby Road, Dranesville District, (R-12.5), 40-2 ((1)) 48, S-53-70

Mr. Richard Stinnett, minister of the church, stated that they had been operating a morning nursery facility unaware that it required a special use permit. When it was brought to their attention they immediately filed the application. This nursery would be for pre-school children and the maximum number of students at any one time would be thirty. It is simply for the convenience of working mothers. They would care for children from five months to six years of age and would be under the direct control and supervision of the church itself.

No opposition.

In application S-53-70, an application by Westmoreland Baptist Church, an application under Section 30-7.2.6.1.3 of the Ordinance, to permit morning nursery facility, 9:30 a.m. to 12:30 p.m., Wednesday, Thursday and Friday, maximum of thirty children, located in the Westmoreland Baptist Church at 1988 Kirby Road, also known as tax map 40-2 ((1)) 48, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of April, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

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WESTMORELAND BAPTIST CHURCH - Ctd.

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 7.32 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for a maximum of thirty pre-school age children - five months through six years of age, 9:30 a.m. to 12:30 p.m., Wednesday, Thursday and Friday.

Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX LITTLE LEAGUE, INC., application under Section 30-7.2.8.1.4 of the Ordinance, to permit Little League baseball fields, snack bars and equipment shed located on proposed parcel A, a 10 acre tract, on the westerly side of Colchester Road approximately 800 ft. northwesterly of Popes Head Road, Centreville District, (RE-1) 66 ((1)) pt. 34, S-54-70

Mr. Robert M. Hurst represented the applicant. It is difficult with all of the woods to visualize how the ballfields, etc. are going to be laid out, he said. Little League would like to have the use permit for the use so they can go in and cut down trees and grade, but before they actually get involved in putting in ballfields, snack bars, etc. they would come back to the Board for approval.

Mr. Covington noted that they did not need a permit to clear the land as long as they do not grade deepr than eighteen inches.

Mr. Hurst stated that eventually they would probably have seven ballfields, but again it depends on the setbacks, the parking etc.

Mr. Warren Richards, President of the Fairfax Little League, Inc. stated that this year they registered approximately 1340 boys in Fairfax for Little League. The field probably will not be used until next year.

Mr. Smith suggested that they contact Mr. Chilton's office with relation to the entrances to the fields.

Mrs. Valorie Nimro, 6045 Colchester Road asked what kind of provisions would be made for cleaning up the trash and debris. She wanted to make sure that it did not clutter the street.

Mr. Smith told her that the Little League was responsible for cleaning up any trash that might accumulate on the property.

Mr. Richards stated that they have trash cans setting around the ballfield so the spectators can use them.

Would this use cause acceleration of sewer to this area, Mrs. Nimro asked?

The Little League plans to use portable johns, Mr. Smith stated. This would probably have no effect on the sewer problem and he was aware of the need in this area.

April 21, 1970

FAIRFAX LITTLE LEAGUE, INC. - Ctd.

What kind of racial proportions will be involved, Mrs. Nimro asked?

It is the policy of Little League and is mandatory from headquarters that there be no discrimination as far as the players are concerned, Mr. Smith informed.

In application S-54-70, an application for Fairfax Little League, Inc., application under Section 30-7.2.8.1.4 of the Ordinance, to permit Little League baseball fields, snack bars and equipment shed located on proposed Parcel A, a ten acre tract located on the westerly side of Colchester Road approximately 800 ft. northwesterly of Popes Head Road, being tax map 66 ((1)) pt. 34, County of Fairfax Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Roy A. and Mary B. Swayze and Fairfax Little League, Inc. is contract purchaser.

2. Present zoning is RE-1

3. Area of the property is 10 acres.

4. Conformance with Article XI (Site Plan) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. Preliminary site plan shall be submitted to the Board of Zoning Appeals for approval as to parking layout, entrances, screening, location of fields, etc. within six months.

Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES

PARK RUG & CARPET SHOP & SHOWKE GEORGE, application under Section 30-6.6 of the Ordinance, to permit addition closer to property lines than allowed, 7732 Lee Highway, Providence District, (C-G), 49-2 ((11)) 12A, V-19-70 (deferred from March 10)

Mr. Richard Shadyac, attorney for the applicant, stated that Mr. George has purchased the small strip of property adjacent to his so that now they have almost 195 ft. of frontage on Lee Highway as opposed to 169 ft. on Mary Street. At the hearing on March 10 there was some opposition from the Yarger Associates, adjacent property owners. There is a letter in the file now from Mrs. Yarger, dated April 17, 1970, advising that she withdraws her objection.

Since the piece of land purchased by the applicant is zoned Residential, Mr. Smith said the applicant would have to obtain permission from the Board of Supervisors to use this land for parking.

Since obtaining the additional land, Mr. Shadyac explained, according to County standards, for the purposes of this application the front of the property is classified

as the shortest frontage which would be Mary Street and would be no necessity for setback near the existing two story property. This would be commercial adjoining commercial. Now, the only area they believe they need a variance in at this point is on the side abutting Mary Street. The justification for that is that it would be in line with other structures along that street.

Mr. Woodson noted that the residential piece of property recently purchased would either have to have a parking permit or a rezoning to commercial before it could be used for parking purposes.

The applicant is basing this on a proposal and not on a fact, Mr. Smith said. He has to have authority from the Board of Supervisors to use this residential land before this Board can take any action on the application.

Wouldn't it be possible to obtain the variance on Mary Street now, Mr. Shadyac asked?

No, not with a proposal to park in an area where parking would not be allowed at the present time, Mr. Smith replied. Also, because the applicant is requesting additional land area involved in the variance, it would require readvertising of the property.

Mr. Shadyac agreed that it would have to be readvertised, but seemed to him, he said, that the variance on Mary Street already had been advertised.

Another thing, Mr. Smith pointed out, is that there is no indication on the plats as to meeting the front setbacks. The Board cannot make a decision without setbacks.

The Board discussed the details of the deed on the additional piece of property. Mr. Smith felt it was a very unique deed. The Board should have a copy of it for the record, he said.

Mr. Smith read the letter from Mrs. Yarger withdrawing her objection.

The Board agreed to defer the application to allow the applicant to proceed with rezoning or obtain a special parking permit from the Board of Supervisors. The application will be placed back on the BZA agenda when one of these two things has been accomplished.

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JAMES A. MORRISON, JR., application under Section 30-7.2.8.1.1 of the Ordinance, to permit construction and operation of boarding kennel, 10127 Colvin Run Road, Dranesville District, (RE-1 and C-G), 12-4 ((1)) 30, S-27-70 (deferred from March 17)

Mr. Morrison requested that the application be amended to show Colvin Run Pet-Otel, Inc. as the applicant. He presented a copy of a lease between the Corporation and the owner, Mrs. Michelitch.

It is not a valid lease, Mr. Smith said, as it does not become effective until the first day of May, 1970. A lease should be effective at the time there is a granting.

Mr. Morrison stated that no one resides on the property now. There are 5.279 acres of land involved. The westerly section of this parcel was deleted from the application and no C-G land is involved. Based on experience of other kennels, they expect that approximately twenty five per cent of the total number of animals will be cats; the other seventy-five per cent will be dogs. The proposed building will be 154 ft. x 36' and the height will be 14 ft. and they expect it will accommodate approximately 200 animals. They would like to have 300 animals as ultimate capacity. According to the plats, the building would probably accommodate 250 maximum. For short periods of time they can house more than for long periods of time. The building will be of cinder block.

Mr. Smith stated that the Board could not grant permission to build a cinderblock building in this residential area to house the animals - it must have some architecture similar to the residential area. This is not a commercial area and many people would interpret this as a commercial enterprise. How about runs for the animals, he asked?

They go out from the building 16 ft. and they would be fenced runs, Mr. Morrison answered. They plan to board dogs and cats and the kennel is to be completely enclosed with outside runs which would be used only between 8 a.m. to 6 p.m. and not before or after that time. At night the animals would be enclosed within the building. There will be drainfields and a septic field will be put in. There are three perk areas and Mr. Bowman of the Health Department says they will need 300 or 400 ft. of field to serve this use. They have allocated sixteen parking spaces, far in excess of practical needs. They would expect to have three employees in the beginning. The kennel would board and groom animals, brush, comb and clip animals. This would all be internal operation. He and his wife own fifty per cent of the stock and would be in complete control of the property and the use. He said that Dr. and Mrs. Michelitch are also part of the Corporation and their services on a consulting basis will be made use of. There will be no sick animals housed in this building.

COLVIN RUN PET-OTEL, INC. - Ctd.

In application S-27-70, an application by Colvin Run Pet Otel, Inc., application to permit construction and operation of boarding kennel, 10127 Colvin Run Road, Dranesville District, also known as tax map 12-4 ((1)) 30, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

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WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:'

1. Owner of the property is Lee H. Michelitch. Colvin Run Pet Otel, Inc. is the lessee as of May 1, 1970.

2. The application was made by a stockholder of the now existing corporation, James A. Morrison, Jr. and the application was changed to the corporation name at the request of the applicant.

3. Present zoning is RE-1.

4. Area of the lot is 5.27 acres.

5. Compliance with Article XI will be necessary.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same hereby is granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4 The western portion of this property is excluded from the use permit. The use is granted on 5.27 acres for a three year period. The Zoning Administrator is empowered to extend the use for three successive periods of one year each.

5. This is for boarding and grooming of animals, not to exceed 250 animals at any one time -- 75% dogs and 25% cats.

6. The kennel shall be constructed of new or used brick.

7. Runs shall be a minimum of 16 ft. in length and are not to be used before 8 a.m or after 6 p.m.

8. No sick animals shall be maintained on these premises at any time.

9. Wastes are to be disposed of in approved septic field system.

10. A minimum of ten parking spaces shall be provided for this use.

Seconded, Mr. Barnes. Carried unanimously.

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VICTOR HERRMANN, application under Section 30-6.6 of the Ordinance, to permit garage and wall closer to property lines than allowed, 8110 Timber Valley Court, Centreville District, (R-12.5), 49-2 ((20)) 7A, V-34-70 (deferred from March 24)

April 21, 1970

VICTOR HERRMANN - Ctd.

No one was present to represent the applicant. Mr. Yeatman moved to defer to May 12. If the applicant is not present on that date, the case will be disposed of for lack of interest. Seconded, Mr. Baker. Carried unanimously.

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The Board returned to the application of PAUL M. ASBURY - ENGLESIDE CHRISTIAN SCHOOL.

Mr. Asbury presented a copy of an enabling act setting forth the school board members, made a part of the by-laws of the Church. He introduced Mr. Wayne Thompson, Pastor of the Church. The children would be from age 5 to 18 and hours of operation would be 9 a.m. to 4 p.m. They have space for 300 students in the existing church building according to County inspectors. The building is solid brick construction with a steel skeleton, and meets the Fird Code of the County. The school will be open to anyone desiring the school services. They have not planned to transport any children. They will have four teachers to start with and approximately fifteen for 300 students.

No opposition.

In application S-51-70, an application by Engleside Christian School, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school, located at 8428 Highland Lane (Engleside Baptist Church), also known as tax map 101-3 ((4)) 34, 35, 36, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is Engleside Baptist Church.
2. Present zoning is R-17.
3. Area of the lot is 65,722 sq. ft. of land.
4. Article XI (Site Plan Ordinance) must be complied with.
5. Engleside Christian School is owned by Engleside Baptist Church.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for a maximum of 300 students at any one time; ages 5 - 18 years; hours of operation 9 a.m. to 4 p.m.

5. Forty parking spaces should be provided for the use.

Seconded, Mr. Barnes. Carried unanimously.

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HAYWOOD McCLARY, JR., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, 30 students, ages 3-5, 9 a.m. to 12 p.m. located 4217 Evergreen Lane, Annandale District, (R-17) 71-2 ((2)) 27, S-52-70

Deferred to June 23 at the applicant's request.

April 21, 1970

The Chairman recalled the case heard earlier in the day for SCHROTT, WHITAKER & DOUGLAS.

No one was present to represent the applicant. The Board deferred action to May 12.

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HUNTER MILL COUNTRY DAY SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit expansion of use permit to allow 100 children, ages 2-16, nursery through third grade, all day care, remedial tutoring for older children and use of small ponies for younger children, 2021 Hunter Mill Road, Centreville District, (RE-2), 27-4 ((1)) 3, S-37-70 (deferred from April 14)

Mr. Smith noted copy of a lease between the Hunter Mill Country Day School, Inc. and the Angelica Corporation, and noted that the Planning Commission heard this and recommended approval with a maximum enrollment of 100 students.

Mr. Klare stated that they do not plan to operate seven days a week but would like to keep that possibility. Also, he would like to have 100 students on the premises at any one time rather than being limited to maximum enrollment of 100.

Mr. Phillips recalled that there was no discussion before the Planning Commission as to how the enrollment was to be interpreted. The staff's intent was to treat this like all schools with respect to the number of people on the premises at any one time.

Mr. Klare stated that he has 100 children enrolled now but that doesn't mean there are 100 in the building at any one time.

In application S-37-70, an application by Hunter Mill Country Day School, Inc. under Section 30-7.2.6.1.3 of the Ordinance, to permit expansion of use permit to allow 100 children, ages 2-16, nursery through third grade, all day care, remedial tutoring for older children and use of small ponies for younger children, 2021 Hunter Mill Road, Centreville District, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the Angelica Corporation.
2. Present zoning is RE-2.
3. Area of the lot is five acres of land.
4. Compliance with Article XI will be required.
5. Hunter Mill Country Day School, Inc. is lessee of the property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following conditions:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started, or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use, or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for nursery school through third grade with remedial tutoring. This use is subject to compliance with all State and County Codes.

5. Hours of operation: 7 a.m. to 7 p.m., seven days a week.

April 21, 1970

HUNTER MILL COUNTRY DAY SCHOOL, INC. - Ctd.

6. There shall be a minimum of sixteen parking spaces provided for this use.

7. Play area is to be fenced with an approved fence.

8. The use of ponies is prohibited under this use permit.

Seconded, Mr. Barnes. Carried unanimously.

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CITY ENGINEERING AND DEVELOPMENT CORPORATION - Consideration of Lincolnia Park Civic Association's request for rehearing of this case.

Mr. Smith said he was sure that all of the Board members considered the traffic pattern and uses that could be permitted by right in this zone previous to the granting and the Beauregard - #236 Study is not a reason to rehear the application.

Mr. Baker agreed. There might be a use that could go in by right that would permit much more traffic.

In the request for reconsideration by Lincolnia Park Civic Association under Section 30-6.11, application S-5-70 by City Engineering and Development Corporation, to permit a gasoline station on property located 6383 Little River Turnpike, also known as tax map 72-3 ((1)) par. 56, Fairfax County, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, consideration of the request for rehearing was held by the Board of Zoning Appeals on the 21st day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The use permit was granted March 10, 1970 for a gasoline station.
2. A rehearing was held on April 14, 1970 and the original resolution was amended.
3. The Board had considered the following regarding traffic prior to this granting of use permit March 10, 1970: (a) road widening along #236 and service road is required on any commercial use of the property; (b) entrance to the gasoline station must be approved by the Virginia Department of Highways and the Land Planning Branch of Fairfax County under Article XI, Site Plan Ordinance; (c) traffic movement from Route 236 to the gasoline station is adequately controlled by Article XI (Site Plan Ordinance); (d) permitted uses in this zoning category and their impact on traffic and traffic movements, and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Lincolnia Park Civic Association has not submitted new evidence which had not been considered prior to the granting of the use permit by the Board of Zoning Appeals.

NOW, THEREFORE BE IT RESOLVED, that the subject request for rehearing is hereby denied. Seconded, Mr. Yeatman. Carried unanimously.

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Meeting adjourned at 5:30 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman 6/9/70
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 28, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Joseph Baker, Mr. Richard Long and Mr. Clarence Yeatman.

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

Mr. Knowlton introduced Mr. John W. Clayton, Director of the Division of Environmental Health, who gave a twenty minute talk on the responsibilities and activities of the Health Department.

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CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection of canopy 26 ft. x 52 ft. over existing pump islands, 7802 Richmond Highway, Lee District, (C-D), 101-2 ((6)) pt. 507, 508, S-55-70

This is an existing station built about 2 1/2 years ago, Mr. John Aylor stated, and it is a ranch type station. The applicant desires to build on to the existing pump islands a canopy. This is located in the Hybla Valley Shopping Center. No variances will be necessary in connection with the canopy. The canopy will be put up by Citgo at their expense at approximately $14,000. It will not increase the rent charged the operator. The roof of the canopy will be the same type roof as the existing station and will provide protection from sun, rain and snow for customers and people working there.

No opposition.

Since it was now 10:40, Mr. Smith called the next item:

CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection of canopy 50'6" by 22' over existing pump islands, and application under Section 30-6.6 of the Ordinance, to permit variance of setback for canopy from the property line adjoining Annandale Road (Rt. 649) located 3040 Annandale Road, Mason District, (C-D), 50-4 ((17)) pt. H, V-56-70

Mr. John Aylor also represented this application. This is a Colonial building with composition roof, he said. The canopy will be the same colors and same material on the top of the roof as the existing building. The request is for a 7 ft. variance. They would like to go to 15 ft. and the Code requires 22 ft. to provide cover for the cars parked closest to the road.

Cutting it off at the second pump island would give room for three cars, Mr. Smith suggested. There is no topographical problem and he could see no justification for a variance.

One of the reasons they require 22 ft., Mr. Aylor said, was that in the event the Highway Department wants to widen the road, it would cost less money to the taxpayers. If it were necessary to widen and they had to give up this location, they would only have to take off part of it and in the meantime it would serve the public to allow it in this location.

The Board of Supervisors granted a provision in the Ordinance to allow a canopy 22 ft. from a property line which is actually 28 ft. into the front yard to begin with, Mr. Smith said. When the Board thinks of allowing a canopy within 22 ft., they certainly must take a good close look at it. There are three covered filling spots if the canopy is set 22 ft. back.

Are these canopies designed to take care of trailer trucks, Mr. Baker asked?

No, Mr. McIntosh, the engineer, stated. These are not designed for trucks but would accommodate a truck about 12 ft. in height.

No opposition.

Going back to the service station at Hybla Valley, Mr. Smith said the Board would need a copy of a lease from the Hybla Valley Limited Partnership to Cities Service.

Mr. Aylor agreed to provide the Board with a copy of the lease. The property in the second application is also leased from the Westlawn Ltd. Partnership. A copy of that lease would also be provided to the Board members.

In application S-55-70, an application by Cities Service Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection of canopy 26 ft. by 52 ft. over existing pump islands, on property located at 7802 Richmond Highway, Lee District, also known as tax map 101-2 ((6)) pt. 507 and 508, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

CITIES SERVICE OIL COMPANY - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Hybla Valley Joint Venture; the applicant is lessee.

2. Present zoning is C-D.

3. Area of the lot is 15,280 sq. ft. of land.

4. Conformance with Article XI will be required.

5. A use permit was granted for the service station on this property July 26, 1966.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried unanimously.

In application V-56-70, an application by Cities Service Oil Company, under section 30-6.6 of the Ordinance, to permit variance of setback for canopy from the property line adjoining Annandale Road, located 3040 Annandale Road, Mason District, also known as tax map 50-4 ((17)) pt. H, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970,

AND, WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the Westlawn Limited Partnership.
2. The property is zoned C-D.
3. The area of the lot is 14,551 sq. ft. of land.
4. Service road has not been required across the front of the property.
5. A use permit was granted November 22, 1966 for service station on this property.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land or buildings involved.

THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Barnes.

Carried unanimously.

CITIES SERVICE OIL COMPANY - Ctd.

In application S-56-70, an application by Cities Service Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection of canopy over existing pump islands, property located 3040 Annandale Road, also known as tax map 50-4 ((17)) pt. H, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Westlawn Limited Partnership. The applicant is lessee.
2. Present zoning is C-D.
3. Area of the lot is 14,551 sq. ft. of land.
4. Service road has not been required along the front of this property.
5. Conformance with Article XI will be required.
6. Use permit was granted for the service station on November 22, 1966.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses as contained in Section 30-7.1.2 in the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. Granted to the applicant only and not transferable without further action of this Board, and for the location indicated in this application and not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. Granted for the canopy and use indicated on plats submitted with this application. The canopy is to be constructed a minimum of 22 ft. from the property line on Annandale Road.

Seconded, Mr. Barnes. Carried unanimously.

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LOUISE SCHOOL OF DANCE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit school of dance for pupils aged 3 1/2 to 18 years, maximum number of 12 students per class; five classes, 9201 Leesburg Pike, Centreville District, (RE-1) 19-4 ((1)) 57, S-57-70

Mr. Austin Newton represented the applicant. The Andrew Chapel United Methodist Church is the owner of the property, he stated, and the applicant is leasing the property. The school will not be in session until August, 1970, and the contract or lease is effective in August 1970. The applicant, Mrs. Louise Schram, has twenty years experience in dance instruction and has owned a school in Maryland since 1954. She is a member of the community and they believe the school will be a very rewarding experience for the community surrounding the property. This location is an attractive setting, buffered by the Hazleton Laboratories and the cemetery. The chapel and parsonage are on the other side.

Mrs. Schram stated that she teaches in Maryland at her other school and Monday would be the only day that she would conduct classes at this property. She will teach ballet, acrobatics, Hawaiian and modern jazz dancing.

No opposition.

In application S-57-70, an application by George and Louise Schram, application under Section 30-7.2.6.1.3 of the Ordinance, to permit school of dance for pupils aged 3 1/2 to 18 years, maximum number of students - 12 per class; five classes, 9201 Leesburg Pike, also known as tax map 19-4 ((1)) 57, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

April 28, 1970

GEORGE AND LOUISE SCHRAM - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the Andrew Chapel United Methodist Church; George and Louise Schram are the lessees.

2. Present zoning is RE-1.

3. Area of the lot is 37,475 sq. ft. of land.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and, that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless renewed by this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The school should not commence before August 1, 1970. Use permit shall be for a three year period.

5. Granted for a maximum of 60 students, five classes, maximum 12 students per class; ages 3 1/2 to 18 years; one day a week -- Monday, from 2:30 p.m. to 7:30 p.m.

Seconded, Mr. Barnes. Carried unanimously.

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MURRAY WEINBERG, TRUSTEE, application under Section 30-6.6 of the Ordinance, to permit variance of side lot lines as required by Section 30-3.4.3 for commercial building in C district adjacent to boundary of lot in R district, 6066 Leesburg Pike, Mason District, (C-OH), 61-2 ((1)) 6, V-58-70

Mr. William Hansbarger, representing the applicant, stated that the property was rezoned to CO-H back in the summer or early fall of 1968. At that time the developers planned a building with 80 ft. frontage on Route 7; 156 ft. deep and 100 ft. high. The building would face the Reno property rather than Route 7. He presented a proposed site plan that was submitted at that time and one that was shown to the Citizens Association with whom they met on several occasions with regard to the rezoning. At that time, he said, they took no position on the rezoning but as part of the overall conversation an agreement with those people was made, not to extend Fairview Drive through this property. He introduced a copy of the covenant for the record, and showed the original site plan.

Was the Board of Supervisors aware that a variance would be necessary to construct the building, Mr. Smith asked?

Mr. Hansbarger said he felt certain that they were aware. In the meantime, the location of the building has been turned around 90 degrees on the lot, and they have reduced the size of the building. Under the existing Ordinance where there is commercial zoning next to residential, the setback of the building must be the height of the building. On the old plan they indicated a variance on the side next to the Reno property. Where the change has come is on the side next to the R-12.5 which is now residential but the unusual feature is that the staff is in the process of studying this whole Bailey's Crossroads area and it has been indicated that the residential property will eventually have some commercial designation. The setbacks that would be required on COH would be one for every two feet of height above 45 ft. Then, rather than having 43.7

ft. on the one side, they would be required only to have 27 1/2 ft. and the same would go for the other side. If the land were to remain forever in residential on either side, then conceivably they should not be seeking a variance but in an area such as this located on one of the most heavily traveled roads in Fairfax County, there will be more intense use of this land in the future. Very shortly, in his opinion, Mr. Hansbarger continued, this zoning classification is going to be recommended for change in the Bailey's Plan and instead of having to set 90 ft. off the line, they will be required to set back 27 1/2 ft. One other change that has been made, and the law changed since they met with the Civic Association, where they show 12 ft. planting along the property line, they now show a brick wall in accordance with standards set forth in amendment #128. In the old scheme they indicated 343 parking spaces, some of which were underground. There are 250 parking spaces, 30 of which would be under the building but at grade level in the new plan. They have reduced the number of cars. This case is unique to the extent thatit does present a situation that perhaps more than anything else is a matter of timing insofar as the equity is concerned. If the land to the east were to stay residentially zoned always, which nobody agreeds that it will, perhaps this variance would not be appropriate.

Mr. Hansbarger demonstrated by a drawing what would happen with a brick wall at the property line insofar as visibility from the three houses is concerned. This would be a 6 ft. wall 8 ft. above grade. When they met with the people of Long Branch April 23, 1968 they agreed among other things that they would put the covenant of record and they did that.

Mr. Smith read from the Ordinance..."No commercial building in any C district shall be located nearer to the boundary of any lot in an R district, etc...", the Ordinance says "shall be" and he did not think the Board has authority to grant a variance from a residentially zoned area. If the area is going to change within a year, the construction of this building should wait.

The Ordinance spells out cases where the Board is prohibited from granting variances, Mr. Hansbarger contended, and states that if the Board finds there are unusual circumstances, the Board shall take into account these circumstances and grant a variance under these conditions.

In what way has the area changed since granting the rezoning, Mr. Smith asked?

There is more traffic, Mr. Hansbarger replied, and the Bailey's Crossroads Plan is under study. Some variance will be necessary before they can build the building.

If this were the same plan that was approved by the Board of Supervisors, Mr. Smith said, he might be inclined to go along with it, but the plan has changed.

The only difference is the location of the building on the site, Mr. Hansbarger said.

Opposition: Mr. Paul Brockert, 5974 Landmark Drive, former President of the Long Branch Civic Association, said he was president at the time of the rezoning. He asked if the Board had had any communication from Mr. Reno. In his most recent conversation with Mr. Reno, he stated that many of the conditions existing at the time of rezoning do not exist today. The Reno property is still zoned Residential and the other side is still Residential, and they do not feel that they could live with these presumptions. Mr. Hansbarger said at the time of rezoning the Civic Association did not take a position either for or against, because Mr. Dove, former owner of the property in question was a member of the Association and there were circumstances that dictated that this deal be consummated. The Civic Association implied consent by silence. They are very concerned about protection to property owners to the east, particularly in view of the recent change in amendment #128 regarding screening requirements. This makes the situation even less tolerable to abutting property owners.

Mr. Gerard Fourseer, living on Fairview Place, also the new President of Long Branch Civic Association, asked how high will the building be? How far will it be from property lines? Also, what type of greenery would be used in the 12 ft. buffer zone? At no time during discussion of the rezoning was the variance on the side indicated.

Mr. Alex Costia, 6064 Leesburg Pike, said he could not speak for the future. The rezoning was granted on the grounds that commercialism of the Pike already was a fact. An office building would be a desirable development and an attractive building could be erected. The conditions that existed with respect to the rezoning should continue in effect.

Conditions in the area have changed, Mr. Hansbarger said. F.H.A. and V.A. will not finance the sale of homes on Route 7 because of changing conditions in the area. The County has to recognize this change and in the meantime, so somebody can get moving while there is available shortterm financing, so they can get the office building under construction, the Board should grant a variance on the setback from the Reno property, 41.83 ft., which is consistent with the original site plan, and rather than put in a 12 ft. planting strip which serves no purpose that the brick wall wouldn't serve, they suggest that it be a condition of the variance that the brick wall be the screening adjacent to property to the east.

MURRAY WEINBERG - Ctd.

Could the building be arranged to set back the distance in all cases as originally proposed at the time of rezoning, Mr. Smith asked?

Yes, Mr. Hansbarger replied.

Since the Board of Supervisors zoned this property for this use, and because of the agreement by the citizens in this case, Mr. Smith said it disturbed him that citizens in the area work on these agreements and plans and after zoning takes place, the development is changed. H said he could not justify a change beyond that which was agreed upon.

There is a PD-C zone now which requires no setbacks, Mr. Hansbarger said.

Mr. Smith said he could not see where the planting would serve any useful purpose as long as there is a six foot brick wall on the property line. The Board could stipulate that this could be done in view of the variance granted, on this side, and on the other side was there a plan for a 12 ft. screened area, he asked?

No, with regard to the other side, Mr. Hansbarger stated, he is prepared to submit a rezoning application on the Reno property. The building will be 90 ft. high rather than 100 ft. and it will be 90 ft. off the side line. It will meet all requirements of the Ordinance other than the Reno property. They will turn the building back ninety degrees from the rendering they showed today.

The President of the Civic Association reminded the Board that the original discussion on this matter pertained to 12 ft. of buffer zone. Is this being changed? Where will the brick wall be on the property -- will it be on the property line or 12 ft. from it?

There is no discussion of screening on that side of the property, Mr. Smith said. Screening would mean standard screening requirements. The only question of screening now is on the Reno side of the property where the variance is being sought. The Board of Zoning Appeals should not break faith with the people who made the agreement at the time of rezoning and therefore should adhere to the original plan.

Mr. Yeatman suggested that facing the building to Route 7 would be better planning.

There has been no testimony to justify granting any variance on this property, Mr. Smith said. The request is based on speculation as to what will happen to the residential property.

In application V-58-70, an application by Murray Weinberg, Trustee, application under Section 30-6.6 of the Ordinance, to permit variance of side lot lines as required by Section 30-3.4.3 for commercial building in C district adjacent to boundary of lot in R district, located 6066 Leesburg Pike, also known as tax map 61-2 ((1)) 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th of April, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is COH.
3. Area of the lot is 2.33544 ac. of land.
4. Conformance with Article XI will be required.
5. The Board of Supervisors at the time of rezoning were aware that a variance would be necessary.
6. Maximum height of building allowable on this property would be 150 ft. and 90 ft. minimum. The proposed building will be 90 ft. high.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

April 28, 1970

MURRAY WEINBERG - Ctd.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

3. The building shall be a minimum of 41.7 ft. from the property line of Reno.

4. The building shall be a minimum of 90 ft. from the easterly property line.

5. A brick wall is to be constructed along the easterly property line to screen residential houses from the parking area.

6. Fairview Place is to be blocked off and not to be used by this development.

Seconded, Mr. Barnes. Carried 5-0.

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LESTER GROSSMAN, application under Section 30-7.2.7.1.3 of the Ordinance, to permit operation of a stadium, located 6767, 6771, 6775 Chapel Rd., Centreville District, (RE-1), 77 ((4)) 12, 13, 14, S-60-70

Mr. Bernard Fagelson, on behalf of the applicant, requested withdrawal of the application, with prejudice.

Mr. Yeatman moved that the application be withdrawn with prejudice. Seconded, Mr. Barnes. Carried unanimously.

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LESLIE E. & FLORIS D. BOWMAN, application under Section 30-6.6 of the Ordinance, to permit brick vestibule 42 ft. from front property line, 8909 Higdon Drive, Centreville District, (RE-1), 28-4 ((1)) 32, V-59-70

The house has a front door entering into the living room, Mr. Bowman explained, and he would like to construct a vestibule in the front of the house to keep from bringing in dirt, grass clippings, etc. At the time the house was built they were under the impression that the setback was 35 ft. but found out later that was for the City of Falls Church and not Fairfax County. They propose to add a 10' x 12' brick vestibule. This is the only place for the vestibule as the other entrance is into the basement, and on the side of the house is downhill. There is a slope in the rear of the house. The roof would be A-frame tied into the present roof.

Mr. Smith suggested cutting down the size of the proposed vestibule to a more reasonable request.

Mr. Bowman said he would like to have a vestibule at least 8' x 12'. He is the original owner, he purchased the property in 1958, and will continue to live here.

No opposition,

In application V-59-70, an application by Leslie E. and Floris D. Bowman, application under Section 30-6.6 of the Ordinance, to permit brick vestibule 42 ft. from front property line, 8909 Higdon Drive, Centreville District, also known as tax map 28-4 ((1)) 32, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 17,147 sq. ft. of land.
4. Septic field is in the back of the house.
5. The applicant is the original owner of the property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems of the land and (b) location of existing buildings and relationship to septic field and septic tank,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following restrictions:

April 28, 1970

LESLIE E. & FLORIS D. BOWMAN - Ctd.

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The addition shall be constructed of similar brick as existing dwelling and shall be 10' x 12' in size.

4. The roof to be constructed will be dormer type roof with A frame.

Seconded, Mr. Barnes. Carried 5-0.

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CALVIN W. COLE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit use as an interior design training school, 1449 Laughlin Avenue, Dranesville District, (R-10), 30-2 ((9)) 40-41, S-61-70

CALVIN W. COLE, application under Section 30-6.6 of the Ordinance, to permit variance in front and side setback, 1449 Laughlin Avenue, Dranesville District, (R-10), 30-2, ((9)) 40, 41, V-62-70

Mr. Cole stated that he has owned the property since 1968. It is vacant at the present time. The house is in reasonable good state of repair for a house that was built in 1940. When he purchased the property it was with the intent to rezone it to C-O for the purpose of putting his business office there but about that time the McLean Citizens Association started working on the new master plan for the central business district and they convinced them they should not apply for rezoning until after the plan was adopted. The plan has taken some time. The property is not desirable as a residential property because of its close proximity to A & P and Dart Drug Store and parking lots directly across the street from it. The street has been widened in front of the property and delivery trucks come very close to the bedroom window. About every ten days he goes over to clean up trash that blows over from the commercial stores. The use involved in the subject application would be an interim use of the property until the properties in that area are either turned to the use recommended by the 1966 plan which was C-D or until they return to the use recommended by the new CBD plan which is RM-2M.

The school which they request to have would be for individual instruction and there would not be more than three or four people at the location at any time. The school would be operated by Mrs. Rosanski and she would operate as Frances Scott, Ltd., a limited partnership.

The people who plan to operatethe school should have been listed as the applicant, Mr. Smith said. Is there a lease?

Mr. Cole said the lease has no terms of sale. It is a two year lease with option to renew for an additional two years.

If the application is granted to Mr. Cole, Mr. Smith advised, it would not be transferable. The operators would have to come back and get the permit in their name.

No opposition.

Mr. Long expressed concern about proposed parking.

Mr. Cole said the plan shows four parking spaces on the southerly side of the property.

This does not meet setbacks, Mr. Smith said, and the Board has no authority to vary the parking. It must be 25 ft. from all property lines. This parking is shown 15 ft. from the public alley. The Board has no authority to grant variances for parking in connection with use permits. There are some unusual features about this -- it is adjacent to commercial and possibly in the plan for commercial use. The Board might consider the variance to allow the building in this location, but not the variance on the parking itself.

Mr. Donald Rozansky, 10305 Gainesville Road, Potomac, Maryland told the Board that the school would be operated as Frances Scott, Ltd. They would serve people interested in interior design and have services available for total house planning and help in obtaining furnishings for the home. They would be selling materials in this location.

This would not be permitted in a residential area, Mr. Smith commented. The people can be taught interior design but nothing could be sold on this property.

The Board discussed the sales aspect of the operation, and Mr. Smith concluded that basically this is not a school operation at all -- it is an interior decorating business. The other Board members agreed.

April 28, 1970

CALVIN W. COLE - Ctd.

This should be rezoned for commercial use, Mr. Yeatman suggested.

No opposition.

In application S-61-70, an application by Francis Scott, Limited, to permit use as an interior design training school, 1449 Laughlin Avenue, also known as tax map 30-2 ((9)) 40-41, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is Calvin W. Cole; Francis Scott, Limited is the lessee.
2. Present zoning is R-10.
3. Area of the lot is 12,487 sq. ft. of land.
4. Conformance with Article XI would have to be done.
5. The applicant contemplates sales from the premises.

AND, WHEREAS the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Barnes.

Mr. Long added that he felt the property should be rezoned for commercial use. He was not opposed to the use, but did not feel the Board has the right to grant it.

Mr. Smith noted that the proposed use certainly is out of the realm of school instruction.

Carried unanimously.

In application V-62-70, an application by Calvin W. Cole, application under Section 30-6.6 of the Ordinance, to permit variance in front and side setback, 1449 Laughlin Avenue, also known as tax map 30-2 ((9)) 40, 41, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 12,487 sq. ft. of land.
4. Laughlin Avenue was widened bringing the street closer to the dwelling.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be granted in part:

1. This is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. The request for front setback of 20 ft. from Laughlin Avenue is granted for the existing dwelling only.

CALVIN W. COLE - Ctd.

3. Request for 15 ft. setback from the alley for proposed parking is denied.

This does not have any bearing on the proposed use, Mr. Smith commented, as it has been denied. Seconded, Mr. Barnes. Carried unanimously.

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CARL C. HENSON, JR., application under Section 30-6.6 of the Ordinance, to permit carport to be enclosed closer to property line than allowed, 9216 Allwood Drive, Mt. Vernon District, (RE 0.5), 110-3 ((2)) 100, V-65-70

Mr. Forest Mayes, 7911 Ashton Street, the contractor for the applicant, stated that there is a difference of about 1 1/2 ft. at the extreme rear of the carport and they will need a variance. The way the house is set on the lot has a bearing in this case. The back section of the carport is enclosed as a utility room at the present time and this is allowed under the Zoning Ordinance. By actual distance, the closest corner of the carport to the property line is about 17 1/2 ft. The requirement is 20 ft. The house was built in 1956.

If we move beyond the existing enclosure which is allowed by right, this would almost meet the setback, Mr. Smith noted. But perhaps the Board should take positive action on this application so there would be no problem involved in the future. It seems like a reasonable request.

No opposition.

In application V-65-70, an application by Carl C. Henson, Jr., to permit carport to be enclosed closer to property line than allowed, 9216 Allwood Drive, also known as tax map 110-3 ((2)) 100, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 21,946 sq. ft.
4. A variance of approximately 3 ft. is required at the rear of the carport.
5. The front of the carport has the required setback.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) the location of the existing buildings on the lot.

NOW, THEREFORE BE IT RESOLVED: that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on plats submitted with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Carport shall be enclosed with similar material as the existing dwelling.

Seconded, Mr. Yeatman. Carried unanimously.

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RIVERSIDE GARDENS RECREATION ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of addition to building in connection with recreation facility, 8633 Buckboard Drive, Mount Vernon District, (R-12.5), Map 102-3 ((1)) 42A, S-69-70

Mr. Lawrence Meade stated that the pool facility was constructed in 1965 for use by the residents in the immediate vicinity. The present facilities consist of a standard pool, a small wading pool and bath house and one lacking facility is shade, either by trees or shelter. In order to provide shade for the convenience of their members, they would like to have an extension of 25 ft. of the existing roof line supported with steel post construction. This would be strictly for shade and comfort.

April 28, 1970

RIVERSIDE GARDENS RECREATION ASSN. - Ctd.

The current membership is 196 families, Mr. Meade continued, and they have the sixty-eight parking spaces as required. There will be no expansion of membership.

Mr. Robert Sweitzer, owner of property across the street, said he did not appear in opposition but only to ask a question about the drainage. The little house across the street from his property adjoining this tract was flooding out. Mr. Shanks of Land Acquisitions requested an easement from him for drainage but he did not care to give the easement. Finally, he did sign, giving the easement. Apparently the applicant is not going to add any more paving or anything that would cause any future flooding of the house across the street.

In application S-69-70, an application by Riverside Gardens Recreation Association, to permit construction of addition to building in connection with recreation facility, located at 8633 Buckboard Drive, also known as tax map 102-3 ((1)) 42A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Zoning is R-12.5.
3. Area of the lot is 2.57 ac. of land.
4. Use permit for the existing facility was granted January 26, 1965.
5. Conformity with Article XI will be required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in he Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following restrictions:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

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SCHOOL FOR CONTEMPORARY EDUCATION - Dr. E. Lakin Phillips (Charles Wesley Methodist Church) - deferred from April 21, 1970

Mr. Smith noted receipt of several letters in opposition to the application plus a petition. Also, he noted many letters in support of the application. He read from the contract between the church and the school, with renewal negotiable on April 1, 1971.

Mr. Long asked Dr. Phillips if the school would be for children in the area.

Dr. Phillips replied that it would serve the Washington area as a whole, although 50 to 60 per cent would be from Fairfax County.

Mr. Long asked Mr. Pearce if a fence would be installed around the recreation area.

Mr. Pearce stated that this was mentioned at the last hearing and since that time he has searched the Ordinance and can find no statutory requirement for a fence.

The only requirement regarding fences is in Section 15 (c) of the Fairfax County Code relating to day care centers for children five years and younger, Mr. Pearce continued. He urged the Board not to make this a condition of the special use permit for a number of reasons: (1) the age of these children and (2) because of the close supervision of these children. (3) The fencing would be very expensive and there is no commitment from the church allowing them to fence the property at this time.

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The policy of the Board has been, Mr. Smith explained, at any time there is outside activity in the area, to require fencing of the property in connection with all schools. This is a reasonable request.

Mr. Pearce suggested foregoing the recreational period and not requiring the fence.

Recreation would be good for these children, Mr. Long stated. They need to get outside and play; this is an important part of their education..

A three foot fence would not be much hindrance to a ten or thirteen year old child, Mr. Pearce stated.

If we are going to have a problem of control, Mr. Smith said, this may shed a different light on this application.

They don't consider it an item of control, Mr. Pearce stated, they consider it an item of expense.

A fence is not required to contain people, Mr. Smith contended; it is basically to let them know the limits of the play area and it is done in all cases of schools.

Reverend White stated that the properties to the back and sides of the church have fences already. Where they do not have a fence is across the front street along Dean Drive. This is a long ways from where the children would be playing.

If the fence in any way prohibits the school, Mr. Baker suggested, he would be in favor of deleting the fence requirement.

He is in favor of the school too, Mr. Long agreed, but the adjoining property owners are entitled to have the play area designated.

Mr. Barnes agreed that the recreation area should be fenced.

In application S-46-70, an application by School for Contemporary Education, Dr. E. Lakin Phillips, an application under Section 30-7.2.6.1.3 of the Ordinance, to permit basement use for school, on property located at 6817 Dean Drive, in the Charles Wesley Methodist Church, also known as tax map 30-4 ((1)) 26, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicableState and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of April, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Charles Wesley Methodist Church. The applicant is the lessee
2. Present zoning of the property is R-12.5.
3. Area of the lot is 3 acres of land.
4. Compliance with Article XI will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

April 28, 1970

SCHOOL FOR CONTEMPORARY EDUCATION - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is granted for a one year period.

5. This is for a maximum of 30 children at any one time, ages 10 - 15; hours of operation 9 a.m. to 3 p.m.; Monday through Friday.

6. There will be one instructor and one aide for each six children on duty at all times during school hours.

7. A 20,000 sq. ft. play area enclosed with a four foot chain link fence is required.

Seconded, Mr. Yeatman. Carried 5-0.

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VIENNA DAY CARE CENTER - Request from Miss Frances Duffy, Director of the Division of Social Services, requested that the age limit be extended from 2 to 8 years of age.

Mr. Baker moved that the request be granted. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed the use permit granted to Richard Stohlman on Route 7.

Mr. Stohlman said they plan to have a Volkswagen dealership in this location. The building will be smaller, and they have enough parking to serve it. Will the screening be required along the line of Capper?

This Board has no authority to waive screening requirements, Mr. Smith pointed out.

The Capper property contains a nursery now but it is in the plan for commercial use. Do they have the same right to request waiver of site plan in view of the use permit on the property, Mr. Phillips, engineer, asked?

There is a provision in the Ordinance to waive the screening, Mr. Smith said, and this was his intent when he made the motion. However, the Board of Zoning Appeals should have a copy of the final site plan to approve.

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RIDGEMONT MONTESSORI SCHOOL - Request to extend use permit which has already expired.

This will require a new application, the Board members agreed. The Board has no authority to extend any permits that have expired.

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GOLDIE A. GEHLEY - application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school for maximum of 20 children at any one time; hours of operation 6:30 a.m. to 6:30 p.m., 6467 N. Rochester St., Dranesville District, (R-10) Map 41-3 ((5)) 52, S-47-70 (deferred from April 21)

Mrs. Gehley presented new plats showing the parking for the use.

The Board needs at least three copies of a certified plat, Mr. Smith said, and this plat has not been certified.

Perhaps the Board could grant the application with this plat providing she meets site plan requirements, Mr. Long suggested.

Parking has to be at least 25 ft. from all property lines, Mr. Smith commented, and she would have to provide at least two parking spaces.

Mrs. Gehley said she would not be baby-sitting on Saturdays and Sundays.

In application S-47-70, application by Mrs. Goldie A. Gehley, under Section 30-7.2.6.1.3 of the Ordinance, to permit baby-sitting in private residence and nursery school, property located 6467 N. Rochester Street, also known as tax map 41-3 ((5)) 52, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, THe captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of Fairfax County Board of Zoning Appeals, and

April 28, 1970

GOLDIE A. GEHLEY - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 10,500 sq. ft. of land.
4. Conformance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance and,

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There will be a maximum of twenty nursery school children on these premises at any one time.

5. Hours of operation shall be from 6:30 a.m. to 6:30 p.m. five days a week. Monday through Friday.

6. There will be a minimum of two parking spaces 25 ft. from all property lines.

7. All County and State Codes must be complied with.

Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith advised Mrs. Gehley to present the Board three copies of a certified plat prior to picking up the occupancy permit.

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Mr. Smith noted that Mr. Yeatman had attended a meeting on the budget regarding the money needed by this Board for different purposes. While he and Mr. Knowlton handled this, Mr. Pammel and Mr. Smith were over at Fairfax High School regarding the S-17 position for the Board of Zoning Appeals clerk.

Meeting adjourned at 5:47 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

6/9/70
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, May 12, 1970, in the Board Room of the County Administration Building. Those present were: Mr. Daniel Smith, Chairman; Mr. George P. Barnes, Mr. Clarence Yeatman, and Mr. Joseph Baker. Mr. Richard Long was absent.

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

In the staff presentation, Mr. Al Riutort of the Division of Planning, discussed planning techniques.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of dial center, 9327 Braddock Road, Springfield District, (R-12.5), 69-4, 69-3 ((1)) pt. 17, S-73-70

Mr. Randolph W. Church, Jr., represented the applicant.

Mr. Phillips located the property on the map and stated that the subject parcel is part of a larger tract currently zoned R-12.5 but which has a rezoning application pending for PD-H 2.5.

Mr. Church explained that C & P has this land under contract from the Yeonas Company. He presented a copy of the contract. Essentially this would take five lots out of the proposed Yeonas development and they will drop those out of their rezoning application if the applicant acquires the property. The proposed building will be 148 ft. x 126 ft. if it were a full rectangle. This is a one story building, 18 ft. high. Because of the population growth there is a need for an additional dial center to serve this large area of the County. This would relieve to some extent the dial centers at Merrifield, Fairfax and Springfield. He presented a copy of a systems map.

These locations are chosen by computer, Mr. Church continued, and this site was chosen as the number one selection.

Mr. Wayne Milby of the engineering department of C & P, stated that initially they plan to install 3,500 working lines, and ultimately this building would serve about 23,500 customers. The building is designed to expand toward the rear. Three permanent employees will be assigned initially to this building to maintain the equipment and it will be increased to twelve employees by 1980 but probably no more than five would be in the building at any one time. Adequate off street parking facilities will be provided for these permanent employees. There will be no traffic hazard or inconvenience. The property will not be used for storage of vehicles or materials. There will be no glare, radioactivity, discharge, no solid or liquid waste other than those that would be handled by septic tank. There will be no interference with electrical equipment. The building will be constructed in accord with building codes and hopefully they will start construction in September 1970. The equipment will be installed and ready for service by October 1971. The picture of the proposed building showed a building of red brick with panels created by dark brick and the outline of the structure would be exposed aggregate quartz pre-cast concrete.

Mr. McK. Downs, real estate broker and appraiser, reported that he had investigated the site and prepared a report, a copy of which was submitted for the Board record. This is a compatible use with the single-family residences in the area, and would not have a detrimental effect on existing or proposed development. There are two presently zoned commercial areas within a half mile of this property, however, one site is completely developed and the other site is in the Yeonas development for PDH zoning and this facility would not be allowed in a PDH zone.

No opposition.

Mr. Smith read the Planning Commission recommendation for approval.

In application S-73-70, an application by Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of dial center, 9327 Braddock Road, Springfield District, (R-12.5), 69-4, 69-3 ((1)) pt. 17, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the Yeonas Company.
2. Present zoning is R-12.5.
3. Area of the lot is 89,300 sq. ft.
4. Planning Commission approved this on May 7, 1970.

May 12, 1970

C & P TELEPHONE CO. OF VIRGINIA - Ctd.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED: that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these uses require a use permit, shall be cause for this use permit to be re-evaluated by the Board.

4. Compliance with Article XI (Site Plan Ordinance) will be required.

5. Adequate parking for employees must be provided - 12 spaces should be adequate.

6. The property should be landscaped and screened from residential properties adjacent to it.

7. The building will be of red brick construction with pre-cast concrete as shown in the picture on file.

Seconded, Mr. Baker. Carried 4-0.

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DALLAL R. DAVID, application under Section 30-6.6 of the Ordinance, to permit construction in minimum side yard and permit construction of accessory building in front yard, 1255 Crest Lane, Dranesville District, (RE-1), 31-2 ((1)) 23, V-63-70

Mr. Stuart Liss, architect, represented the owner, Mrs. David. Mrs. David has owned the property for three or four months, he stated. She lives on the property now and would like to build a new home and turn the existing house into a guest house. The property is hour-glass shape and she would like to build the new home just below the narrowest portion of the site, taking advantage of overlooking the river. Access is from the opposite end of the site, therefore they are requesting to locate the garage in the front yard.

What is the size of the existing house, Mr. Smith asked?

The existing house has kitchen facilities, living room and three bedrooms, Mr. Liss replied.

How can you justify a variance in order to build a second house on the lot, Mr. Smith asked, when actually the applicant already has a reasonable use of the land now for one residence for which the lot was designed.

The existing house was built about forty years ago, Mr. Liss stated. It has small rooms. It had a garage added to it prior to the applicant's purchase and that is why it is only six feet from the property line.

This should be shown on the plat, Mr. Smith said. The plat does not show the existing house or dimensions or distances from property lines.

Could the location of the proposed house be moved to the east, Mr. Yeatman suggested.

They could move it to the east as a last resort, Mr. Liss agreed, but it would put the house behind the garage and reduce the amount of available space. It would also affect some of the trees along the east side. They have to be very careful not to touch any of the growth along the crest, or erosion would start and create problems.

This is not a hardship situation, Mr. Smith said. The lady has owned the land only three or four months and she was aware of this situation when she purchased the lot; she already has reasonable use of the property.

DALLAL R. DAVID - Ctd.

What is the size of the proposed garage, Mr. Yeatman asked?

It would be 24' x 24', Mr. Liss replied.

If the Zoning Administrator can interpret the existing house as being a guest house and the new house can be built without a variance, this is all right, Mr. Smith said.

No opposition.

Mr. Baker moved that the Board defer action to June 9 for new plats showing the exact location of the existing house and possibly a re-arrangement to meet the requirements. Seconded, Mr. Yeatman. Carried unanimously.

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NATIONAL MEMORIAL PARK, INC., application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed 6 ft. at corner of Lee Highway and Hollywood Road, and corner of Lee Highway and West Street, Providence District, (R-12.5) Map 50-1 ((1)) 30, V-66-70

Letter from the applicant requested deferral in order to get the required notices out.

Mr. Robert McAllister from Mr. Radigan's office stated that Mr. Radigan got the notice from the Board of Zoning Appeals at the time he was beginning a seven day trial and was unable to get his notices out in time.

Mr. Yeatman moved to defer to June 9 at the applicant's request. Seconded, Mr. Barnes. Carried 4-0.

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WALTER P. & EVELYN J. McINTOSH, application under Section 30-6.6 of the Ordinance, to construct addition closer to front property line than allowed, 2308 Stryker Ave., N. W., Centreville District, (RE-1), 37-2 ((9)) 11, V-65-70

Mrs. McIntosh stated that they wish to construct a small addition to the front of their home to create a new entranceway and improve the traffic pattern into her home between the living and sleeping quarters. Due to the position of the house with relation to the curve of the street, it became necessary to request a variance. They have made every effort to keep the variance at a minimum. The neighbors are aware of this and have no objection. They have lived at this address for eleven years and in this area all of their life, and they do not wish to leave the neighborhood. But, the family is growing and they need more room. They have made additions to the house before, but without a variance. This is the only location for such an addition without going through someone's bedroom. The lot is odd shaped and the house was placed closer to the street than the other houses beside it.

No opposition.

In the application of Walter P. and Evelyn J. McIntosh, application Number V-65-70, an application under Section 30-6.6 of the Ordinance, to construct addition closer to front property line than allowed, located at 2308 Stryker Avenue, N. W., Centreville District, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 22,645 sq. ft.
4. Property is on septic tank in the rear.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems of the land; (b) exceptionally irregular shape of the lot; (c) unusual condition of the location of existing buildings.

WALTER P. & EVELYN J. McINTOSH - Ctd.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried 4-0.

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HAZLETON LABORATORIES, application under Section 30-7.2.5.1.5 of the Ordinance, to permit addition to existing building, 9200 Leesburg Pike, Dranesville District, (RE-1) 19-4 ((1)) 31, S-67-70

No one was present to represent the applicant. The Board proceeded to the next item:

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CRESTWOOD CONSTRUCTION CORPORATION, application under Section 30-6.6 of the Ordinance, to permit construction within 24 ft. of property line adjacent to residential land, 8811 Telegraph Road, Lee District, (I-P), 108 ((5)) 20, V-68-70

Mr. Roy Spence represented the applicant. He requested that the application be amended to read Bernard Steinberg and Roger Hildeen, Trustees, rather than Crestwood Construction Company.

Mr. Baker moved to amend the application as requested. Seconded, Mr. Yeatman. Carried 4-0.

The parcel was rezoned in 1965 to the I-P district, Mr. Spence stated, and since then has been divided into twenty one acre parcels. About six of these lots have been sold. There will be sewer as soon as the Pohick line reaches this area. The architectural control committee consisting of trustees of the property who are charged with the responsibility of passing on the various things that are placed on this property will rule on this parcel also. The Hallmark Iron Works, Inc. proposes to move to this location and in order to build the building the need it will be necessary to obtain a variance to allow the building within 24 ft. of the property line.

Are you asking for a variance for someone else, Mr. Smith asked? A variance, if granted, would not be transferable.

Mr. Spence said he thought the variance ran with the land.

The variance would have to be to the present property owners and they would have to show hardship, Mr. Smith contended. How can you base a hardship on someone who does not own the land?

At such time as the property is purchased by Hallmark, the Board by appropriate action could transfer the variance, Mr. Spence suggested.

What is the hardship as far as the owners of the property are concerned, Mr. Smith asked?

They cannot sell the property if the variance is not granted, Mr. Spence replied.

This is not a reason for granting a variance, Mr. Smith commented. Where in the Ordinance is this allowed?

Mr. Spence said that given a little time, there are cases in Virginia, and he could find them.

Who owned the entire tract originally, Mr. Smith asked?

It was owned by Staples and Mattson in 1965, Mr. Spence answered.

Mr. Steinberg told the Board that there is a contract on this property. When the purchaser went to the architect to get the building designed, he found he would have to stay 100 ft. away from the Bailey property which makes it uneconomical to build. This would leave only a 22 ft. building. They, as owners of the property, took it upon themselves to apply for the variance so that they could build a normal building according to I-P requirement. There is no contingency on the land; it is a binding contract whether the variance is granted or not. The proposed building will be 20 ft. high.

This particular owner is not going to build a building, Mr. Smith said. The only person who could be affected as far as hardship would be the contract purchasers.

May 12, 1970

BERNARD STEINBERG & ROGER HILDEEN, TRUSTEES - Ctd.

Could the application be amended again to include the name of Hallmark Iron Works, Inc., Mr. Spence asked?

Mr. Smith questioned the date the plat was recorded - the County maps do not show this as parcel 20, he said.

Mr. Spence assured Mr. Smith that this was recorded in late 1969 or early 1970. The maps do not reflect this subdivision, and the maps which he purchased this morning were dated "revised January 1, 1969". This is the only parcel on which it is anticipated that a variance would be needed, out of some 14 acres of property. Telegraph Road, which is a two lane road, will be widened for the full frontage of this property.

What is the maximum lot coverage, Mr. Smith asked? Isn't this proposed building more than 50 per cent?

The building will be a 21,780 sq. ft. building, Mr. Spence stated. It does not exceed the allowed lot coverage.

No opposition.

In application V-68-70, an application by Bernard Steinberg and Roger Hildeen, Trustees, Clifford Brown et ux, and Hallmark Iron Works, Inc., application under Section 30-6.6 of the Ordinance, to permit construction within 24 ft. of property line adjacent to residential land, located 8811 Telegraph Road, Lee District, also known as tax map 108 ((5)) 20, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is Bernard Steinberg and Roger Hildeen, Trustees.
2. Present zoning is I-P.
3. Area of the lot is one acre.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: unusual condition of the location of buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. The building shall be 24 ft. from the property line of Bailey and 20.4 ft. from Lot 19 as shown on the plat presented. Size of the building will be 217.80 ft. by 100 ft. Site plan will be required in conformity with Article XI.

2. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

3. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior todate of expiration.

Seconded, Mr. Baker. Carried 3-1, Mr. Smith voting against the motion. The application is good, he agreed, and there would have to be some granting of a variance on the residential side under the circumstances, but he disapproved of the highly irregular way the Board did it.

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BARBARA T. DEVINE & DIANE M. RAUCH, application under Section 30-2.2.2, 30-6.7, 30-7.2.6.1.10 of the Ordinance, to permit physical therapy office, 6621 Wakefield Drive, Apt. #1, River Towers East, Mt. Vernon District, (RM-2), 93-2 ((1)) pt. 7B, S-45-70

Mr. Grayson P. Hanes represented the applicant.

May 12, 1970

BARBARA T. DEVINE & DIANE M. RAUCH - Ctd.

Since there is a question on whether or not this use is allowed, Mr. Smith said, he would like to hear some argument about why this should be allowed.

Mr. Hanes said he thought that the matter had been determined. The application was filed March 10, 1970 and on March 26 the staff advised him that there was no jurisdiction under which the application could be heard. On March 31, 1970, he wrote a letter to Mr. Woodson, Zoning Administrator, which he thought was a proper approach. Under Section 30-6.4 of the Zoning Ordinance, the proper approach is to go to the Zoning Administrator whose obligation it is to interpret the Ordinance. Mr. Woodson considered it and informed him that it was, in his opinion, a proper application to be heard and which was under the jurisdiction of the Board of Zoning Appeals to grant. This decision was not appealed, therefore the matter of jurisdiction is no longer an issue.

He filed the application under two different sections, Mr. Hanes continued. He felt that the Board had authority to hear this under Section 30-2.2.2, the general special use permit column in the Zoning Ordinance for the RM-2 district. That section reads that in this type of zone there can be limited commercial uses within multi-family units such as drug store, perfumery, florest shop, valet shop, beauty shop etc. or a use similar to the above. The physical therapist's office is designed primarily to serve the residents of River Towers. They do have two outpatients who come in, and three or four patients who live in River Towers. Two of these patients are present, and moved to River Towers to get this service. A patient is referred to this clinic by a doctor. These physical therapists, only one of which is in the office at a time, are registered and licensed by the Medical Board of the State of Virginia give treatments under the direction of a doctor.

Mrs. Diane Rauch stated that in the State of Virginia a physical therapist becomes registered by either reciprocity or by taking a test in the State of Virginia. She obtained her license by reciprocity; she took her test in Pennsylvania. The other partner, Mrs. Devine, is overseas with her husband in military service. There would only be one therapist,out of the total of five connected with this operation, on the premises at any one time. All physical therapists are members of the American Physical Therapists Association and their educational backgrounds are similar.

Going back to Section 30-2.2.2, Mr. Hanes continued, the impact of this use would be no greater than any of the uses listed for this column. Hours of operation would be from 10 a.m. to 3 p.m. It is similar to a drug store where people are treated and given prescriptions. It would have no greater impact on the surrounding area than a coffee shop or delicatessen. What the Ordinance means by "similar" he did not know but this would have similar impact.

As for classifying this as a possible medical office, this Board has in the past granted such offices in the Cavalier Apartments and also River Towers so this would be a medically related use.

Mr. Woodson told the Board that he had ruled that this was a medical use since it is connected with doctors. These people are professionals and work with the doctors and their services are necessary as far as doctors are concerned.

Mrs. Rauch described the work of physical therapists and the machines used by them.

Mr. Hanes stated that he had checked yesterday and found that they do have a special electrical circuit for these machines, and that there is no interference with electrical equipment, radio or television. This is in one wing of the apartment house. In this wing there is a washing room, storageroom and incinerator. There are no apartments across the hall from it.

How many patients would there be a day, Mr. Smith asked?

If they had the patients, they would schedule one every 45 to 60 minutes, Mrs. Rauch replied. They now have one patient on Monday and Wednesday and four on Tuesday and Thursday. They would only operate on weekdays, no week ends.

Mr. Hanes presented a petition signed by 350 residents of River Towers.

Two patients, Mrs. Barbara Feldner and Mrs. Cybil Melton, spoke in favor of the application.

Asked about parking spaces for the use, Mr. Hanes replied that there was more than enough parking but he would get a statement from the Board that there would be reserved spaces for this use. He also promised to provide the Board a copy of the lease.

No opposition.

In application S-45-70, an application by Barbara T. Devine & Diane M. Rauch, application to permit physical therapy office, Section 30-2.2.2 of the Ordinance,

May 12, 1970

BARBARA T. DEVINE & DIANE M. RAUCH - Ctd.

on property located 6621 Wakefield Drive, Apt. #1, River Towers East, also known as tax map 93-2 ((1)) pt. 7B, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is Ralph D. Rocks.
2. Present zoning is RM-2.
3. This Board has determined that a physical therapist's office is a related medical use.

AND WHEREAS, the applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be granted, with the following restrictions:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats presented with the application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Hours of operation: 10 a.m. to 3 p.m. five days a week.

5. Maximum of 10 patients per day.

6. Applicant must provide parking for six automobiles.

Seconded, Mr. Baker.

Mr. Smith commented that he based his decision on the fact that the applicants are doing this by prescription from a doctor and they are licensed to operate this facility. He would not want it construed as a precedent that any physical therapist could come in and expect the same treatment.

Carried 4-0.

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ELGIA G. CLEMMER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 8633 Curtis Avenue, Mount Vernon District, (R-17) 101-4 ((10)) (13) 30, S-76-70

ELGIA G. CLEMMER, application under Section 30-6.6 of the Ordinance, to permit parking closer to front and side property line than allowed, 8633 Curtis Ave., Mount Vernon District, (R-17) 101-4 ((10)) (13) 30, V-77-70

Before entering into discussion of the two applications, Mr. Smith announced that the Board possibly could grant the special use permit for the beauty shop but he was concerned about the application for variance on the parking.

When she submitted her application, Mrs. Clemmer stated, she took a few customers but the Health Department said she could not do it until she got a permit. She has the equipment to do one customer at a time in her home. She is a licensed beautician in Virginia and would like to be able to stay home and work some and be with her son. The beauty shop would be in the basement of her home.

Mr. Smith reminded Mrs. Clemmer of the requirements of the Ordinance regarding parking and this provision does not allow the Board to grant a variance as far as parking is concerned. In this case there appears to be an insurmountable problem as far as the parking is concerned.

ELGIA G. CLEMMER - Ctd.

There would never be more than one car at a time, Mrs. Clemmer said, and the driveway would accommodate three cars. She would like to operate the beauty shop five days a week, Monday through Friday, from 9 a.m. to 4 p.m.

This is an unusually small lot, Mr. Smith reminded Mrs. Clemmer, and the Ordinance does not give the Board authority to vary the parking requirements.

Mrs. Clemmer advised the Board that in her neighborhood there are a real estate office and an upholstery shop operating by right and they have more parking on their land than she would ever have in connection with the beauty shop. They do it by right. The County should have more uniform regulations. Perhaps a beauty shop could be allowed under a limited permit. Some beauticians are operating in their homes without a permit, but she wanted to be honest about her operation and apply for the permit.

The Board sympathized with Mrs. Clemmer's position but felt that they could not vary the 25 ft. requirement for parking. The Board cannot change the rules of the Ordinance, that is up to the Board of Supervisors. Perhaps Mrs. Clemmer should talk with the supervisor of her district and see if this rule could be changed, and possibly allow the same use as other home professional offices in the neighborhood.

Mr. Yeatman moved to defer for six months to allow the applicant to talk with her Supervisor on amending the Ordinance. Seconded, Mr. Baker. Carried 4-0.

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V.O.B. LTD., A MARYLAND CORPORATION, application under Section 30-7.2.10.5.4 of the Ordinance, to permit used car dealership not to exceed one year in duration or new car dealership, whichever occurs first, 8753 Richmond Highway, Mount Vernon District, (C-G), 109 ((2)) 7A, S-78-70

Mr. William Hansbarger represented the applicant. He presented Articles of Incorporation for the Corporation. The two principles involved in this corporation are present, he stated. The applicants purchased this property in October 1969 and at that time it was a used car dealership. Since that time he has been evicted by the applicants.

Mr. Anton Schmidt stated that this is a corporation which is owned by Richard Rankin and himself. Mr. Sloane and Mr. Schmidt intend to establish a new car dealership here, possibly Toyota, but the commitment has not been completed yet. They are confident that it will be. They are asking for a use permit for one year or until the new car dealership is established.

Mr. Hansbarger said that Mr. Schmidt operates V.O.B. sales in Bethesda. He asked that the application be amended to read Anton Schmidt and Richard Rankin.

The name Mr. Sloane has been mentioned, Mr. Smith noted. Shoudln't his name be included also?

He is not an owner or stockholder, Mr. Hansbarger replied - he is only a party to the operation itself. The applicants are trying to clean up a mess that they had no part in contributing to in the first place and the first thing they did was have the man on the property evicted. If this application is granted they would start the new building after six months from the use permit date, probably six to nine months. They would only use the building on the property for a limited period of time - then the building would be removed and the new building built. Service drive would also be put in.

There was some question of the zoning on the adjoining property - Mr. Hansbarger's plat showed it was C-G but the County maps showed it as RE 0.5. If it is zoned Residential, Mr. Smith said, there would be some problem of the proposed body shop meeting the setback. The distances are not shown on the plat. The existing building does not meet setback requirements from U. S. Route 1.

Mr. William Barry apologized to the Board for the situation that has existed on the property for the past one and a half years. He was unaware that the minutes read the way they did, he said. Through a long conversation with these applicants, he feels very certain that they have the intent of making this an attractive addition to the County. The condition of the property now is a 100% improvement over thirty days ago. The building has been painted and all of the vehicles are gone. There is a "bootleg" bay on the back of the station which was built by the previous owner which does not meet the Building Code.

Mr. Hansbarger said that it would be made to conform or be torn down.

Opposition: Mr. R. C. May, 8801 Richmond Highway, adjacent property owner, said that he wrote a letter to Mr. Hansbarger with a copy to the Board and would like to be assured that certain things would happen with regard to this special use permit. First of all, the address contained in the original application is wrong -- the correct address of the property in question should be 8753 Richmond Highway. (Mr. Phillips checked this out in the County records and found that it should be 8753 as suggested.)

May 12, 1970

ANTON SCHMIDT AND RICHARD RANKIN - Ctd.

Mr. May and the Board discussed Mr. May's letter and Mr. Hansbarger agreed that all of these things would be done and that he would put it in writing.

In application S-78-70, application by Anton Schmidt and Richard Rankin, application under Section 30-7.2.10.5.4 of the Ordinance, to permit used car dealership not to exceed one year in duration or new car dealership, whichever occurs first, 8753 Richmond Highway, also known as tax map 109 ((2)) 7A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with t the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owners are Anton Schmidt and Richard Rankin.
2. Present zoning is C-G.
3. Area of the lot is 120,000 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permits contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED: that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This use permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by the Board.

4. The new buildings as shown on the plat are to start construction within nine months of this date. Seconded, Mr. Baker.

Mr. Hansbarger asked that the Board incorporate the conditions contained in Mr. May's letter.

Mr. Yeatman amended his motion to include the conditions contained in the letter from Mr. Roy May*dated May 9, 1970, to Mr. William H. Hansbarger. It is understood that the temporary bay is to be removed or made to conform to the Building Code. Seconded, Mr. Baker. Carried unanimously.

*Mr. Roy May's letter is quoted as follows:

"1918 N. Roosevelt Street
Arlington, Virginia
May 9, 1970

MR. William H. Hansbarger
Gibson, Hix & Hansbarger
311 Park Avenue, Dominion Building
Falls Church, Virginia 22046

Dear Sir:

This is in reply to your letter of April 28,1970, informing of a public hearing on your application to permit a used-car dealership or a new-car dealership at premises at 8753 Richmond Highway and inviting any questions concerning the application prior to the hearing.

At a previous hearing notification at this same address, I was silent and did not attend, presuming that the dealer ("Bob's Used-Car Sales") would reasonably follow

a good-neighbor policy. This did not work out. Consequently, I propose to attend the hearing and file my experiences and complaints with the Board of Zoning Appeals. Presuming that you are sufficiently interested and in a position to give adequate assurances that I will not encounter the same problems, the below items are considerations prompting my intended appearance at the hearing:

a. The address of the location given in your April 28 letter is incorrect. The correct number assigned the proposed car lot property by Fairfax County is 8753. The number of my property, adjacent, is 8801 and much inconvenience and trouble has been caused in having mail and persons inaccurately referred to my property. This information has previously been given to your secretary, Mrs. Ziegler.

b. Automobiles of customers, employees, and belonging to the previous car lot have been parked in my driveway and using my area as a location to "test-run" used cars.

c. A contoured dividing ditch to carry off drainage from the used-car lot was subsequently filled in by the previous operators and has resulted in the flooding of my area from the run-off of rains and snow.

d. Several concrete-embedded posts were installed by me to protect small trees and shrubs on the property line from destruction and to prevent encroachment. In spite of these 3-inch and 4-inch posts, the used-car jockeys have broken them off and have continued to run cars through my driveway.

e. A contribution to the killing of the shrubbery hedge between the properties was the pouring of oil by the car lot employees on my grass and shrubs.

f. Trash and debris, including used batteries, discarded exhaust pipes, pieces of bumpers, old tires, oil cans, etc., were common eyesores on the property and the property line and as of this writing continue to litter the lot.

g. A spread of autos, in line with the set-back of the utility poles on the highway, with no provision for adequate space for shoppers' parking, has creaged, in addition to a throw-off on my property, considerable hazardous parking on the highway right-of-way. This has caused several accidents and near-accidents to cars attempting to get into and out of my driveway onto the highway with vision blocked by such parking.

h. Related to the above item, it appears that the setback of the front line of cars should be reasonably deep into the property to permit shoppers adequate parking space off the highway without endangering traffic.

i. I do not know what permissive authority was granted by Fairfax County, but there is a 20-foot roadway running through 8753 Richmond Highway and owned by the County, known as "Dogue Run Drive," which has been used by the previous car lot operator for his personal benefit as sales area. If the prevention of trespassing on this by the operator for commercial purposes were enforced by the County, there would be ample area for the parking of shoppers off the highway and the provision of a large measure of traffic safety.

Having experienced the above problems and being the person most adversely affected by violations, misuse, carelessness and destructiveness, I will be interested in your response and the Board's response in taking whatever action is appropriate to give firm assurances that I will not encounter the same violations and problems with your client.

Yours very truly,

(S) Roy C. May"

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VICTOR HERRMANN, application under Section 30-6.6 of the Ordinance, to permit garage and wall closer to property lines than allowed, 8110 Timber Valley Court, Centreville District, (R-12.5), 49-2 ((20)) 7A, V-34-70 (deferred from April 28)

Who owns the lot 8110 in question, Mr. Smith asked?

Mr. Herrman stated that he owns it. The house is built and finished but has not been occupied. There are two chestnut trees behind the property and in order to save these rare trees the moved the location of the carport forward and they thought they were far enough back from the curb. They took a tape and went back to the 50 ft.

VICTOR HERRMANN - Ctd.

mark and struck an arc. The carport was supposed to start at the back of the house originally which meant they would have to remove the trees. The entrance to this property is from Timber Valley Court and the garage is in front of the house. There are ten other houses in this project and he has built four other houses in the County also with no problems. This was a mistake and was not done intentionally. The wall is 8 ft. high.

No opposition.

In application V-34-70, an application by Victor Herrmann, application under Section 30-6.6 of the Ordinance, to permit garage and wall closer to property lines than allowed, 8110 Timber Valley Court, also known as tax map 49-2 ((20)) 7A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 15,819 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. that the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

Seconded, Mr. Baker. Carried unanimously.

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SCHROTT, WHITAKER & DOUGLAS, INC., application under Section 30-7.1., Sub-Sec. 30-7.2.6.1.3 of the Ordinance, to permit existing use permit issued July 30, 1968 to Computer Age Industries, Inc., to be amended to permit a school and counseling services located 8800 Arlington Boulevard, Providence District, (RE-1), 48-4 ((1)) 39, S-43-70 (deferred from April 28)

Mr. Charles Shumate stated that Computer Age Industries is having some difficulty regarding the occupancy permit because they cannot an as-built site plan to the County. This is necessitated by reason that the service drive along Route 50 has not been completed, through no fault of the applicant. It is because of the breakdown between VEPCO and the applicant. The performance bond has not been entered into with the County but they are hastening to conform to previous restrictions on the existing use permit. All of the requirements have been met except getting the occupancy permit. They would like to expand the existing use permit to include the wholly owned subsidiary of Schrott, Whitaker and Douglas. There will be no physical modification of the building and these classes would be conducted during the same periods of time, the same days a week as the original special use permit. This would be counseling people on preparing to take the stock brokerage test and would offer some limited financial counseling to individuals and corporations, however, this would not be the primary concern of the curriculum.

The original permit called for 7 a.m. to 9:30 p.m. daily, Mr. Smith commented, and the letter indicates that classes will be from 8 a.m. until 10 p.m.

That has been corrected, Mr. Shumate said; this was what they proposed to do.

There should be a clarification on this, Mr. Smith said, from Computer Age Industries, as this is not satisfactory.

May 12, 1970

SCHROTT, WHITAKER & DOUGLAS, INC. - Ctd.

Mr. Shumate said the letter is not what they intend to do now, it was what they originally planned to do until his firm notified them that it would be in violation.

The Board should have a memorandum of intent from them, Mr. Smith insisted, showing exactly what they plan to do. This memo says they will terminate at 11:00 and in the original use permit they are to terminate at 9:30.

Mr. Shumate felt the Board was taking an unfair advantage of the letter submitted. He submitted it for a different purpose entirely.

There should be something accurate in the folder as to their intent, Mr. Smith said. There should be a statement that it will not expand the number of students.

There's a letter from Mr. Lawson, Mr. Shumate said.

Mr. Smith insisted that the letter should not be from Mr. Lawson but from Computer Age Industries, the permit holder in this case. The Board cannot base its action on a letter from the attorney as to what he thinks the permittee intends to do.

Are you saying that the letter from the attorney is insufficient, Mr. Shumate asked?

Yes, Mr. Smith replied.

Mr. Yeatman moved to defer the case to the next meeting to allow Mr. Shumate to get the letter from the Virginia Electric and Power Company and have the inspectors check the property to see if the parking, etc. is as required by the original permit.

The Board should also have a letter from Computer Age setting forth the exact function of the wholly owned subsidiary in this building; hours of operation, number of students engaged in both the Computer and counseling classes, and stating that this will not expand the use or whatever the facts are.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith recalled the case of HAZLETON LABORATORIES, application under Section 30-7.2.5.1.5 of the Ordinance, to permit addition to existing building, 9200 Leesburg Pike, Dranesville District, (RE-1), 19-4 ((1)) 31, S-67-70.

Richard Henninger represented the applicant. This is an addition to the facility that was constructed for the Public Health Service for an experiment that they are conducting. They want a small addition, 38' x 12.5', a one story addition. This will be to the rear of Building #19 and is to be used for the same purpose as the cat facility, providing additional space for their use. It will be used solely by the U. S. Public Health Service.

No opposition.

Mr. Henninger said they do research on cancer, arthritis, and heart ailments, and research on drugs and chemicals.

In application S-67-70, application by Hazleton Laboratories, an application under Section 30-7.2.5.1.5 of the Ordinance, to permit addition to existing building, located 9200 Leesburg Pike, also known as tax map 19-4 ((1)) 31, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Karloid Corporation.
2. Present zoning is RE-1.
3. Area of the lot is 125.2150 acres.
4. Addition will be 38' x 12.5', one story and will be of the same architectural design as the existing building.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts and contained in Section 30-7.1.1 of the Zoning Ordinance for Special Use Permits; that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

May 12, 1970

HAZLETON LABORATORIES - Ctd.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

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This approval is granted to the applicant only, not transferable without further action by this Board and is for the location indicated in this application, not transferable to other land.

This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

This approval is granted for the buildings and uses indicated on plat submitted with this application. Any additional structures of any kind, changes in use, or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. Furthermore, the applicant should be aware that granting of this action by the Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

Seconded, Mr. Barnes. Carried unanimously.

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Falls Church Motor Hotel - Request for out of turn hearing before the Board of Zoning Appeals for May 26, 1970 for Special Use Permit in CDM zone - Route 50, Arlington Boulevard.

The Board granted the request to hear the application on May 26.

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EDUCO, INC. - Mr. Smith noted a letter and a new plat from Educo, Inc. showing additional land acquired by the School. He suggested that the Board hold this until Mr. Long could be present since Mr. Long made the motion granting this application.

Mr. Yeatman suggesting taking it up again on May 19.

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Mr. Wayne Comer representing Mr. and Mrs. Gerald Coffey, requested an out of turn hearing on their application for variance. The Board agreed to schedule this for June 9 public hearing.

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Letter from James H. Stallings, President of High Point Pool, Inc. requested that the Board reconsider the number of parking spaces that were originally required. They planned a membership of 500 families but in 1969 they closed out membership with 400 families. They have enough parking for 400 families but the Site Plan #982 was rejected because the parking spaces were not all placed on the property.

The use permit was based on parking for 500 families, Mr. Smith stated. How many spaces are actually provided?

131, Mr. Stallings replied. They got their use permit four years ago.

Since this is later than forty-five days of the hearing, the Board cannot amend the motion, Mr. Smith ruled. The Board must have a formal application.

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The meeting adjourned at 5:30 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman
6/9/70

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 19, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. George Barnes, Mr. Richard Long, and Mr. Joseph Baker.

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

Miss Frances Duffey, Director of the Fairfax County Department of Social Services made the staff presentation. She stated that Fairfax County is currently subsidizing five day care centers for working mothers of low income families. The County completely funds and operates the Vienna Day Care Center. It subsidizes on a regular basis the ACCA Day Care Center, and the Saunders B. Moon Pre-school.

The County policy for subsidizing day care was approved by the County Board of Supervisors in June of 1969, Miss Duffey continued, and it provided for developing a poverty index based on conditions in Fairfax County to determine eligibility of families, and a fee schedule based on the total family income and the number of dependents. The poverty index allows $3400 for two; $4300 for three; $600 each additional. Everyone pays $2.50 per week. Those over the poverty index pay twenty per cent of the amount above, up to cost of care. When this is not sufficient to cover the cost of care, the County pays the difference.

The policy also provided for a County Day Care Coordinator to administer the subsidy program, Miss Duffey said, and she works closely with these five centers. All of the centers submit quarterly financial reports of expenses and revenue to the Coordinator, consult with her on program planning and staffing, and other matters relating to the operation of day care centers.

As a facility for the so called under privileged families, the centers are concerned with the development of the child. It is not a baby sitting service. Activities that will prepare the child for later life are planned and carried out. There is also attention to health needs.

This program is relatively new and changing, Miss Duffey explained. They started with preschoolers and now they see the need for care of elementary school children after school and during summer vacations. They appreciated the Board's recent approval to include older children at the Vienna Center. Since the other four centers are also County financed and are County supervised, they hope that requests for such minor changes can be considered in a similar manner.

The Board thanked Miss Duffey for her presentation.

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JAMES M. KENNEDY, application under Section 30-7.2.10.3.5 of the Ordinance, to permit erection and operation of miniature golf course, located north side of Southgate Drive and west of Richmond Highway, Lee District, (C-D), 93-1 ((27))2C, S-70-70

JAMES M. KENNEDY, application under Section 30-6.6 of the Ordinance, to permit portable putting course obstacles closer to rear property line, located north side of Southgate Drive and west of Richmond Highway, Lee District, (C-D), 93-1 ((27)) 2C, V-91-70

Mr. Kennedy stated that he plans to have an eighteen hole portable putting course which consists simply of eighteen obstacles. In addition there would be a one story clubhouse 12' x 15'. This facility would be in operation during May through September and possibly weekends in April and October and would be open from 3:00 or 4:00 p.m. until 11:00 p.m. on week nights and on weekends till midnight, depending on business. The lease on the property is for five years with an option for an additional five years. The property is located in a commercial area next to a Safeway Store and a bank and he felt that the use of the property for a putting course would enhance the area. At present it is a vacant lot and mainly consists of mud and clay. The putting course will provide recreation for the entire County at no cost to the County government. This will be an Arnold Palmer franchise. There would be a fence around the entire putting course area and club house area. The entrance will be off Southgate Drive. The curb cut is already there.

Do you have a memo to show that you now have a valid franchised area, Mr. Smith asked? The copy that the Board has shows the Falls Church area as the franchise area and is dated 1968.

It is still in effect, Mr. Kennedy replied. They ran into problems trying to find a suitable location. It has been quite difficult to find. The club house will be of cinderblock or brick and would cost roughly about $900. It will contain restroom facilities.

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JAMES M. KENNEDY - Ctd.

What is the architecture of the existing buildings in the area, Mr. Smith asked?

Mr. Baker said he thought the buildings were of red brick.

The Board suggested amending the applicant's name to include Mr. Kennedy's wife as her name is shown on the lease.

No opposition.

In application S-70-70, an application by James M. and Darlene S. Kennedy, application under Section 30-7.2.10.3.5 of the Ordinance, to permit erection and operation of miniature golf course, located north side of Southgate Drive and West of Richmond Highway, Lee District, also known as tax map 93-1 ((27)) 2C, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is leasing the property from John T. Martyn, Jr. and Walter L. Phillips.
2. Present zoning C-D.
3. Area of the lot is 17,000 sq. ft.
4. Compliance with Article XI will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in the application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. This use permit is to be concurrent with the lease and for a maximum of five years.

5. The club house is to be constructed of brick material similar to the shopping center.

6. Public restroom facilities are to be provided within the building.

Seconded, Mr. Barnes. Carried unanimously.

In application V-91-70, an application by James M. and Darlene S. Kennedy, application under Section 30-6.6 of the Ordinance, to permit portable putting course obstacles closer to rear property line, located north side of Southgate Drive and west of Richmond Highway, also known as tax map 93-1 ((27)) 2C, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

May 19, 1970

JAMES M. KENNEDY - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is leasing the property from John T. Martyn, Jr. and Walter L. Phillips.
2. Present zoning is C-D.
3. Area of the lot is 17,000 sq. ft.
4. Conformance with Article XI (Site Plan) will be required.
5. The setback from the rear property line requires 20 ft.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) exceptionally shallow lot;

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

There are unusual circumstances connected with this application, Mr. Smith added -- the unusual situation of the parking lots and commercial uses surrounding this property and requiring him to set back 20 ft. from the rear line would serve no reasonable objective. This is a portable use and not a permanent use.

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WILLIAM JOHNSTON, application under Section 30-6.6 of the Ordinance, to permit construction of carport closer to side property line than allowed, 3822 Skyview Lane, Providence District, (RE-1), 58-4 ((19)) 3, V-71-70

Mr. Johnston stated that there is a water problem on the side where the carport would be located. Water comes off the Leroy property and he had to put in a drainage ditch along that side to take care of the water. It is the only place on his property where he can put a carport as the land drops off immediately behind where he would place the carport and there is not enough room on the other side of the house to have a carport. There is a storm drainage easement in the back and he cannot build there. The carport would be 20 ft. wide.

The requirement for an open carport in this zone is 15 feet, Mr. Smith noted. The size of the carport should be cut down in the front to meet the setbacks and the Board could grant a variance on the rear of it.

Mr. Johnston said he planned to maintain the same roof line as the existing house.

No opposition.

In application V-71-70, an application by William Johnston, application under Section 30-6.6 of the Ordinance, to permit construction of carport closer to side property line than allowed, property located at 3822 Skyview Lane, also known as tax map 58-4 ((19)) 3, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The applicant is owner of the property.
2. Present zoning is RE-1.
3. Requirement for open carport in this zone is 15 ft. from side property line.

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WILLIAM JOHNSTON - Ctd.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) topographic problems of the property;

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Carport is to be constructed of similar material and design as the existing dwelling.

Seconded, Mr. Barnes. Carried 4-0, Mr. Smith abstaining as he felt that the carport should meet the 15 ft. requirement on at least a portion of it.

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FRANCIS J. McCLOSKEY, D. D. S., application under Section 30-6.6 of the Ordinance, to permit erection of garage and storage space closer to street than allowed, 8504 Fort Hunt Road, Mount Vernon District, (R-12.5), Map 102-4 ((12)) (1) 2, V-72-70

Letter from the applicant requested deferral to June 9 as he did not get his notices out in time. The Board deferred the application to June 16 as the agenda for the 9th was already filled.

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YUN S. LaLIMA, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop, 7300 Fairchild Drive, (R-10), Lee District, 92-4 ((3)) (6) 1, S-74-70

Mrs. LaLima was not present but her husband was there to represent her.

The Board has never in the past granted an application for a home occupation to anyone other than the applicant, Mr. Smith said, and the Board asked that Mrs. LaLima appear later in the afternoon to tell of her plans.

The application was placed at the end of the agenda.

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RUTH L. COX, application under Section 30-6.6 of the Ordinance, to permit construction of residence on non-conforming lot with less than required setbacks, south side of Old Columbia Pike approximately 100 ft. west of Holyoke Drive, Annandale District, (RE 0.5) 61-3 ((6)) 37, V-75-70

Mrs. Cox told the Board that she needs a variance to construct a small home for herself as she is a widow and is desperate for a place to live. All of her people live in this area and since she cannot drive and has no way to travel, she would like to live near them.

Mr. Woodson explained that this lot is one of three that was owned by Mrs. Cox's brother and she purchased one of them from him. It is a lot of record in an old subdivision. Sewer and water are available to the property.

Mrs. Cox said that the house would be built by a builder, Mr. Ward. The subdivision is probably thirty years old. She plans to build a house 30' x 24' but the builder could make it longer if this is too wide.

No opposition.

Mr. Harry Lee, Mrs. Cox's brother who sold her the land, said the property has been in the family for about thirty years.

In application V-75-70, an application by Ruth L. Cox, application under Section 30-6.6 of the Ordinance, to permit constriction of residence on non-conforming lot with less than required setbacks, south side of Old Columbia Pike approximately 100 ft. west of Holyoke Drive, also known as tax map 30-4 ((3)) 34, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

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RUTH L. COX - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearty property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE - 0.5.
3. Area of the lot is 9,977 sq. ft. of land.
4. This lot is existing of record and is in an old subdivision.
5. Public water and sewer are available to this property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally shallow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land;

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith read a letter from Mr. Barry Murphy requesting that the use permit for Leewood Nursing Home be transferred to the name of the new owners, Progressive Care, Inc.

This is going from an individual to a corporation, Mr. Smith noted, and in any event, these old use permits should all come back to the Board to be upgraded in any case where there is a transfer of ownership.

The Board members agreed that a new application would have to be filed.

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Mr. Woodson presented a brochure describing a new teller service to be used by banks, a structure 3 1/2 ft. high and 18 inches wide, an improvement over the pneumatic tubes used by stores for many years.

Mr. Smith agreed that it is a structure but would like to give this more thought.

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HOWARD H. ECKLES, application under Section 30-6.6 of the Ordinance, to permit building to remain closer to property lines than allowed, 6821 Whittier Avenue, Dranesville District, (C-O), 30-4 ((3)) 34, V-80-70

This is a request to use the existing building, which was a residence, for office space, Mr. Eckles stated. The normal requirement for a building would be 50 ft. from each street but this building is 40.5 ft. on one side and 30.5 ft. on the other. There will be very little interruption to the neighborhood. This was zoned about four years ago to C-O and at the time he had the property rented as a residence. This will be used as an office for five to ten years. It is in a location in the McLean Master Plan which calls for a roadway going through here. This would be an office for preparation of publications - no printing would be done on the property. The property would be leased to Documents Index Company.

What about parking up next to the residence on Lot 33, Mr. Long asked?

There is a hedge screening along there, Mr. Eckles stated. If there is any problem, parking can be arranged on the other side.

No opposition.

In application V-80-70, an application by Howard H. Eckles, application under Section 30-6.6 of the Ordinance, to permit building to remain closer to property lines than allowed, 6821 Whittier Avenue, Dranesville District, also known as tax map 30-4 ((3)) 34, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

May 19, 1970

HOWARD H. ECKLES - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-O.
3. Area of the lot is 12,414 sq. ft. of land,

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) unusual condition of the location of existing buildings,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Long added that the variance is for the existing building and will not apply to any future building, and parking has to be in compliance with County requirements.

Accepted by Mr. Barnes. Carried unanimously.

//

Mr. Woodson reported that schools are using the Tysons Corner Shopping center mall for proms and other school events at no charge. This is CD zoning and dancing is not allowed.

Does the Police Department feel this is a good use on an after hours basis, Mr. Smith asked? The Board should have a letter from them stating that this could be used. The Board felt this would be all right for school groups that would normally be using school facilities under the supervision of the Fairfax County Police Department, meaning that an off duty policeman should be there to keep order. This is not to be construed as a paid performance but would be only for the basic normal community uses that would be associated with the County schools.

//

Mr. Smith announced that the Board was in receipt of a letter from Mr. Roohr regarding the application of the Waynewood Recreation Association, and apparently there is some conflict at this point. Mr. Roohr questions the handling of the site plan and in this letter he has listed several tag numbers of cars parked on Dalebrook Drive, Danton Lane, Potomac Lane.

The parking is supposed to be on the property, Mr. Woodson stated. In accordance with the letter he has received, these cars were parked on the streets.

They called him last night, Mr. Smith said, and told him there were twenty-one cars parked on the street.

Mr. Chilton is present with a copy of the site plan, Mr. Woodson said.

The two copies of the plan before you, Mr. Chilton explained, are revisions that they got into with the request from the pool for waiver of site plan which is provided for in the Ordinance but the plats that they had brought did indicate parking meeting the requirement for aisle width, turning space, etc. The plat that the Board had when they granted the permit did not show but sixty-five spaces with spaces added on the plat they brought to his office which was not acceptable. They did revise it to the plan which the Board has which technically would meet the maneuvering requirement, width of the aisle, etc. It's fairly snug but it would work. The question they had came as a result of several contacts from citizens in the area expressing concern about the

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double usage of the courts and it did appear to them, from reading the minutes, that the Board was aware that these would be used for both tennis courts and parking lot but the latest call he received this morning indicated that the tennis courts were in use quite frequently and the pool members had been talking of purchasing lights for the tennis courts so they could use them at night and it seemed to their office that if they were going to continue to use the tennis courts and retain the fenees around the courts, and just cut gates in them, and thinking of lighting them, that they would not have in mind using it as a parking lot. Mr. Chilton said he could not see tennis players giving up the tennis courts just because one additional car came in the lot and had to park in the tennis area - it would not seem like a practical thing. If the Board feels that the plan which they have meets the conditions of the motion, his office will recommend to the County Executive that site plan be waived. There's nothing more to be gained by having a site plan other than the time that would be involved in reviewing it; curb and gutter and sidewalk is in place. They have checked the parking so if this location is approved, there will be no problem with that, so there wouldn't be anything achieved by requiring site plan but they wanted to be sure that everything was clear before they approve this. The pool people are anxious to get their building permit and have told some of the neighbors that they would break ground Monday morning and once they have gotten the building permit, his office is pretty much out of the picture and it would be a question of enforcement. The whole load would drop on the Inspections Division; every time somebody parks on the street because of inadequate parking, they will have to run out and enforce the conditions.

If the subordinate use is going to be parking and not the prime use as indicated, for the tennis courts, Mr. Smith said, then the allowance for the tennis court parking would have to be out. It was his understanding by the testimony that was given that the prime use would be for parking and if there is any time to play tennis when the parking wasn't needed, they would, but from what has been said now, they have no intentions of doing it. The Board has gone around and around on this. This isn't holding up anything, they have a pool there they are using now, so this will have no effect on them, and the fact that they have continually apparently overlooked the fact that they have to provide parking for this facility has been one of the problems. Originally the Board thought they had solved all of the problems connected with it -- the fence and all, and they came back and the Board changed that -- so after that was changed, now the parking seems to be really a problem.

Parking on tennis courts is not very good, Mr. Woodson stated, because oil drips from cars and if there is oil all over, they can't play tennis.

Mr. Yeatman agreed.

Apparently it isn't a practical thing, Mr. Smith suggested, so the only thing he knows to do is to provide the 150 parking spaces that were required.

Are there any other tennis courts in this area, Mr. Yeatman asked? Is there room on this land to put the tennis courts? After having two or three hearings on this matter, the tennis courts and the child play area should not be where they are going to park cars and the people living on Dalebrook Drive objected to the parking along there, and unless they have the parking provided, there will be trouble. In his opinion, the Board should eliminate the tennis courts and play area and require 150 parking spaces. They could find room on the other end for the tennis courts.

There was a plat showing 150 parking spaces originally, Mr. Smith said, and this is what everybody agreed upon. There was overflow parking in one area for 75 cars and 75 spaces in the other area, then they came back and in order to expedite things, they discussed the dual purpose for the tennis courts.

Mr. Smith said he did not want to see the kids quit playing ball but there should be ample parking during Little League games with the 75 spaces in that area.

Is the Board going to bring this up again, Mr. Knowlton asked?

In view of the problems apparently with the on-street parking, Mr. Smith suggested, the Board should stick with its original motion outlining the parking requirements for 150 standard parking spaces on the property for the use itself.

And none of them in dual use, Mr. Knowlton asked?

From what Mr. Chilton tells the Board, Mr. Smith said, they have no intent of tearing the screening down to provide parking.

They have cut gates in the existing fence, Mr. Chilton said.

This would delete the real use of it as a parking area, Mr. Smith said, because if the fence is there, it limits the maneuverability and the parking area too and he did not think it was practical.

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Mr. Chilton asked for a motion from the Board or a clarification of item 3 - that dual use is not acceptable, it would help his office.

Mr. Long said that the intent was to provide 150 parking spaces and that the tennis courts were intended to be used as overflow parking because 150 parking spaces does not meet the requirement for 515 members, Mr. Smith said.

Tennis courts would be used only for the excess above 150, Mr. Chilton asked?

They must provide 150 standard spaces, Mr. Smith said. The Board would like to resolve this thing to the satisfaction of all, the majority anyway. If there is continual problems with the parking on the street, may be the Board should reschedule this for another hearing on a re-evaluation to see whether or not the 150 parking spaces are really sufficient to take care of them.

The call that they had today, Mr. Chilton said, was that they had heard the Pool Association was going to break ground Monday for the pool and they hadn't started on the parking. He said he advised the lady that the parking would not be required normally until the pool was ready and that they did not have to complete the parking ahead of time but he could anticipate the same problem that they have now continuing until the pool is complete and maybe they will have the parking complete at that time.

Again, maybe the Board had better clarify this, Mr. Smith stated. This is not an additional parking requirement. The parking requirement was for the facilities that are now in. They didn't increase their membership any. In other words, this was required to satisfy the needs of the existing membership. It was understood that there would be no more parking on the street after that hearing.

Mr. Yeatman said the Board should inform the Recreation Association that they should start on their parking before they open the pool - not the new one, but before they start operation of the pool this summer and that they go ahead with the 150 parking spaces before they finish this pool or -- do they have a permit on the pool yet?

This is what they would be getting tomorrow if this plan is approved, Mr. Chilton stated.

The Board is going to have this trouble all summer if they don't put this parking in, Mr. Yeatman suggested.

Would it be wise to have them come back in to discuss this, Mr. Woodson asked?

The Board has had them in twice and has spent a lot of time on this, Mr. Smith said, and if there are any other questions that have not been resolved, possibly this should happen, but it was understood and the people that were present in both instances said there would be no more street parking in connection with the uses on this property, that they would notify people to see that this was not done. This is the only one that the Board has had any real trouble with, unfortunately, in these community operations. It certainly presents a real problem. In some cases there are people who are overly critical but apparently - has there been an inspector out there to observe this, Mr. Woodson? Of course, these people who have been parking on the street, we have to be sure that they are using the facilities of the pool.

That's the problem they have, Mr. Yeatman said.

An inspector should go out there, Mr. Smith said, and if this is true, they should be brought in on a show-cause. Bring the Board the information.

The Board should adopt this parking right away -- 150 parking spaces, Mr. Yeatman said, before they start on this other pool.

Of course, Mr. Smith said, the Board should reaffirm its position at the time of the hearing -- that all parking in connection with the use be on the premises.

Mr. Chilton is holding up the building permit, Mr. Yeatman said, and that is the only lever the Board has right now to see that this parking is done.

Once the building permit is issued, Mr. Chilton stated, it is much harder to enforce; the whole load would fall on the Inspections Division.

Let's require development of 150 parking spaces, Mr. Smith suggested, along with the other site plan requirements; this is the only way to do it. This is part of the motion also that the site plan Ordinance would prevail. Under this, the staff can waive those factors as indicated that would not accomplish any useful purpose.

You would want the parking spaces well underway before the permit is issued, Mr. Chilton asked?

They would have to provide this for the going operation, in view of these recent complaints. Apparently there is some question as to whether any expansion should

take place at all until all of the parking is taken care of but I realize this is a civic organization and they are not increasing their membership. This problem has prevailed for a long time and they said they would not allow it any longer.

If the Board has to have another hearing on this, they could notify Mr. Knowlton, but he would hope that this would resolve the matter.

The Board thanked Mr. Chilton for coming down to discuss the matter.

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DAVID J. PLUMPE, application under Section 30-6.6 of the Ordinance, to permit construction 9.1 ft. from side property line, 5531 Callander Drive, Annandale District, (R-12.5) 79-1 ((6)) 549, V-81-70

Mr. Plumpe stated that he wished to build an attached garage to his house and in order to do this and provide access to the front entrance, the garage would have to be 9.1 ft. from the side lot line. It is an "L" shaped house and the entrance is in the elbow of the "L". They would like to enclosethe existing carport and have it become part of the family room.

Mr. Smith pointed out that the variance requested is a maximum variance and the Board can only consider a minimum variance to grant relief under the Ordinance.

Isn't there a recreation room in the basement, Mr. Yeatman asked?

Mr. Plumpe said that there was. At present he has a single carport and he would like to construct a double garage.

The request is unreasonable and far exceeds the allowable variance that would be required, Mr. Smith again stated. This is a tremendous addition. A reasonable use of the property is what now exists. How large is your family, Mr. Smith asked Mr. Plumpe?

There are three in the family now, Mr. Plumpe said, and they purchased the house in 1965 when it was new.

Mr. Smith said there are hundreds of houses in the County designed as this one is and to grant a variance of this extent, the Board of Zoning Appeals would be acting as a legislative body and changing the Ordinance to allow for greater development than originally intended.

Mr. Barnes suggested putting a detached garage in the back of the house.

Mr. Plumpe said that most of the back yard is in woods. Directly in back of the house 10 to 15 ft. behind the house the land rises to the woods, goes back 15 or 20 ft. and drops off rather sharply.

A garage could be built within 4 ft. of the property line legally, Mr. Smith pointed out, if it is a detached garage so there is an alternate location.

No opposition.

Mr. Woodson pointed out that Mr. Plumpe could have an open carport 7 ft. from the side property line if it is attached to the house so this gives another alternative.

In application V-81-70, an application by David J. Plumpe, application under Section 30-6.6 of the Ordinance, to permit construction 9.1 ft. from side property line, property located at 5531 Callander Drive, also known as tax map 79-1 ((6)) 549, County of Fairfax, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970 and

WHEREAS, theBoard of Zoning Appeals has made the following findings of fact:
1. The owner is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,009 sq. ft. of land.
4. Required setback from the side line for an attached garage would be 12 ft.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE NATIONAL LITTLE LEAGUE, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit addition of two baseball fields, located at the end of Spring Valley Drive, on the Susquehanna Corp. property, Springfield District, (RE 0.5), 72-3 ((1)) pt. 18, S-82-70

Mr. James Micklewright represented the applicant. They have a ten year lease on the property which began in 1966, he explained. They built one field in 1966 and they propose to add two more as shown on the drawing.

Would there normally be a loudspeaker in use at all games, Mr. Smith asked?

No, they plan to use it on opening day and spring events and tournament games, Mr. Micklewright stated. They play every evening starting at 6:30 and have three or four games on Saturdays. There would be no Sunday games. There are 720 boys registered in Annandale National Little League and forty-four baseball teams. The budget for the year is around $10,000 which comes from parent donations, sponsors and one or two money making projects during the year.

No opposition.

In application S-82-70, an application by Annandale National Little League, Inc., application under Section 30-7.2.6.1.1 of Ordinance, to permit addition of two baseball fields, located at the end of Spring Valley Drive on the Susquehanna Corporation property, also known as tax map 72-3 ((1)) pt. 18, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the Susquehanna Corporation. The applicant is lessee.
2. Present zoning is RE 0.5 and I-G.
3. Area of the lot is approximately 6.28 acres of land.
4. Compliance with Article XI (Site Plans) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Ordinance and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant onlyand is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for a period of five years.

5. Hours of operation to be six days a week, 9 a.m. to 9 p.m.

6. All noise from loudspeakers is to be confined to the site and lights shall be directed on this site and not overflow onto adjacent properties.

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7. There must be ninety standard parking spaces provided and all parking must be contained on the site.

Seconded, Mr. Barnes. Carried unanimously.

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YUN S. LALIMA, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop, 7300 Fairchild Drive, (R-10), Lee District, 92-4 ((3)) (6) 1, S-74-70

The Board returned to this item scheduled for 11:40.

Mrs. LaLima was present at this time and stated that she is working now and is gone from home too much. She would like to be able to have a beauty shop in her home so she would be able to be home with her children.

How far is the business section of Hybla Valley from your home, Mr. Barnes asked?

About a mile, Mrs. LaLima replied.

Mr. Knowlton stated that the C-G zoning shown on the map across from the LaLima home is developed in apartments. Prior to 1964 apartments were allowed to be built in C-G zones. The nearest commercial property probably is the High's Store on the corner and the nearest shopping center would be one under construction.

Mr. Long stated that he was concerned about the commercial property across the street. People in the apartments could have this use by right.

Mr. Smith read the letter from the Health Department stating that plans have been received and approved by them for this use and they have no objections.

No opposition.

In application S-74-70, an application by Yun S. LaLima, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop, located 7300 Fairchild Drive, also known as tax map 92-4 ((3)) (6) 1, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 12,684 sq. ft. of land.
4. Property across the street is zoned C-G and property to the east is also zoned C-G.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that the application complies with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

THEREFORE BE IT RESOLVED, that the application be and the same is hereby denied. Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion.

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SECOND BAPTIST CHURCH - MOTHER GOOSE NURSERY - Rev. Costner requested permission to construct a new addition to the building for school use. The children now housed in the basement would be moved to the addition. The number of children would not be increased. Mr. Barnes moved to allow the new addition. Seconded, Mr. Yeatman. Carried 5-0.

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HAYWOOD McCLARY - application for nursery school on property located 4217 Evergreen Lane, (deferred from April 21)

Letter from the applicant's attorney, Mr. James Mee, requested withdrawal of the application as there is presently a lease on the property which cannot be negotiated.

Mr. Barnes moved to allow withdrawal without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith noted a letter from Mr. Thomas Lawson regarding an additional strip of land that had been included in the use permit of Educo, Inc. - nursery school on Route 7. The enclosed plat showed the additional land.

In application S-250-69, an application by Educo, Inc., to permit operation of a day school, on property known as tax map 19-1, 19-3 ((1)) 19, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, public hearing was held by the Board of Zoning Appeals on March 10, 1970 and use permit was granted to the applicant,

THEREFORE BE IT RESOLVED, that the original motion be amended to include the additional 20 ft. strip of land 599 ft. long along the northern property line as shown on revised plat dated 4/20/70 on file with this application.

Seconded, Mr. Barnes.

Carried unanimously.

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The meeting adjourned at 3:45 p.m.
Betty Haines, Clerk

Daniel Smith

Mr. Daniel Smith, Chairman Date

6/9/70

The regular meeting of the Board of Zoning Appeals was called to order at 10:00 a.m. on Tuesday, May 26, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Messrs. Richard Long, George P. Barnes, Joseph Baker, and Clarence Yeatman.

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

HERMAN GRENADIER, application under Section 30-6.6 of the Ordinance, to permit construction of three houses closer to street than allowed, located 2602-2610 Memorial Street, Mount Vernon District, (R-12.5), 93-1 ((18)) 472-478 incl., V-83-70

The applicant was not present; the application was placed at the end of today's agenda.

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The Board is aware of the Waynewood Recreation Association application for a new swimming pool, Mr. Smith stated. The Board has had this before them several times and in the past week or so he has received phone calls in relation to this. There seems to be considerable confusion, some of it possibly due to the wording of the motion, and some of it otherwise. In order to clear up the confusion relating to this matter, the Board should try to come to a good clear decision and relay this to the Association. The original granting of the use permit was in 1960 and it was granted to a non-profit Virginia Corporation taking title to the ground which was set up by the developer, Mr. Gosnell. They had 200 paid members at that time. They indicated that there would eventually be 750 homes constructed, and they planned to have a membership of 500 families. He read from the minutes of the original hearing. The Board granted a use permit for 200 members, Mr. Smith continued, and apparently required apparently 69 or 79 parking spaces. The softball field they spoke of is now the Little League field. There were 71 parking spaces planned, according to the original plat, Mr. Smith said. Over a period of years, the membership has grown to a stated 515 family membership and this is the thing the Association failed to realize -- that the use permit covered the original use and it was only for a membership of 200. They put in the baseball fields, etc. without expanding any parking, and apparently without objections. The 150 parking spaces required by the Board was to serve the 515 members, even without the new pool. Somewhere along the line it was felt that the 150 parking spaces had to be constructed prior to opening the pool this year and it was not his feeling, Mr. Smith said, that they would have to be put in prior to opening the existing pool, but certainly they would have to be constructed prior to expansion. He was certain that the Pool Association was not aware that they could not park on the street in public space, that all parking would have to be on the property itself. The use of the tennis courts for parking was approved and now the Board has come to this situation. Apparently the membership was not aware of the original granting and many people associated with it are not aware of it either. Actually, they have expanded the use without expanding the parking. With these facts in mind, there should be some clarification from the Board as to what the intent here is.

Mr. Yeatman said he felt it was the consensus of the Board at the last hearing on this, that they should have 150 parking spaces and they should be provided now, and not use the tennis courts as parking area because that makes a bad situation. People might be playing tennis and there would be an excess number of people coming here to park on the tennis courts. He said he was not a member of the Board when the original use permit was granted, but they should start now to provide the 150 parking spaces before constructing the new pool.

Mr. Long said he felt that they could open the existing pool, but the argument was that they not be granted a building permit for the new pool until they had complied with the provisions of parking, either put up bond or something to guarantee that these spaces would be provided.

In discussing this, apparently Mr. Chilton misunderstood the intent of the Board, Mr. Smith stated. The existing pool, as long as they can provide on-site parking, could open as it has done in past years but prior to issuing a building permit for the additional pool, there be a site plan showing at least the 150 standard parking spaces with permission to use the tennis courts for overflow parking during swim meets and this type of thing, because 150 parking spaces does not meet the ratio of 1-3. This was his understanding for allowing the tennis courts to be used. This is a beautiful area and some of the objections to putting in parking are because of tearing up sod or removing trees. This was originally a 200 membership organization and now they are up to 515. He has agreed to appear at a meeting of the Association, Mr. Smith said, to help clarify the Board's position, but prior to his making the trip down there, he wanted to have further clarification from the Board. When the application was granted ten years ago, the Board was not as definitive as they are today and the Board is trying the best they can to be very definitive in their motions and resolutions so that those who come after will not have to have these problems.

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Mrs. Johnson, 1001 Potomac Lane, a member of the organization, said she had called to make an appointment with Mr. Smith yesterday, because she wanted to read the Pomeroy Ordinance and know what she was referring to. There are many of them who wonder about the complaints which have been made about the organization.

Let's forget the complaints, Mr. Smith said.

Two or three men have been trying very hard to police the parking, Mrs. Johnson continued, and they are doing a good job. Last night there was a Little League game and a gentleman parked on the street. They asked him to move and the language was terrible; they have called the Police, they say there's nothing they can do to stop the people from parking on the street.

There is, if you request no parking signs, Mr. Smith said.

The Association has requested it, Mrs. Johnson said.

Mr. Smith said he was by there last evening and there were no cars parked on or anywhere near Potomac Lane and the whole area abutting the Association's property was clear. After having taken another look at it, it is important to keep the cars away from the corner. There were three different children running into the street after a ball while he was there. He slowed up there, he said, and one Little Leaguer told him there was no parking on the street. There are signs all along there -- "no parking for Little League" -- but it seemed to him they were doing an excellent job. The Ordinance itself states that all parking pertaining to these uses be on the land belonging to the use and that there be no parking on public space. This has been the only problem.

Mrs. Johnson said she was present at the last hearing of this matter by the Board, and she interpreted what was said quite differently, but she has not read the minutes. Someone asked -- if they do not complete the parking lot and continue to park on the street, what would happen? She said she recalled the answer -- Call and report and we will not give the use permit.

If these are members who are parking here in violation of the membership rules, the Association will have to suspend them, Mr. Smith suggested. The Association is allowing the use of the fields by Little League which is a most appropriate use and they must be instructed that if anyone including fathers or mothers feels that they cannot abide by these rules, then ask them not to interfere with the use of it by others. It can be done; it is being done all over the County in other areas. It does take some firm action. The Association itself has to regulate this.

Mrs. Johnson asked Mr. Smith to cite the Ordinance stating that it is illegal to park on Dalebrook and Potomac Lanes.

He did not say it was illegal to park there, Mr. Smith replied -- he said it was illegal for any of the users of the Association under this use permit to park there because the Ordinance states that all parking related to the uses will be on the use itself - on the land under the ownership or leasing arrangement of the Association. Any use of this property that the Association approves has to park on the property. The parking could be situated on any area of the land that could meet the setback requirements.

Can they continue to park on the street, Mrs. Johnson asked?

I am failing to get to you, Mr. Smith said, they are not to park on the street.

How about people who do park on the street and they are not members, Mrs. Johnson asked?

If they are not members, how do they come to the pool, Mr. Smith asked?

The pool is not open, Mrs. Johnson replied.

The people who are parking there other than users of the pool/property itself are not under the Association's jurisdiction and there's nothing they can do about it, Mr. Smith said. It's up to the officers of the organization to enforce the rules; it's very easy to be lax on it.

Mr. Woodson said there would have to be off-street parking for the members of the Association. If someone in the area has a party and has parking on the street, there is nothing the Zoning Office can do about it.

The Little League fields are a use approved by the Association, Mr. Smith added, and the Association has to control this parking. Using the tennis court area for overflow parking is certainly a reasonable approach to this. Mr. Chilton was under the impression that theycould not open the existing pool until they put in 150 parking spaces.

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Mr. Long said the consensus of the Board, he felt, was that they could open now without providing the additional spaces.

Then, he would deliver this message to the Association, Mr. Smith said.

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Mr. Grenadier apologized for being late to the meeting but he was held up because of a traffic accident and since he could not remain until the evening session, he would like the Board to consider his application now.

Mr. Yeatman said he had made the motion to place the application at the end of the agenda because he was not present and he would like to move that this case be heard now. Seconded, Mr. Baker. Carried unanimously.

Mr. Smith recalled the case of HERMAN GRENADIER.

A variance was granted a couple of years ago and his father was going to build on these three lots, Mr. Grenadier explained, but never got around to it within the year so this is merely a re-application for the same thing.

Is this the one where he had an easement arrangement with the County, Mr. Smith asked?

Yes, Mr. Grenadier said. He did not have a copy of it but the agreement has not expired - it was a question of putting some drainage area in the rear of these lots. This has all been taken care of.

The reason for granting the original application, Mr. Smith recalled, is because there was an unusual situation where the County needed the rear portion of these lots for easement. Also, there is rather a bad topographic situation.

Would this come under Subdivision Control, Mr. Long asked? Would he be required to dedicate for widening of Memorial Street and put in improvements?

With three lots, Mr. Phillips said, he believed so.

The original variance was granted subject to giving the County the easement, Mr. Grenadier said. The adjoining property is 27 ft. from the street and there are some houses on the street that are as close as 12 ft. to the right of way. These proposed houses would be set back as far as any others on that road. His father has been negotiating with a builder who will develop these lots and he is reasonably certain that he can have this accomplished within the next few months.

No opposition.

In application V-83-70, an application by Herman Grenadier, application under Section 30-6.6 of the Ordinance, to permit construction of three houses closer to street than allowed, located 2602-2610 Memorial St., Mount Vernon District, also known as tax map 93-1 ((18)) 472-478 inclusive, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all County and State Codes and in accordance with the by-laws of Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lots are 7,720 sq. ft.; 10,066 sq. ft.; and 13,307 sq. ft.
4. A similar variance was granted on this property on March 12, 1968.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally shallow property; (b) topographic problems in connection with this property; (c) unusual location of existing buildings on the adjacent properties.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

HERMAN GRENADIER - Ctd.

1. This approval is granted for the location and the specific structures indicated in plats included with this application and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A minimum of 5 ft. of land shall be dedicated to public use for road widening of Memorial Street along the front of this property.

4. All requirements of the subdivision control ordinance are to be complied with.

Seconded, Mr. Barnes. Carried 4-0, one abstention.

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SUN OIL CO., application under Section 30-7.2.10.3.1 of the Ordinance, to permit bay addition to existing service station, 7030 Little River Turnpike, Annandale District, (C-D), 71-1 ((1)) 105, S-84-70

George Feise represented the applicant. In 1962 they were granted a special use permit for a two bay service station and of course at that time a two bay service station was a very substantial facility and one that was beneficial to the area. Today a two bay service station is outdated and they are constantly going to three bay facilities wherever they can. State of Virginia requires an additional bay facility in order to allow a dealer to do inspection work and this is another reason why they would like to have their dealers in three bay service stations. They would like to remodel the station, take off the old porcelain on the outside of the building, and put on a more attractive facade. No variances for the remodeling will be necessary.

No opposition.

Is there going to be only one pump island, Mr. Long asked?

That is correct, Mr. Feise replied. There will be no change in the driveway, only in the building. The sign meets the County regulations. There will be no change in the sign.

In application S-84-70, an application by Sun Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit bay addition to existing service station, 7030 Little River Turnpike, Annandale District, also known as tax map 71-1 ((1)) 105, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, lettersto contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the property is 17,920 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. Original use permit was granted February 27, 1962.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in C districts contained in Section 30-7.1.2 in the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony withthe purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only, and is not transferable without further action by this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

May 26, 1970

SUN OIL CO. - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The exterior of the building shall be Colonial brick as shown on photographs.

5. All lighting shall be directed on the site.

6. There will not be any rental or storage of trucks, trailers, automobiles in connection with this operation.

Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional water treatment facilities, 9800 Ox Road, Lee District, (RE-1 and I-G), 112-1 ((1)) 8, S-85-70

Mr. Richard Hobson represented the applicant. This is an existing facility with an existing use permit and this application is for additional facilities to be constructed on the same and adjacent property, Mr. Hobson explained. The adjacent property is that being acquired by trade of land for this purpose. The request here is for the following additional facilities - mixing and settling basin, a filter pump and control building, a septic tank and drainage field, proposed chlorine scale room, a fluosilicic acid storage tank, lime storage bins and alum storage tanks, and a wash water settling pond. That's not going to be a structure, he said, but that is what the Water Authority plans to put in. These facilities are to permit the Water Authority to treat and pump maximum amount of water that is available at that source and which they can pump through the lines from there. The filter pump and control building gives additional filter, a pump, and better facilities than what are now located for laboratory testing work, administrative work. The septic tank and drainfield are to serve the building. The acid and storage tank is to permit more efficient addition of these chemicals to the water - they are now done in solid form, they will be done in liquid form - and the same for the lime storage bin and alum storage tanks. The wash water settling pond is a facility that will permit the Water Authority to drain out the mud from the wash water. Wash water is water that is used to flush out these filtering and settling tanks periodically. This wash water picks up the mud from the tanks and instead of returning this to the stream, they will put it out in the settling pond and it will settle. Periodically, it will have to be scraped or hauled out but none of that water from these facilities will go back to the river. These facilities are needed to provide an increasing demand for water in Fairfax County and service area of the Authority. The money to provide these facilities will be from the bond issue recently sold by Fairfax County Water Authority. This is the Authority's attempt to improve the service.

This is property which was acquired from the Alexandria Water Company, Mr. Hobson stated. Two special use permits have been granted to the Alexandria Water Company on this property before and there's a matter of interpretation whether every piece of the facility there when the acquired the property had been specifically approved by this Board, but they all had been generally. They are asking that the Board approve what is shown on the plan today. He introduced Mr. Corbalis to the Board to give more details on the facility.

The Board is aware of the facility, Mr. Smith stated, and the need for additional facilities, and is glad that the bond money is available to expand and upgrade the facilities.

The Ordinance does require a finding of fact regarding the necessity for rendering efficient service, Mr. Hobson stated.

The Board would like a copy of the service map, Mr. Smith said, if it is not restricted. The Board will list all other existing structures and facilities on this as number eight, he suggested, to include all of the items or areas not covered by the specific request at this time, to bring it into compliance.

No opposition, however a lady was present to voice a concern. Mrs. Evelyn Lynn stated that the stream runs through her property, and she was concerned about the drainage situation.

Does the Water Authority control the drain which Mrs. Lynn has reference to, Mr. Smith asked?

Mrs. Lynn stated that should any large amount of water come down that stream, their home would be endangered. Her husband has talked with Mr. Corbalis about this situation.

Mr. Smith said he was surprised that any of the water from the filtering unit would go onto the Lynn property.

She was sorry to say that this has not always been the case, Mrs. Lynn said, until the Board of Supervisors or the Board of Zoning Appeals put the pressure on the other people there. She said she knows that these facilities have to be built but would like to have some assurance regarding the drainage. They do not have the money it would take to install pipes to take care of the thousands of gallons per minute that might come down through their property. This could come at the time of a storm and pose a problem to them. This is not natural drainage -- it is man-made, and not there by nature.

Is this a continual thing, Mr. Smith asked, or where you get a large amount of water at one time?

There is a natural small stream there, Mrs. Lynn said. Water runs off the hillside into the stream.

She would continue getting from the existing settling pond, a periodic runoff of water until further improvements are made, Mr. Hobson said. No more water from the new settling basin is going to come down the stream and over her property.

Mr. Corbalis stated that they are working with Mr. Lynn on the question of enlarging the drain under the driveway to take care of natural runoff as well as the artificial runoff coming from the existing plan. As Mr. Hobson indicated, there will be no increase in run-off by the new plan; water will be contained in the settling pond, it will be redrained and reused. Only in the event of an accident would there be additional water going down the hill across the Lynn property. In addition, they are now studying to provide for the reclamation of the water from the existing plant so that it does not discharge into the streams.

Is the Water Authority going to provide engineering and piping in relation to this problem, Mr. Smith asked?

Yes, they will cooperate in any practical manner, including some financial assistance, Mr. Corbalis agreed, they just haven't reached the point of finalizing what this may be.

Would the piping take care of flooding if there were an accident, Mr. Smith asked?

They can't guarantee anything, Mr. Corbalis said, but if there is damage to the Lynn property, the Water Authority would be responsible.

Even before they applied for the additional facilities, Mrs. Lynn said, they were looking into this drainage problem. The Water Authority reminded them that this was on the Lynn property and that they had not made proper provisions for such things, therefore it was the Lynns' responsibility and it should have been provided at the time the house was constructed. This was the statement from Mr. Terrett of Design Review.

This was a reply from someone in a Deputy capacity with the County, Mr. Smith said, but Mr. Corbalis and the Water Authority are reasonable people and if there is any impact under their responsibility, they will certainly alleviate this.

The Water Authority realizes that they must be good neighbors, Mr. Hobson stated. Like any other contractor, they will have to adopt good siltation practices while the new building is under construction.

In application S-85-70, an application by the Fairfax County Water Authority, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional water treatment facilities, 9800 Ox Road, also known as tax map 112-1 ((1)) 8, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1 and I-G.
3. Area of the property is 25 acres.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. Request for expansion of facilities were approved under requests for use permits granted August 16, 1949 and November 26, 1963.
6. The Planning Commission recommended approval of this use at its meeting of May 25, 1970.
7. The location proposed for these additional water facilities is necessary for the rendering of efficient services because inter-connection of the proposed uses with the existing facilities would be less expensive and will facilitate more efficient

supervision, maintenance and valve connection.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and as contained in 30-7.1.2 for I Districts.
2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The 160' x 180' pond for wash water is to be enclosed with a six foot chain link fence.

5. Adequate provisions for additional and natural run-off of water caused by this use will be provided for.

Seconded, Mr. Barnes.

On May 18, 1970 the County Site Selection Committee reviewed the above proposal and recommended that the application be approved under 15.1-456 of the Code of Virginia, as amended, Mr. Smith noted. The Site Selection Committee also noted that this would improve the quality of the water as well as the quantity.

Carried unanimously.

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COLUMBIA PIKE LIMITED PARTNERSHIP, application under Section 30-6.5 of the Ordinance, to permit interpretation of Fairfax County Zoning Ordinance, Section 30-2.2.2 so as to permit as an accessory use a charge for use of parking spaces required under CO-H zoning, located 5600 Columbia Pike, Mason District, (CO-H and C-O) 62-1 ((1)) 7, V-86-70

Mr. John Milligan introduced Senator Bendheim to handle the application.

Senator Leroy Bendheim stated that the building consists of 130,000 sq. ft., it is nine stories in height, and attached to the building is a five level parking ramp which comprises approximately 109,000 sq. ft. In addition to this, there is some perimeter parking -- outside of the ramp area, and all told there are about 330 spaces within the ramp, and approximately all told 576 spaces. This matter comes before the Board because of the fact that since 1965 when this building was built and first occupied in accordance with County regulations it was required and the owners complied with the necessary off-street parking. However, at the time that the building was financed, consideration was given in financing the building and in seeking a lender to the amount of revenue that would be derived in addition to ordinary rental from parking facilities, that were available, and since 1965, these parking facilities have been used by various tenants and their employees and personnel in this operation. He wanted to make it clear at the outset, he said, that this is not a commercial parking lot. Were it a commercial parking lot, he could fully understand the objection being raised by the Chief Inspector of Fairfax County.

This is an appeal from the decision of the Zoning Administrator, Mr. Smith said, as to interpretation of the Ordinance, and he did not wish to get into anything other than the COH requirements and the parking itself. This is basically what the request is directed to. The discussion should pertain to this particular building and if related to the Ordinance, the first section is related to allegation of error on the part of the Zoning Administrator, and the Board should have information from the applicant stating that under the existing Ordinance this request is a valid one.

That is correct, Senator Bendheim agreed, but he felt that in order for the Board to appreciate the whole picture, they should have a little bit of background information on the operation. The Ordinance is entirely silent with reference to parking in a COH zone. It does not say that there may not be a parking facility nor does it say that one is allowed -- it doesn't say anything about that type of use.

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It does require a certain amount of parking spaces to be provided for the building itself, Mr. Smith noted.

But it doesn't say anything whatsoever about whether you may have a commercial office operation which this isn't, incidentally. This is a parking facility which is accorded to the employees and personnel who occupy that high-rise building. The situation arises, Senator Bendheim stated, the reason for it being in question now, is due to the fact that approximately 100,000 feet of this building is occupied by the United States government, the Department of the Navy, and one floor of about 14,000 sq. ft. by the Army. The government has a rule, as maybe the Board is aware, that they will not include the cost of parking in the rent. They will not pay for parking facilities, yet, this building which cost better than 2 1/2 million dollars is financed by the American National Insurance Company. At the time the lender made this loan, and the taxes as based in Fairfax County, all take into consideration that from the ramp type parking and the perimeter parking, there must be a certain amount of income. So to overcome this situation, since 1965 or shortly thereafter when the government became a tenant, the personnel working for the government formed what they called Aero-4 Parking Association. This is comprised only of the people who work for the government in this project. These folks rent reserved spaces for parking of their members and they pay this parking each month to the management of the building. This is the entire operation. It is not a commercial parking lot; it is solely for the use of the people who occupy the building. This parking structure itself is appraised by Fairfax County at an appraised value of $556,160. It's assessed at $222,464. The land and parking building is at current rates of $4.30, has a tax value and taxes are paid to the County of $10,979. The building itself, exclusive of the parking, is appraised at $2,435,909 and at a 40% evaluation, assessed evaluation, the building and land is appraised at $1,683,000 and the taxes paid to the County on that building is $43,429. The perimeter land is taxed at $6,651.00 and the reason he points this out, he said, is because approximately seventeen - between seventeen and eighteen thousand dollars a year is paid in taxes to the County solely for the parking facilities. The balance is paid on the building. Now, therefore it is essential in carrying the cost of financing, maintenance and taxes, that there be some income derived from the parking facilities and that is why he said a moment ago that this arrangement was made with the Association for reserved space parking in this facility. This operation is no different than most of the high rise buildings in the Northern Virginia metropolitan area. In fact the NASA building immediately across from this, the one marked CO right across from this building, has the same arrangement, and the building which was formerly occupied by the Navy Communications at Bailey's Crossroads, also have the same situation where the charge is merely a service charge for reserved parking. They feel that this is an accessory use, Senator Bendheim continued, to the main use for which this zone permits. They could not have built this building had they not provided the parking, and having provided it at a cost of more than a half million dollars, it is only a reasonable accessory use to the main zoning and the main use that this zone allows, to be able to charge a service charge for this type of parking.

The Aero-4 Association, Senator Bendheim stated, is comprised of employees of the federal government and this system has been very satisfactory over a period of five years of business, with no complaints. The parking rates are nothing like the rates that are being charged in the metropolitan area because this is not done for the purpose of making money; it's done for providing additional revenue to meet expenses that are necessary in this type of project. Ramp type parking which is inside is $17.00 a month. Outside surface parking is charged at the rate of $12.00 a month. The income derived from the parking facilities is approximately $54,000 a year. If this income were denied, there is a serious question whether or not the expenses of this operation, the carrying charges on the trust, maintenance of the building and facility, could be met without serious financial loss. Therefore, he would respectfully submit that they feel that this interpretation is reasonable and is within the province of the Board to make it, that it will stabilize this situation as far as other buildings that are similarly situated in the County, and in this modern day and age when we need off street parking, it will be of help to those who are going to engage in this type operation in the future.

Mr. Smith said he agreed with those comments, but the Board has to deal with the Ordinance itself. Directing Senator Bendheim's attention to the Section of the Ordinance under which the application is filed, the uses permitted by right do not include a paid parking facility.

Senator Bendheim's comment to that was that it is not denied either. There is nothing in the Ordinance which says that this type of facility is not allowable, and what they are asking for is an accessory use. The general law is well settled on this subject, because it says that even though an ordinance is silent as to accessory uses, they will be permitted where they do not involve a departure from the purpose of the Ordinance. What is the general purpose of this Ordinance? To allow high rise office buildings in this zone. Then the County says if you're going to have a high rise office building, you have to have parking. So, certainly under that general situation, where the Ordinance is silent as to whether a service charge can be charged for parking, it would come directly under this quotation of law as an accessory use. Further, this same authority cites that a use is accessory when it is customarily incidental to the main use or when it is so commonly to be expected in connection with the main use that it cannot be supposed that the ordinance was intended to prevent it.

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COLUMBIA PIKE LIMITED PARTNERSHIP - Ctd.

Warren Oliveri represented Weaver Brothers, managing agents of the property, and stated that at the present time, nor at any time, have they rented outside parking spaces to anyone - they have denied people who have requested parking spaces. The Association is made up of government employees who have two representatives here today, who collect the money on behalf of the government personnel and pay to the managing agent for the parking area.

How many people are involved in the leasing arrangement of this particular building, Mr. Smith asked?

About 85% of the building is leased to the federal government, Mr. Oliveri replied. The private tenants who are in the building, those parking charges are included basically in their rent.

When this was leased to the federal government, why wasn't the parking area incorporated into the lease, Mr. Smith asked?

Basically for competitive purposes first, and secondly, the government is not permitted or was not at that time to pay for employee parking area. They have since made that change within the past year and are now able to lease, that they know of, one particular property in Washington where they have negotiated, which included parking area.

When did you first start charging for parking in the building, Mr. Smith asked?

The initial occupancy of the building, in 1965, Mr. Oliveri said.

What is the charge for parking in the Nassif building, Mr. Smith asked? The Board was not aware that they were charging.

To the best of his knowledge, Mr. Oliveri said, they charge $11.00 a month, and theirs is all perimeter parking. They have no structure and no cost involved for developing such.

There were variances granted on that parking lot to allow parking, Mr. Smith said, and at that time there was a statement made that this was to take care of the employees and there was to be no charge for it. But, getting back to the specific case, was a variance granted to allow this parking ramp?

Not to his knowledge, Mr. Oliveri said.

How many parking spaces are required for the number of employees of the federal agencies leasing from Weaver Brothers, Mr. Smith asked?

The zoning requires one for each 250 sq. ft. The agency itself is leasing at the present time approximately 275 parking spaces, Mr. Oliveri said.

What happens to the additional parking spaces over and above the used spaces, Mr. Smith asked?

There are vacancies in the parking establishment at the present time, in addition to the private tenants who use approximately 100 of the spaces, Mr. Oliveri replied.

Did you construct parking here far in excess of the requirements, Mr. Smith asked? Why do you have these spaces available, because you are charging, and people park on the streets? This is his thought on the ordinance, he said. Basically, the ordinance requires a certain number of parking spaces to be provided for the users of these particular buildings, same as they do in shopping centers, and these parking spaces have to be provided by the owners of the building for all of the employees. There's no area in the Fairfax County Ordinance that he could find to allow paid parking facilities, for this type of use.

Mr. Vernon Long stated that the feeling of the Zoning Administrator's office is that this is in violation of the Code wherein it is not provided for in the C0 or C0H zones. As a consequence, they issued a violation notice. They were required at the time of site plan approval to provide four spaces for each one thousand square feet of office space.

That is a specific requirement in the Ordinance, Mr.Woodson said. The only place a paid parking facility would be allowed would be in the I-G zone.

Mr. Knowlton commented that the Ordinance is permissive, and this is not in the list, therefore it is forbidden. At the same time, all parking since it costs money to the developer is paid for some way, be it in the rent, or separately. The Zoning Ordinance dates back to 1959 and did not take into account the type of urban development which the County is now experiencing. There are plans underway to do something about that. It was his suggestion to the Board, that because any action the Board might take on this case would have rather profound implications on other projects proposed and existing, that the Board request the staff to initiate and complete within a period of time a complete study of this particular type of problem and come back with a recommendation as to whether or not there might be a need for an amendment to allow something not envisioned

at that time. There might be a need for an amendment, or to leave the ordinance as it is, taking into account what is being done by Mr. Mauck in Chicago on the new zoning ordinance, some studies by Voorhees and Associates on parking, and other information which could be made available to the Board. In the meantime, this case is more or less sitting in limbo and could be held until the information could be presented to the Board.

Everyone is aware of the changing situation in this area, Mr. Smith commented. The Board is being asked now to rule on an interpretation or allegation of error by the Zoning Administrator and the Board has to rule on that. If the Board upholds the decision of the Zoning Administrator, and he did not see how the Board could do otherwise, the Ordinance has either failed to provide for a paid parking facility in this area, or if it was the intent of the Board of Supervisors in the rezoning category not too long ago established here that there be parking provided to these people at no expense to the people using the facility, people would use the parking area and not fan out into the adjacent areas. If the Board of Supervisors wants to clarify this by initiating an amendment, it might be that the staff could recommend this to the Board. The Board is being asked to rule on an interpretation. How could a study affect this ruling?

How long would it take the staff to come up with an appraisal of this situation, Mr. Yeatman asked?

Not more than thirty days, Mr. Knowlton replied. Amendments to the Ordinance are approved by the Board of Supervisors, but the origin of the amendments never originates there. They originate from problems that exist anywhere in the County.

The Board of Zoning Appeals realizes the problems in dealing with this type of parking, Mr. Smith said, but the Board of Supervisors has not seen fit to provide paid parking structures in the Ordinance, other than possibly in an industrial area. What are their wishes? At this point it would be his thought that the intent of the ordinance is that under site plan, the parking requirements for these particular buildings, in order to properly allot the space, it should be on a non-paying basis other than through lease arrangements with the occupants.

Senator Bendheim said he did not think the Board of Supervisors thought about there being a charge for parking or not a charge. Purpose of the Ordinance for requiring off street parking is to get parking off the street and to make these people get these cars off the street, whether they be shopping centers, office buildings, apartment buildings or what - to provide a place for people to park and not clutter up traffic. He did not think the Board of Supervisors would be concerned whether a developer who has a tremendous investment in these buildings is going to charge for the parking if it's limited to people occupying the building. What this Board is saying is that the Board of Supervisors intended everybody to park here free and this does not happen. A shopping center charges through every lease for parking. These people have relied on this income for five years to meet their expenses and now all of a sudden they are told they can't do it this way. The very purpose of Boards of Zoning Appeals is to grant exceptions. If the Board of Supervisors could envision everything that is going to happen, there would be no need for Boards of Zoning Appeals. This is certainly a hardship and the least that could be done in this situation is permit the staff to study it and see what is best to do, and perhaps recommend amendment to the Zoning Ordinance to take care of it.

Mr. Smith agreed regarding the amendment, but the applicant is asking for an interpretation, not an exception to the Ordinance, he said.

Mr. Al Trenadi, 4002 Gallows Road, Annandale stated that they have been employed since July 1966 - they have been formed as an association since then and he has been Vice President for three years. There are approximately 460 members in the association. About 575 employees work for the Navy and 100 for the government in this building. They pay Weaver Brothers on the basis of use of the parking spaces, and they lease 250 places a month. That is as many as they can rent at the present time.

What happens to the other members who cannot lease space? Mr. Smith asked.

Those who cannot afford to park on the street, he said. They can ask for more spaces if they are available and if they need them.

There is available space now according to a statement made today, Mr. Smith noted. Why haven't you asked for it?

They haven't asked for it because they don't need it at present time, Mr. Trenadi replied. They charge $12 and $17 as stated.

Does your organization get any kind of donation from Weaver Brothers, Mr. Smith asked?

They get six free parking spaces for the office of the Association, Mr. Trenadi said. They average approximately $3500 a month for Weaver Brothers. All of the spaces are marked reserved and they are all numbered. It is sometimes difficult to police the parking, however.

COLUMBIA PIKE LIMITED PARTNERSHIP - Ctd.

The government does make provision to pay for parking now, Mr. Smith said. Has the lease been renegotiated since 1966?

This lease runs to 1976, someone stated.

Frank Higginbotham represented the Association. In interpreting the Zoning Ordinance, we certainly should look at the language in the Ordinance, he said. The wording used is such as the word "required" and "shall be provided". Those are some of the strongest words in the law. It doesn't say that this shall be made available or offered to these people in accordance with how much the traffic will bear, $15, $17 or $20 a month. The language says shall be provided and shall be required. There is a large segment of the population for whom there is no one to speak today and these are the people living in the area of these buildings. His information, he said, is that some of the employees of this building might walk as far as seven blocks or a quarter of a mile to get to work, parking on the street. If they don't get there by 7:30 a.m. to get their parking spaces they are out of luck. When street parking is taken by employees of this building, it is taken away from the people who happen to live in the area and that is in violation of the purpose and intent of the Ordinance. He submitted that the government would pay for the parking spaces - they would have paid for the spaces in this case had they been told that it was part of the County Ordinance that this parking be provided. These government leases require that the owner of the building comply with all County requirements. This is a part of the County Ordinance and must be complied with under government leases. It is required to be a part and parcel of the lot. Certainly this building cannot be sold separate from the parking, and he submitted that it could not be leased separate from the parking. It is all intended to be joined together at the rate of four parking spaces per one hundred thousand square feet of office space. If the Board were to upset the ruling of the Zoning Administrator, what that actually results in is this -- you've got congested streets, vacant parking spaces, (the top ramp is never occupied, the second from the top ramp is seldom occupied, so that's 165 spaces on a ramp, close to 150 parking spaces that go almost completely unoccupied in this complex), people walk long distances, and the next result is that people who are employees of the government will go out shopping and looking for cheaper parking, in this case - a church parking lot - to park their vehicles. The temptation would be great for the owners of the building to look for non-tenants to occupy this unused parking space and be compensated in this manner. From what Senator Bendheim has said this morning, it seems that the government employees are bearing the burden even though they occupy only a little over fifty per cent of the building. The whole problem should have been solved at the time of entering into the lease - the building and parking go together as a unit - then nobody would have been out of any money. This does not mean that this is not a time to put a stop to it, it doesn't mean that Fairfax County is just beginning to get the high rise buildings. This would be the time to say that the parking goes with the lease. If we don't say it now, we will never be able to say it in the future.

The question of interpretation involves not only the main use, Senator Bendheim, for which this property was zoned, but any reasonable accessory use that follows the main use as the law indicates. It has been pointed out by the staff that everyone realizes that facilities of this kind are tremendously expensive to construct and maintain and they have to be paid for one way or the other. There seems to be little difference whether the price is included in the lease or charge separately for the parking service. In either event, somebody is paying for parking. This has to be considered in modern day construction of this type of building. This accessory use seems to be reasonable and it is a free use unlnhibited, allowed by the law as part of the main use for which the building and the parking was zoned. Having been continued all of this time, it would be an extreme hardship, a financial disaster, to now have to give up this particular source of income, primarily for one reason -- that the government at the time of negotiation of the lease would not approve the price of parking in the lease.

Based on the Ordinance, Mr. Smith said, he would have to uphold the decision of the Zoning Administrator. There are unusual factors involved here. The Ordinance is a permissive one and does not provide for this type of parking in the zoned area.

Mr. Yeatman moved that the application be deferred for forty days and instruct the staff to investigate the Zoning Ordinance pertaining to this application and inform the Board of their findings. No second.

The Board adjourned for lunch, taking the matter under advisement until returning.

Upon returning, Mr. Long moved that the Board adopt the following resolution:

In application V-86-70, an application by Columbia Pike Limited Partnership, application under Section 30-6.5 of the Zoning Ordinance, to permit interpretation of Fairfax County Zoning Ordinance, Section 30-2.2.2, so as to permit as an accessory use a charge for use of parking spaces required under CO-H zoning, on property located at 5600 Columbia Pike, also known as tax map 62-1 ((1)) 7, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws

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of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is CO-H and C-O.
3. Area of the lot is 3.8251 ac. of land.
4. The intent of the Ordinance is to encourage off-street parking.
5. Fairfax County has no direct control over on-street parking other than through its ordinances.
6. Section 30-3.10.6 of the Zoning Ordinance states "all required off-street parking space, all required off-street loading space, and all passageways and driveways appurtenant thereto and giving access thereto shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or reduced in any manner except upon approval by the planning commission in either of the two following circumstances only, as set forth in the findings of the commission: (1) Such space may be reduced by the amount to which other and equivalent space, conforming to the provisions of this chapter, is provided for the use that is involved. (2) Such space may be reduced by an amount which is justified by a reduction in the size or change in the nature of the use to which such space is appurtenant; or, with respect to off-street parking space, by reason of the provision of conveniently available parking space in a parking lot established by public authority."

NOW, THEREFORE BE IT RESOLVED, that the application be and the same is denied and the Zoning Administrator's decision is upheld. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion as he did not agree.

Mr. Long said he wished to make another motion on application V-86-70 -- that the staff be instructed to refer this to the Planning Commission for recommendation to the Board of Supervisors as to whether the Ordinance should be amended to allow a charge for parking spaces in connection with the use. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM M. McLEAN, application under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop and residence, property located 2631 Chain Bridge Road, Centreville District, ~~(RE-1)~~ 26-1 ((1)) 5, ~~S-89-70~~ RE-1 48-1 60 87

Mr. McLean stated that he presently operates an antique shop at 2177 Chain Bridge Road and he must move this year. He would like to have a Special Use Permit to operate an antique shop in this new location and he would live in the house. His cousin, Charles F. Morrison, would help him with the shop, but Mr. McLean would be the sole owner. The other use permit was issued October 1, 1967 and was good for three years. He would relinquish that use permit if this one is granted.

No opposition.

Mr. Barnes asked about sight distance at the entrance to this property.

Mr. McLean said he planned to improve the driveway and would remove shrubbery and brush at the entrance.

In application ~~S-87-70~~, an application by William M. McLean, application under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop and residence, property located 2631 Chain Bridge Road, also known as tax map ~~26-1~~ ((1)) ~~5~~, County of Fairfax, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution: 48-1 60

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Lowell Hambie.
2. Present zoning is RE-1.
3. Area of the lot is 40,859 sq. ft.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

WILLIAM M. MCLEAN - Ctd.

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Six standard parking spaces shall be provided.

5. The Land Planning Branch shall determine the entrance and exit and sight distance on Route 123.

6. The Use Permit at 2177 Chain Bridge Road will terminate when the applicant begins operation in this location.

Seconded, Mr. Barnes. Carried unanimously.

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GULF RESTON, INC., application under Section 30-7.2.8.1.2 of the Ordinance, to permit continued use of existing riding stable located 2401 Reston Avenue, Centreville District, (RPC), 26-1 ((1)) 5, S-89-70

Mr. Richard Hobson represented the applicant. This is an application for renewal of an existing special use permit granted June 23, 1964, he said. The applicant is moving to request this permit in lieu of some ambiguity and without waiver of rights under the RPC zone. Since the use permit was granted, the RPC zone has changed, and now would allow this use as a matter of right. In any event, the applicant is asking for an extension of the existing use. The property is 3.6161 acres on Reston Avenue which is a major arterial cutting through the southern part of Reston. The site plan as approved has 42 parking spaces and a 164' x 136' building. There will be forty horses of which 18 are available to the public. This is a well used facility in the County. It is part of the kind of environment that Reston all along planned to create, where recreational facilities including use of horses would be readily available to the occupants of that area of the County. It is a good location and meets all requirements of the Ordinance. The owner of the property is Gulf Reston, Inc., and Tamarack Corporation operates it under lease from Gulf.

Mr. Koneczny, Zoning Inspector, reported that he had received no complaints regarding this operation. He has made routine inspections and has found the facilities very clean and the horses well taken care of.

No opposition.

Mr. Donald Cummings stated that the reason the application was made in the name of Gulf Reston, Inc. is because they are responsible to the Board for the operation of the center. If they change the agent at the center they would submit a letter to the Board.

In application S-89-70, application by Gulf Reston, Inc. and Tamarack Corporation, under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit continued use of existing riding stable located at 2401 Reston Avenue, Centreville District, also known as tax map 26-1 ((1)) 5, County of Fairfax, Virginia, Mr. Yeatman moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:'

1. Owner of the subject property is Gulf Reston, Inc.
2. Present zoning is RPC.
3. Area of the lot is 3.6161 acres of land.
4. Leon Majewski is President of the Tamarack Corporation.

GULF RESTON, INC.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

2. This permit is granted for three years and may be renewed by the Zoning Administrator at the end of this time.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by the Board.

4. This permit shall be posted in the office of the riding stable.

Seconded, Mr. Barnes. Carried unanimously.

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TRUSTEES OF MOUNT CALVARY CHURCH, application under Section 30-6.6 of the Ordinance, to permit addition closer to property lines than allowed, located 2221 Emmett Drive, Mt. Vernon District, (R-10), 93-1 ((1)) 40, V-90-70

Mr. Victor Ghent stated that the lot is 65 ft. wide and is on a corner. It was created in 1941. The present building is 14 ft. off Emmett Drive and 55 ft. off Quander Road. They would like to put on an addition for a meeting room and kitchen and it will not increase the number of seats in the church. The walls of the addition would be 24.6 ft. off Emmett Drive and 10.4 ft. off the side line. There is a 3 ft. roof overhang.

Mr. Ghent showed a rendering of the proposed addition which was of brick construction. It is a one story building, he said, and parking is adequate.

Reverend Albert A. Wilson stated that the proposed addition would be a meeting place for the young people and get them off the streets.

No opposition.

In application V-90-70, application under Section 30-6.6 of the Ordinance, to permit addition closer to property lines than allowed, 2221 Emmett Drive, also known as tax map 93-1 ((1)) 40, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 5/10 acre.
4. Required setback from right of way line of Emmett Drive is 35 ft.
5. Conformance with Article XI is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) narrow lot; (b) unusual condition of location of existing building.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

TRUSTEES OF MOUNT CALVARY CHURCH - Ctd.

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Proposed addition shall be constructed of brick.

Seconded, Mr. Barnes. Carried unanimously.

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MRS. BARBARA S. HARVEY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, located 3335 Annandale Road, Mason District, (R-10) 60-1 ((14)) A, S-41-70

The use permit was granted to Mrs. Wallingford for Wallingford School in 1955, Mrs. Harvey stated. She has a contract to buy the existing school based on securing a use permit.

Mr. Smith noted that he had received a letter from Mrs. Wallingford stating that she would relinquish the use permit if it is granted to Mrs. Harvey.

Mrs. Harvey stated that she would continue the same operation, having approximately 50 to 100 children from 9 a.m. to 12 noon or two half day sessions. The use permit originally was granted for 100 children.

Mrs. Wallingford stated that she applied for the use permit in 1955 but the building plans were drawn up in 1956. There are four large classrooms each of which will hold 25 students. The building was designed expecially for the school; there are no living quarters in the school.

Mrs. Wallingford will continue as director of the school, Mrs. Harvey stated, for as long as she wants to, and then they would hire someone to be director. The school buses will not be parked on the property -- they are taken home by the drivers.

The Health Department had no objection to the application.

No opposition.

In application S-41-70, application by Mrs. Barbara S. Harvey, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten and first grade, located 3335 Annandale Road, also known as tax map 60-1 ((14)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Grace Wallingford. The applicant is contract purchaser.
2. Present zoning is R-10.
3. Area of the lot is 37,742 sq. ft. of land.
4. Conformity with Article XI (Site Plan Ordinance) is required.
5. Use Permit for the school was granted November 22, 1955.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

Now, therefore be it resolved, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of the Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation

May 26, 1970

BARBARA S. HARVEY - Ctd.

has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for a maximum of 100 students; ages 4 - 6; kindergarten through first grade, Monday through Friday, 8 a.m. to 4 p.m.

5. There will be four instructors and a director for the 100 students.

6. The rear of the property is to be enclosed with a four foot chain link fence as shown on the plats.

7. Ten parking spaces shall be provided for this use.

8. The Land Planning Branch will determine adequacy of the entrance, and sight distance on Annandale Road.

Seconded, Mr. Barnes. Carried unanimously.

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FALLS CHURCH MOTOR HOTEL ASSOCIATES, INC., application under Section 30-7.2.10.4.1 of the Ordinance, to permit motor hotel and related facilities, located south side of Arlington Boulevard, north side of South Street, approximately 600 ft. east of its intersection with Annandale Road, Mason District, (CDM) 50-4 ((1)) 12A, 14, 15, S-97-70

Falls Church Motor Hotel is holding a commitment for a Holiday Inn franchise, Mr. William Stanhagen, President of Falls Church Motor Hotel Associates, Inc., stated. They are in the process of developing a 107 room motor hotel and related facilities. The Corporation obtained rezoning of the property and received unanimous approval for that and for this use from the Planning Commission and the Board of Supervisors. They have filed their site plan and made application for building permit and are in the final stages of processing. There is no provision for expansion on this site. They would probably put up a sign that would resemble the one at the Holiday Inn at Glebe Road, a little one. They will put up a sign that meets the requirements of the Code.

The dog runs shown on the plat would not be allowed, Mr. Smith said, as the Ordinance requires 100 ft. separation from all property lines for the breeding and confinement of dogs.

No opposition.

In application S-97-70, application under Section 30-7.2.10.4.1 of the Ordinance, to permit motor hotel and related facilities, located south side of Arlington Boulevard, north side of South Street, approximately 600 ft. east of its intersection with Annandale Road, also known as tax map 50-4 ((1)) 12A, 14, 15, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of May, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Property is zoned CDM.
3. Area of the lot is 3.7769 acres of land.
4. The applicant will provide 157 parking spaces as shown on plat presented to the Board.
5. The applicant shall comply with the site plan ordinance.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards set forth in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

May 26, 1970

FALLS CHURCH MOTOR HOTEL, INC. - Ctd.

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The dog kennel as shown on this plat is to be eliminated -- dog kennel and runs, as they are not allowed this close to property lines.

5. A six foot brick wall on South Street of the same brick as the motel, shall be erected, and a sprinkler system as indicated by the applicant will be provided to keep the grass and shrubbery green on South Street.

Are you going to put curb and gutter along South Street, Mr. Yeatman asked?

Mr. Stanhagen said their plans have been finalized and he was certain that they include curb and gutter.

In any event, this would be taken care of under site plan, Mr. Yeatman said.

6. This is for 107 rooms plus a banquet room and dining room and a swimming pool.

Seconded, Mr. Barnes. Carried 4-0, Mr. Long abstaining.

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CHRIS APOSTALAKOS & SUSAN SUNBURY, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop, 4212 Wadsworth Court, Fairmont Gardens Apartments, Annandale District, (RM-2), 71-1 ((3)) 2, S-88-70

Mr. Gaylord Leonard represented the applicants. The operation is dormant at this time, he stated. It has been operated under a permit granted to E. W. Maxwell and he is no longer operating there.

Do you have any correspondence relating to this indicating that he will relinquish the use permit, Mr. Smith asked?

No, he did not know whether the County file would reflect that, but they have a lease for this same operation, Mr. Leonard said.

Did they cancel the lease to Mr. Maxwell, Mr. Smith asked? Could the Board have a letter indicating that he is no longer there? Do the apartment owners own the equipment in the beauty shop, Mr. Smith asked?

Mr. Maxwell owned the equipment that he had, Mr. Leonard stated, but he moved it out.

Mr. Leonard did not have a copy of the cancellation of Mr. Maxwell's lease. A lease has been executed and rent has been paid, but he did not have a copy of it.

The Board has to have a copy of it for the record, Mr. Smith said.

Mr. Long felt this should be deferred for further information. He moved to defer to June 9 to give the applicant a chance to get a copy of the lease and letter from the holder of the existing use permit relinquishing it to these applicants.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith noted a letter from Barry Murphy regarding Leewood Nursing Home, for out of turn hearing. The Board granted an out of turn hearing for June 16.

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The Board also granted an out of turn hearing for Peoples Bank and Trust Company of Fairfax, for June 16.

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The meeting adjourned at 5:10 p.m.
Betty Haines, Clerk

Daniel Smith 7-14-70

June 9, 1970

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 9, 1970 at 10:00 a.m., in the Board Room of the County Courthouse. All members were present: Daniel Smith, Chairman; Clarence Yeatman, Richard Long, Joseph Baker and George Barnes.

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

Mr. Woodson presented a letter from the Northern Virginia Music Center at Reston, requesting renewal of their permit to allow summer music camp in Reston Park for six weeks from June 28 to August 9 for 44 students.

Mr. Baker moved to grant the request with the same stipulations as the original permit. Seconded, Mr. Yeatman.

When they request another extension they should notify the Board at least sixty days in advance of June 15 next year.

Carried unanimously.

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CHESTERBROOK-MCLEAN LITTLE LEAGUE - Letter from neighbors of the ballfield requested that the lights on the fields be removed.

The Board asked Mr. Woodson to look into this matter to see if there was a permit for the lights.

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The representative for George Aldrich, first item on the agenda, did not have his notices. The Board placed this case at the end of the agenda to allow him to obtain them.

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Letter from John Aylor, Attorney for Wills and Van Metre, Inc., requested an out of turn hearing for a pending variance application.

This is not an emergency type of situation, Mr. Yeatman commented, therefore it should be scheduled for July 21. Seconded, Mr. Baker. Carried unanimously.

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Letter from John Aylor, Attorney for Ewell G. Moore, Jr., gas station on Hooes Road, requested extension of use permit granted August 1969.

Mr. Yeatman moved to grant a six months extension in accordance with recently adopted Board policy. Seconded, Mr. Baker. Carried unanimously.

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Mr. Barnes moved to approve the Board of Zoning Appeals minutes from January 13, 1970 through May 20, 1970. Seconded, Mr. Baker. Carried unanimously.

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CHURCH OF THE GOOD SHEPHERD PRE SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school for 3 and 4 year olds; 9:00 a.m. to 11:30 a.m., Monday, Wednesday and Friday;, 9350 Braddock Road, Annandale District, (RE-1), 69-4 ((1)) 6, S-93-70

Rev. Jack Eby, Rector of the Church of the Good Shepherd on Braddock Road, and Mrs. Comish were present to explain their plans to the Board.

Rev. Eby stated that Mrs. Comish is the supervisor of the school. They would like to open in the fall with one group of four year olds, 20 in a class, and one group of three year olds, fifteen to a class. They have facilities for 100 children.

Mrs. Comish stated that the hours of operation would be from 9:00 a.m. to 11:30 a.m. The school would be sponsored by the church. There would be one teacher and one aide for four year olds, and one teacher and an aide for the fifteen three year olds. This is a new church and it was built to meet requirements for the school.

Mr. Smith noted the inspections report which said the church is ninty-eight per cent complete and is all right for occupancy.

No opposition.

CHURCH OF THE GOOD SHEPHERD PRE-SCHOOL - Ctd.

In application S-93-70, application by CHURCH OF THE GOOD SHEPHERD PRE-SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school for three and four year olds, located 9350 Braddock Road, also known as tax map 69-4 ((1)) 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the Church of the Good Shepherd.
2. Present zoning is RE-1.
3. Area of the lot is 4.617 acres.
4. Compliance with requirements of Article XI will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is approved for a maximum of 100 students at any one time.

5. There will be one teacher and aide for each twenty students.

Seconded, Mr. Barnes. Carried unanimously.

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HENRY JACKSON McBRIDE, JR., application under Section 30-7.2.8.1.1 of the Ordinance, to permit establishment and operation of dog kennel - to board and train dogs, 3801 Lees Corner Road, Centreville District, (RE-1), 35 ((1)) 108, S-95-70

Mr. McBride presented a copy of his lease on the property. They have a verbal contract, he said, that the lease would be renewed from year to year. He would have some removable kennels on the property to house and quarter dogs. He is a professional dog trainer -- he trains dogs for obedience, and takes problem dogs and keeps them for about 10 days and works with them. When the dog is returned to its owner, he is well behaved and extremely valuable, serving as a companion or guard dog. He would plan to keep a maximum of twenty to twenty-five dogs, and sometimes there would be puppies too. On occasion, people might have a dog that they do not want or need, and he would take the dog, give it training, and sell it for what the training is worth. This is his full time occupation. The dogs that he trains come from Virginia, Washington and Maryland. Most of them are family dogs.

The dogs are quartered two together -- male and female -- and the runs are at least 10 ft. in length, Mr. McBride continued. The bottom of the runs will be sand and/or gravel because concrete is not good for the dogs' feet.

Letter from Mr. Shelton of the Health Department stated that there was no objection to Mr. McBride's request and proposed method of waste disposal, since this is on 138 acres.

No opposition.

June 9, 1970

HENRY JACKSON McBRIDE, JR. - Ctd.

Mr. McBride stated that he wished to have a maximum of 50 dogs at any one time, including puppies.

In application S-95-70, application by Henry Jackson McBride, Jr., application under Section 30-7.2.8.1.1 of the Ordinance, to permit establishment and operation of dog kennel - to board and train dogs, located 3801 Lees Corner Road, Centreville District, also known as tax map 35 ((1)) 108, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is E. F. Steffy & Sons, Inc.
2. Present zoning is RE-1.
3. Area of the lot is 138.008 ac.
4. Compliance with Art. XI will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Ordinance, and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. This is granted for a maximum of 50 dogs, including puppies, on the premises at any one time.

5. There will be separate housing for every two dogs and separate runs a minimum of 5' x 10' for each shelter or confinement.

6. This use permit is granted for a one year period but may be extended by the Zoning Administrator for two successive periods of one year each.

Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, N. E. corner Pohick and Hooes Road, Springfield District, (C-N), 97, 98 ((1)) 69, S-96-70

Mr. John Aylor stated that Cities Service Oil Company is the contract purchaser in this application and he presented a copy of the contract to purchase. Citgo would like to build this station faced with natural stone rather than the imitation material shown on the photograph. The parcel contains about one acre and approximately 26,000 sq. feet of this land will be set aside for travel by the public, leaving about 20,000 sq. ft. where the station site itself will be. This plan was coordinated with the County staff and they feel this is the best way to control traffic at this particular intersection.

This land was zoned Rural Business, Mr. Aylor continued, and at the time it was rezoned, the zoning authority said it looked like they need an area in this particular part of the County for business. The Pollin tract has been bought by Levitt and

the information they have, Mr. Aylor said, is that they are proceeding to develop. They expect that there will be no problem in having this area populated in the near future. Sewer line is in the Middle Run draining into the main trunk line of the Pohick and they will be in operation as soon as the entire Pohick water shed sewer line is opened up (they contemplate July 1). There will be two freestanding canopies at this station, meeting setback requirements.

If the property to the rear of Robinson remains Residential, would the applicant be willing to construct a brick wall to screen the property, Mr. Long asked?

They would prefer not to have this type of requirement because they will have 38 ft. for maneuverability, Mr. Aylor replied. He thought there would probably be application for commercial zoning on that property and a brick wall would not be necessary at that time. In the meantime they would prefer to have a stockade fence and the usual type of planting.

The adjacent land is shown as part of a community center which is to be developed in the post 1980 period, Mr. Phillips explained. This is sewered in the Middle Run.

Mr. Aylor suggested changing the entrances to the bays to the front and eliminating the brick wall.

Mr. Smith said he preferred the rear entrances.

This is a permanent operation, Mr. Yeatman said, and this is a new area. This is going to be a very high density area in the Pohick and this should be done right.

If the adjacent property at the time they seek occupancy permit is zoned commercial, could the requirement for brick wall be waived, Mr. Aylor asked?

Any change in this would have to come back to the Board, Mr. Smith advised.

No opposition.

Mr. Phillips stated that the adopted Plan shows Hooes and Pohick Roads as arterial highways 120' - 160' ft. right of way.

The Board recessed the hearing to discuss this with Mr. Chilton after lunch.

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GERALD E. AND CAROL M. COFFEY, application under Section 30-6.6 of the Ordinance, to permit existing garage to remain closer to property line than allowed, 1105 Clover Drive, Dranesville District, (RE 0.5), 21-3 ((10)) 39, V-99-70

Mr. Wayne Comer, attorney, represented the applicants. The applicants are seeking permission to allow this enclosed carport to remain in the position as shown on the plat, he said. This was built by the owner prior to the existing owners. He presented an affidavit from Captain Mollenoff as to what occurred on this property. When the Coffeys purchased this property, they had no knowledge of any violation.

No opposition.

Mr. Comer presented a letter from a contiguous property owner in favor of the application, signed by Mrs. Mulligan.

In application V-99-70, application under Section 30-6.6 of the Ordinance, to permit existing garage to remain closer to property line than allowed, located 1105 Clover Drive, also known as tax map 21-3 ((10)) 39, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals;

AND WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 15,519 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

GERALD E. AND CAROL M. COFFEY - Ctd.

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

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NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted. Seconded, Mr. Barnes. Carried 4-0, Mr. Yeatman out of the room.

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The Board returned to the application of CITIES SERVICE OIL COMPANY, recessed earlier in the day.

Mr. Chilton stated that the Pohick Plan does not specify specific distances for these roads, but the legend indicates 120'-160' in width on the adopted plan. He recommended that the radius at the corner be pulled back eliminating the sharp angle in the traffic lane. With respect to the brick wall, that should run up as close to Pohick Road as possible and still provide good sight distance.

In application S-96-70, application by Cities Service Oil Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, northeast corner Pohick and Hooes Road, also known as tax map 97, 98 ((1)) 69, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Vincent B. Welch, et al.
2. Present zoning is C-N.
3. Area of the lot is 1.0005 ac. of land.
4. Compliance with Article XI of the Zoning Ordinance will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in C or I districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Bays for the station will open to the rear of the station.

5. A standard six foot brick wall should be erected along the easterly property line.

6. Entrance and curb returns shall be revised in accord with provisions of the Land Planning Branch.

Seconded, Mr. Barnes. Carried unanimously.

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DALLAL R. DAVID - Deferred to June 16 at the applicant's request.

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June 9, 1970

NATIONAL MEMORIAL PARK - Deferred from May 12 - Deferred again at the applicant's request, to June 16, 1970.

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JONES POINT APARTMENTS, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, Huntington Avenue, adjacent to Route 1, at dead end of Hunting Creek Road, Lee District, (CRMH) 83-1 ((1)) 58A, S-94-70

3-61

Request from the applicant's attorney, Mr. John T. Hazel, Jr., to defer the application in accordance with the Planning Commission and Site Selection Committee request, until after October 1970.

Mr. Barnes so moved. Seconded, Mr. Baker. Carried unanimously.

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GEORGE ALDRICH, application under Section 30-6.6 of the Ordinance, to permit construction of garden wall over 4 ft. high beyond building restriction line, 2203 Martha's Road, Mt. Vernon District, (R-17) 93-3 ((4)) 112, V-92-70

No one was present to represent the applicant. The Board proceeded to the next item.

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August 4 was set up as the only meeting for the BZA in August.

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FAIRFAX COUNTY BOARD OF SUPERVISORS, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of pumping station, located on Telegraph Road near the intersection of Telegraph and Backlick Road, Lee District, 99 ((1)) 37, (RE-1), S-102-70

Mr. John E. Behrend from the County Department of Public Works, stated that this proposed pumping station will be located on a small parcel within the Robinson property. It will serve drainage areas of Pohick and Accotink Creek and will replace the Newington shown above this. The pond is about a half mile north of this point and is presently in operation. They do have a problem in the area -- the extension and improvement program has provided sewer to more homes than anticipated. The earliest this project could be completed would be early spring or late winter. This is being advertised for bids pending approval of this Board and will require a permit. Construction time on this particular project will be eight months. These plans have been approved by the State Water Control Board and is part of the overall project to eliminate the problems in the northeastern part of the County.

Why not have more lagoons to take care of these problems, Mr. Baker asked?

Lagoons are a problem in the way of excessive maintenance and operation costs, Mr. Behrend stated. Any pond or lagoon serving more than 100 families must be approved by the state and at this point in the urbanized areas of the state they are taking a dim view of the lagoons.

Is the Accotink disposal plant in operation, Mr. Yeatman asked?

The plant is ready for operation, Mr. Behrend replied, however, the tunnel that will carry sewage to this plant is not ready at this time. The building shown on this plat is 50' 8" x 31' 8" and has a small wet well building. It will be brick exterior with a flat roof. This plant will serve a drainage basin of 3,460 acres and it is estimated that the ultimate population will be 38,000 people. Initial design will give a capacity of four million gallons a day peak. This will not be required until 1985. There are three pumps that alternate. At this time they are assured by VEPCO that there is a dual electricity source from two terminals that do not cross. They do not plan to incorporate the diesel standby pump until they get closer to the design. The noise factor from any of their plants is very minimal. The plant proposed would be comparable in size to the one at CIA in Langley.

Mrs. Frances Nebbitt, adjacent property owner, asked several questions regarding the proposed plant. Are lines being laid for water, sewer and gas east of Route 611 on the left side going toward Route 1? (Mr. Behrend said he could not answer that question.) Are other lines anticipated in the future either going to or from Pohick Estates? (The trunk line will serve this entire long range shed, Mr. Behrend said.) If 300 town houses are built above them, are the big lines going to come on the west side of Accotink Run? (No, these would flow into Dogue Creek plant at such time as it has capacity, Mr. Behrend stated.)

If a standby line is not used, what would happen, Mr. Long asked?

There are four pumps, Mr. Behrend explained. Any one of these pumps initially will handle the flow. With two sources of power, they have eight possibilities of handling the sewage. The wet well itself has considerable capacity. All of the pumps are rigged up with a high water alarm.

FAIRFAX COUNTY BOARD OF SUPERVISORS - Ctd.

In application S-102-70, application by the Fairfax County Board of Supervisors, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of pumping station, located on Telegraph Road near the intersection of Telegraph and Backlick Road, also known as tax map 99 ((1)) 37, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 0.5003 ac. of land.
4. Compliance with Article XI will be required.
5. This is part of the overall County plan for sewer improvement.
6. The State Water Control Board has approved this installation.
7. There is not to be any by-pass line to this pumping station.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purpose of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The building is to be approximately 51' x 22', brick exterior, and will pump approximately four and one tenth million gallons of sewage per day, and have a total electrical supply from two independent sources with further standby power supply when deemed appropriate.

5. There should be a six foot chain link fence interlaced with screening material as approved by the Land Planning Branch.

Seconded, Mr. Yeatman. Carried 5-0.

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CHRIS APOSTALAKOS & SUSAN SUNBURY - deferred from May 26, 1970 - Mr. Gaylord Leonard presented a copy of the lease, and a letter from Shannon and Luchs stating that there is no longer a lease to Mr. E. W. Maxwell, former operator of the beauty shop in question. The hours of operation, Mr. Leonard stated, would be from 9 to 6 except on Friday when it would be from 9 a.m. to 10 p.m. They would be closed on Sundays.

No opposition.

In application S-88-70, an application by Chris Apostalakos and Susan Sunbury, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop, 4212 Wadsworth Court, Fairmont Gardens Apartments, also known as tax map 71-1 ((3)) 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes, and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper,

posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Fairmont Associates.
2. Present zoning is RM-2.
3. The property contains 21 acres.
4. Compliance with Article XI will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance and that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:'

1. This approval is granted to the applicant only, and is not transferable without further action of this Board, and is for the location indicated in this application a nd is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There will be a maximum of four chairs, and two operators, Monday through Saturday 9 a.m. to 6 p.m. except on Friday - 9 a.m. to 10 p.m.

Seconded, Mr. Barnes. Carried unanimously. 4-0 (Mr. Baker out of the room)

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The Chairman again called the case of GEORGE ALDRICH - Mr. Don Hawkins was present to represent the applicant.

Mr. Hawkins stated that he is the architect in this case and there is an addition already under construction. The purpose of the wall is to provide a small seating space in the front of the house.

This is not a criteria for granting a variance, Mr. Smith stated.

The lots in Hollin Hills are very irregular lots, Mr. Hawkins stated, and there are terraces in the front and on the sides. The houses are sited irregularly on the lots. This is an old house and they are putting on a sizable addition. The wall would be 8 ft. above grade at its highest point.

No opposition.

In application V-92-70, application by George Aldrich, application under Section 30-6.6 of the Ordinance, to permit construction of garden wall over 4 ft. high beyond building restriction line, 2203 Martha's Road, also known as tax map 93-3 ((4)) 112, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of June, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-17.
3. The lot contains 18,791 sq. ft. of land.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

GEORGE ALDRICH - Ctd.

The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 3:25 p.m.
By Betty Haines, Clerk

Daniel Smith
7-14-70

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, June 16, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. Richard Long, Mr. Joseph Baker, and Mr. George Barnes, who arrived late.

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

W. HOWARD ROOKS, application under Section 30-7.2.9.1.7.1 of the Ordinance, to permit operation of real estate office with six employees, located 8105 Little River Turnpike, Annandale District, (R-17), 59-4 ((10)) 4, S-98-70

Mr. Smith noted a request from the Planning Commission for deferral until after July 16 to permit the Commission an opportunity to review the application. Also, he noted letters from attorney for the applicant, John L. Scott, and C. Douglas Adams, attorney representing the Fairfax Hills Citizens Association in opposition, concurring in the applicant's request for deferral.

Mr. Adams requested that the application be deferred to a date as early as possible in the meeting.

Mr. Baker moved to defer to July 21 for 10:20 a.m. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed a complaint by Mr. and Mrs. Jacob Fisher regarding the noise problem at Old Virginia City. Mr. Woodson said that he would keep a check on the operation on week ends.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of well house and 5,000 gal. water storage tank, located behind 339 and 341 Chesapeake Drive, Dranesville District, (RE-2), 8 ((6)) E, S-100-70

Mr. Harry Bicksler, Jr., Director of General Services, Fairfax County Water Authority, and Mr. Fred Griffith represented the applicant.

They have received an easement from the Riverside Manor Citizens Association, Mr. Bicksler stated, the owners of the property. This will be an additional facility. They have one well there which was approved in 1956. The 5,000 gallon tank is for storage and pressure. There are about 54 lots in this subdivision and possibly 20 of them are developed. The existing well has been what they don't consider adequate and they would like to provide additional water services as the subdivision develops.

The well that is there, Mr. Griffith stated, came in at about 25 gallons per minute when it was drilled and that would take care of 20 to 25 normal houses, but these homes are quite large and they all have swimming pools. This well has dropped back to 18 gallons a minute now and they do need another well to serve the other 20 homes to be built.

(Mr. Barnes arrived.)

The Board of Supervisors has waived the fire protection requirements in this area, Mr. Griffith continued, and someday these homes will be tied into the regular system and these sites will be abandoned and revert back to the Riverside Manor Citizens Association. This will be a red brick building.

The property is heavily wooded, Mr. Bicksler added, and they will have to remove some of the trees to put in the building.

No opposition.

Mr. Smith read a letter from Dr. Kelley stating that the Site Selection Committee had recommended approval of the application. Letter from the Planning Commission also requested approval.

In application S-100-70, Fairfax County Water Authority, application under Section 30-7.2.2.1.5 of the Ord., to permit construction of well house and 5,000 gal. water storage tank, located behind 339 and 341 Chesapeake Drive, Dranesville District, (RE-2), tax map 8 ((6)) E, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

FAIRFAX COUNTY WATER AUTHORITY - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Riverside Manor Community Association, Inc. and the Water Authority has an easement.
2. Present zoning is RE-2.
3. Area of the lot is 10,000 sq. ft.
4. Compliance with Article XI will be required.
5. On June 15 the County Site Selection Committee approved the site.
6. On June 15 the Planning Commission recommended approval.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of the Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The building is to be constructed of red brick.

Seconded, Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA RACQUET CLUB, INC., application under Section 30-6.6 of the Ordinance, to permit variance of 49 ft. from right of way line of #66, for erection of temporary air structure to cover two outdoor tennis courts during winter season, (Oct. thru Apr.) located 2650 Gallows Road, Providence District, (I-P) 49-2 ((1)) 13A, V-101-70

Mr. Richard Chess, attorney, represented the applicant. He stated that he is Vice President of the Northern Virginia Racquet Club, Inc.

They have a facility in existence comprised of four indoor tennis courts and four outdoor tennis courts adjacent to Route 66. They have had a terrific demand for indoor courts and have considered the possibility of attempting to expand, however, it is economically not feasible. They have considered the possibility of putting up an air structure to cover two of the outdoor tennis courts. They have gone to Pittsburg and New York and looked at this type of cover and have been very satisfied with them. These structures usually last from twelve to fifteen years. They are planning to use it for ten years. The dimensions will be approximately 100' x 120' and would cost about $50,000.

No opposition.

In application V-101-70, application of Northern Virginia Racquet Club, Inc., application under Section 30-6.6 of the Ordinance, to permit variance of 49 ft. from right of way line of Route 66, for erection of temporary air structure to cover two outdoor tennis courts during winter season (October through April), located 2650 Gallows Road, Providence District, also known as tax map 49-2 ((1)) 13-A, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a

public hearing by the Board of Zoning Appeals held on the 16th day of June, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is I-P.
3. Area of the lot is 2.670 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be necessary.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
   (a) especially narrow lot;
   (b) unusual condition of location of existing buildings;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This cover will be utilized only from October 1 to May 1 of each year.

4. The existing trees will be maintained as much as possible to provide screening.

Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Woodson reported that he had received a letter from someone regarding the Hayfield Farm Swim Club, Inc. asking for a review of the use permit issued to the Association.

Mr. Woodson should check into this, the Board agreed, and see if there are conditions existing which could be corrected by his office.

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NATIONAL MEMORIAL PARK, application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed 6 feet in height, corner Lee Highway and West St., and Lee Highway and Hollywood Road, Providence District, (R-12.5), 50-1 ((1)) 30, V-66-70, (deferred from May 12)

Mr. Charles Radigan, attorney representing the applicant, stated that for 150 ft. along each corner the trees and hedge have been removed, and they propose to put up a wrought iron fence two feet above the height allowed. The fence would not exceed six feet at any point. The fence is four feet high and where the ground rises and falls, a brick base would be provided to keep the fence uniform height all along. They are trying to benefit the persons buried in the park, to close this off from the public. In addition, they hope to make this an attractive fence and this would definitely be an improvement over the hedge which was inpenetrable as far as sight distance was concerned.

The Highway Department caused these hedges to be removed because they were interfering with the traffic and sight distance, Mr. Smith said, and to allow a six foot fence to be constructed through a variance, he could not agree with. This is one of the most heavily traveled intersections in the County and increasing tremendously. This additional two feet is being requested purely for esthetic purposes and for no other reason.

The fence would not violate the requirements of the Ordinance regarding sight distance, Mr. Radigan stated. This statement was verified by Mr. Long who made the plats.

If a variance is granted on the corners, Mr. Smith said, they might get a request for such a fence all the way around the cemetery. This is another reason for not granting the variance on the corners.

No opposition.

In application V-66-70, an application by NATIONAL MEMORIAL PARK, application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed six feet in height, corner Lee Highway and West Street and Lee Highway and Hollywood Road, also known as tax map 50-1 ((1)) 30, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

NATIONAL MEMORIAL PARK - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of June, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 92.99 ac. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land/and or buildings involved.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes.

Mr. Yeatman and Mr. Barnes voted in favor of the motion. Mr. Baker and Mr. Smith voted against the motion. Mr. Long abstained, as his firm drew the plats for this case.

Motion failed for lack of a majority. The application was denied.

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FRANCIS J. McCLOSKEY, JR., D. D. S., application under Section 30-6.6 of the Ordinance, to permit erection of garage and storage closer to street than allowed, 8504 Fort Hunt Road, Mt. Vernon District, (R-12.5), 102-4 ((12)) (1) 2, V-72-70 (deferred from May 19)

Dr. McCloskey described his experiences in entering and exiting from his present driveway onto Fort Hunt Road and stated that he wished to build a garage on the other side of his house, and make a new driveway onto Old Stage Road. They cannot put a garage for two cars on the Fort Hunt Road side. They moved into the house in 1963 and at that time they only had one driver in the house besides he and his wife. Now, altogether they have five drivers.

Mr. Smith said he felt this condition was general throughout the subdivision; all of the people living on corner lots have the same problem. The Board is authorized to grant minimum relief and this request is for maximum relief. A carport could be built which could extend into the minimum side yard five feet.

Maybe the Board should defer action and take a look at the property, Mr. Yeatman suggested.

Would the Highway Department allow another curb cut for this corner lot, Mr. Smith asked?

He had not checked with the Highway Department, Dr. McCloskey stated.

Mr. Smith suggested extending the existing driveway around behind the house and exiting on Old Stage Road, putting a carport where the existing driveway is now. This would help the problem in getting out on Fort Hunt Road.

Mr. Rufus Woody, President of the Riverside Gardens Civic Association, appeared in opposition.

Mr. Smith read a letter from Mrs. William Rife, adjacent property owner, in opposition to the request.

June 16, 1970

FRANCIS J. McCLOSKEY - Ctd.

Dr. McCloskey again reviewed the traffic hazards involved in turning into his driveway or getting out of it.

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Mr. Barnes moved to defer to July 21 for Dr. McCloskey to try to work out a solution that would not require such a large variance, and to have his plans revised. Seconded, Mr. Baker. Carried unanimously.

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PEOPLES BANK & TRUST COMPANY OF FAIRFAX, application under Section 30-6.6 of the Ordinance, to permit installation and occupancy of temporary banking facility waiving the 50 ft. front setback requirement, 1900 Elkins Street, Mount Vernon District, (C-N), 102-3 ((1)) 44D, V-110-70

Mr. Edward S. Holland, engineer, represented the applicant. Mr. Eugene Olmi was also present.

Mr. Smith noted receipt of a copy of application to the State Corporation Commission by Peoples Bank and Trust Company, to establish a branch bank to be known as Fort Hunt Branch, extended to July 1, 1970.

This project has been underway since 1968, Mr. Holland stated. Because of the unsettled money conditions and numerous other things, the owner has been unable to provide the bank with the facilities that are needed and anticipated to have been built by now. The location of the temporary building would allow the erection of the permanent structure without interference between the two. The owner has an agreement in writing with Southland Corporation to use a portion of the 7-Eleven parking lot which is now in place for employee parking on the basis that the heaviest periods of use at the store facilities do not occur during banking hours.

Mr. Olmi said he did not have a copy of the lease from Dr. Coker with him.

No opposition.

The Board recessed the hearing to allow the applicant to obtain a copy of the lease for the record.

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PROGRESSIVE CARE, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation as a nursing home under new management, all operations to be as previously done, 7120 Braddock Road, Mason District, (RE-1), 71-3 ((8)) 10A, S-108-70

Mr. Barry Murphy stated that Progressive Care, Inc. is a Delaware Corporation, now domesticated in the State of Virginia.

Mr. Dan Brown, Vice President of Progressive Care, Inc., stated that he personally domesticated the corporation two or three months ago. They have completed the purchase of the nursing home and the deed is on record. They have an occupancy permit and Mr. Dalton, to whom the permit is issued, would make all necessary corrections to the property as required by the Inspections report.

Mr. Murphy assured the Board that these corrections would be made. He would like to get everything done and come back to the Board July 21 to have the permit transferred to the applicant.

Mr. Baker moved to defer to July 21 at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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The Board adjourned for lunch.

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Upon reconvening, the Board reopened the case of Peoples Bank and Trust Company of Fairfax.

The Board is in receipt of a copy of the lease on the property which runs to May 27, 1972, Mr. Smith stated.

In application V-110-70, an application by Peoples Bank and Trust Company of Fairfax, application under Section 30-6.6 of the Ordinance, to permit installation and occupancy of temporary banking facility, waiving the 50 ft. front setback requirement, located 1900 Elkins Street, also known as tax map 102-3 ((1)) 44D, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

June 16, 1970

PEOPLES BANK & TRUST CO. OF FAIRFAX - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and,

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of June, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Fort Hunt Shopping Center, Inc., Dr. Joseph D. Coker; the applicant is lessee.
2. Present zoning is C-N.
3. Area of the lot is 49,405 sq. ft. of land.
4. Compliance with Article XI will be required.
5. The bank must commence operation prior to July 1, 1970.
6. The permanent structure was to have been completed prior to this date.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) this is a temporary use during construction of permanent facilities, not to exceed a two year period.

NOW, THEREFORE BE IT RESOLVED, that the subject application be approved with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats presented with this application and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A temporary occupancy permit is to be obtained prior to utilization of the temporary structure.

4. This temporary structure is not to be utilized after May 27, 1972.

Seconded, Mr. Barnes. Carried unanimously.

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DALLAL R. DAVID, application under Section 30-6.6 of the Ordinance, to permit construction in minimum side yard and permit construction of accessory building in front yard, 1255 Crest Lane, Dranesville District, (RE-1) 31-2 ((1)) 23, V-63-70

(Deferred from June 9 for new plats.)

Mr. Stuart Liss, Architect, represented the applicant who was also present.

Mr. Liss stated that Mrs. David acquired the property about a year ago and took title to it last December. She had plans drawn for remodeling the existing house at a cost of $60,000 to $70,000 so she decided to abandon the remodeling and construct a new home on the property, converting the existing house to a guest house. She planned the new residence close to the river and included a garage beneath the house but found there was not enough flat area to permit a turnaround there. She found the best location for the garage would be on the street side, opposite the river side. This necessitated a variance for accessory building in the front yard. The guest house would be used for guests and for maid's quarters.

Is there any proposal to divide this lot into two parcels, Mr. Smith asked?

No, Mr. Liss replied.

The Board discussed the variance on the garage and Mr. Liss agreed to bring the garage into conformity with Ordinance requirements.

Would he be able to construct a garage in the front yard, Mr. Smith asked?

As long as he is 75 ft. back, Mr. Woodson stated, he can construct it. The breezeway would have to be removed and have no connection between the house and garage.

In application V-63-70, an application by Dallal R. David, under Section 30-6.6 of the Ordinance, to permit construction in minimum side yard and permit construction of accessory building in front yard, located 1255 Crest Lane, also known as tax

map 31-2 ((1)) 23, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of June, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 2.75451 acres of land.
4. The existing dwelling will be a guest house and the applicant stipulated there would not be further divisions of this property into two parcels.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot; topographic conditions of the land; unusual condition of the location of the existing building;

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 3:00 p.m.
By Betty Haines, Clerk

Daniel Smith Chairman

7-14-70 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, June 23, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph Baker and Mr. Clarence Yeatman.

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

VILLA AQUATIC CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit horseshoe courts, shuffleboard courts, ping pong tables and judges stand, located north end of Andes Drive, Springfield District, (R-12.5), 57-3 ((7)) A, S-103-70

Mr. James SanMartino stated that the architect was supposed to present the case but in his absence, he would try to tell the Board what they plan to do. The original permit was issued in 1962. They propose now to expand to put in horseshoe courts, shuffleboard courts, ping pong tables and a judges' stand on top of the pump house for judging swim metes, dives, etc.

Mr. Smith said he had inspected the property and he knew that they had 137 parking spaces originally. The Board should have an updated plat, he said, to show the existing parking as it is now shown on the plat before the Board.

Mr. SanMartino said he would furnish the Board with a copy of the plat including the parking.

No opposition.

In application S-103-70, application by Villa Aquatic Club, to permit horseshoe courts, shuffleboard courts, ping pong tables and judges stand, located north end of Andes Drive, also known as tax map 57-3 ((7)) A, County of Fairfax, Virginia, Mr. Long moved that the Board approve the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of June, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is R-12.5.
3. Area of the lot is 5.74256 ac. of land.
4. Compliance with Article XI will be required.
5. The original use permit was granted December 4, 1962.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs or changes in the screening or fencing.

4. All of the provisions of the original use permit must be complied with.

5. This is granted for a maximum 400 family membership with 137 standard parking spaces. Seconded, Mr. Yeatman. Carried unanimously.

VILLA AQUATIC CLUB - Ctd.

The Board requested that the applicant provide them with a copy of the new plat showing the parking spaces on the property.

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JOHN EDWARD CROUCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit addition to Brentwood Academy, for 125 children, ages 2 thru 8, 3724 Nalls Road, Mount Vernon District, (R-17) 101-4 ((1)) 62, S-104-70

Mr. Crouch stated that he lives in the building shown on the plat and he has a school in the lower part of that building. He proposes to erect another building for school purposes 61 feet from this building. The new one will be 66 ft. x 36 ft. and will be split foyer. It will have the appearance of a house.

Do you plan to sell any part of your property, Mr. Smith asked?

No, this will be used for school and living purposes, Mr. Crouch replied. He plans to fence the entire property. The play area will be in the back.

Wasn't there some controversy at the time of the original hearing regarding the condition of the street, Mr. Yeatman asked?

That has been corrected to some extent, Mr. Crouch replied, but there is still some dust there. Several homes have been for sale during the past year and cars are going in and out all the time. The road was said to be a private road but since that time the State has taken it over. They graded the road, plowed it up and have put stone on it. The proposed building will be brick faced and cinder block on the back and sides, painted.

(At this point the Chairman and Clerk of the Board had to leave the meeting to testify in court. The following is taken from the recording of the meeting:)

Mr. Yeatman, Vice Chairman, took the Chair.

No opposition.

In application S-104-70, an application by John Edward Crouch, under Section 30-7.2.6.1.3 of the Ordinance, to permit addition to Brentwood School for 125 children, ages two through eight, on property located at 3724 Nalls Road, also known as tax map 101-4 ((1)) 62, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, held on the 23rd day of June, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-17.
3. The area of the lot is 4.293 ac. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. A use permit for a nursery school through second grade was granted on this property August 16, 1967.
6. Public sewer and water are available to serve this property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started, or unless renewed by action of this Board prior to date of expiration.

June 23, 1970

JOHN EDWARD CROUCH - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, change in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There shall be a maximum of 125 students ages 2 through 8, five days a week, 7 a.m. to 6 p.m.

5. The entire rear portion of the property shall be enclosed with a 4 ft. chain link fence from the rear of the dwelling to the rear property line.

6. There shall be a minimum of 18 standard parking spaces.

7. The proposed building shall be constructed of brick and shall be of Colonial design.

Seconded, Mr. Barnes.

Mr. Baker questioned the fencing requirement for chain link fence.

That's what we do at all of the schools, Mr. Long said.

Mr. Crouch said he did not want a chain link fence in the area of the woods. He wanted a non-flammable fence in the woods.

Mr. Yeatman said the type of fence described by Mr. Crouch was what is commonly known as a "turkey wire" fence. It's a welded wire fence.

Where it can be seen, Mr. Crouch said, he would put the chain link fence which would look better, but in the woods he would rather put the other type of fence.

This was acceptable to Mr. Long and Mr. Barnes. The motion was amended to read "metal fence". Motion to grant carried 4-0.

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WERNER KREBSER, M. D., application under Section 30-6.6 of the Ordinance, to permit variance on frontage requirements on Beach Mill Road, 11320 Beach Mill Road, Dranesville District, (RE-2), 2 ((2)) A, V-105-70

Representative for the applicant stated that the doctor has a contract for sale on Outlot A. As it exists now in the subdivision it cannot be built upon because of the lack of adequate frontage so he is requesting a waiver on frontage on Beach Mill Road so that they can obtain the building permit. 225 ft. of frontage is required on a corner lot and this one has 175 ft. The people who have the contract to buy the land are Mr. and Mrs. Nick Martin who intend to build their own personal residence there. It will meet all the setback requirements. She is the doctor's administrative secretary, she said, and she did not know what type of house would be built. The plat is recorded and notes that the outlot cannot be built upon because it lacks the proper amount of frontage, unless they obtain a variance. At the time the road went in, that was prior to the plat on the subdivision, and it was thought they were going to have two acre lots in the area. They had shortly after that people who wanted five acre lots so they platted and subdivided in five acres and were left with the outlot. Nobody uses the easement, and it would only serve one lot and that's Mrs. Brown who still has egress from Beach Mill Road.

The easement could be vacated, Mr. Long suggested.

The plat notes that no building permit will be issued on this lot, Mr. Barnes stated, and the applicant knew this before. Why do they have to have it with all of these other lots? This is just something that the applicant will have to live with, as far as he is concerned, Mr. Barnes said.

This would leave two acres on a County road that they can't do anything with, the applicant's representative said.

If they vacate the easement, they could build a house as a matter of right as it would then become an interior lot, several members suggested.

The cul-de-sac was there when this subdivision was made, the representative said.

Did the applicant create the subdivison, Mr. Yeatman asked?

He was one of those who created it, yes, the representative replied.

The problem was created by the applicant, Mr. Yeatman stated, and they should take care of this problem. He did not see how the Board could grant a variance on the lot when the applicant originally agreed there would be no building on this lot as so situated.

WERNER KREBSER, M. D. - Ctd.

Mr. Nick Martin, the person who has the contract to purchase the lot, stated that he intends to build a nice home.

Are you in the real estate business, Mr. Yeatman asked?

He is a salesman, Mr. Martin said, and he intends to build a house for himself on this particular lot, probably a $35,000 house. The frontage includes a road which goes nowhere. Probably the road could be vacated to satisfy the County's concern.

No opposition.

In application V-105-70, an application by Werner Krebser, M. D., application under Section 30-6.6 of the Zoning Ordinance, to permit variance on frontage requirements on Beach Mill Road, property located at 11320 Beach Mill Road, also known as tax map 2 ((2)) A, County of Fairfax, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 23rd day of June, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-2.
3. Area of the lot is 2 ac. of land.
4. A minimum of 200 ft. frontage is required.
5. The parcel of land is shown as a restricted outlot of Beach Mill Hills subdivision.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Barnes. Carried unanimously 4-0.

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CENTREVILLE HOSPITAL MEDICAL CENTER, INC., application under Section 30-7.2.5.1.1 of the Ordinance, to permit construction and operation of hospital and related facilities, 13815 Braddock Road (opposite Centreville Elementary School), (RE-1), Centreville District, 54-4 ((1)) 94, pt. 96, S-106-70

The Board recessed for fifteen minutes to await Mr. Smith's return from Circuit Court.

Mr. Barnes Lawson represented the applicant. They have been working for a period of two years to locate a hospital in the Centreville area, he said, and they think now they have the proper location and would have the right people to make this a reality. This is to be a private hospital but they think different in the sense that it is to be a community hospital. They have been working with the people in the neighborhood and in the general Centreville area. There are no hospitals in this area. Over the period they have been working on their plans, they have been fortunate enough to have citizens and neighborhood input and they have members of the community on the Board of Directors. They are offering their stock in the community and they intend for this to be a facility that will service the people of Centreville and the general surroundings. This property is shown on the Bull Run master plan -- it was originally shown as a holding zone -- but on the second phase of the master plan this land is shown for 150' forty units to the acre high rise. In the several years they have been working on this, they have evaluated numerous locations and they finally came up with this location which is on Braddock Road just off Lee Highway at its intersection in Centreville with Route 28. They feel it is the most appropriate location they could have selected.

(The Chairman and the Clerk returned to the Board Room.)

Mr. Smith took the Chair.

As evidence of the community feeling about this project, Mr. Lawson continued, they have some 300+ signatures of citizens and residents of the community and some 30 signatures of doctors who would be desirous of using this hospital.

CENTREVILLE HOSPITAL MEDICAL CENTER, INC. - Ctd.

This is a hospital that will provide all of the services that are needed for a community hospital, Mr. Lawsoncontinued. They are asking for a total of 267 beds, the building would be a total of five stories plus an auditorium conference level, and of course, the elevator penthouse. The first phase would consist of the first three floors and would have a total of 123 beds in it. They provide on the development plan for 333 parking spaces. They have tried to evaluate all of the needs of the community and of a competent hospital to serve the community and feel that they have incorporated those things in this proposal. They have been to the Board of Supervisors and have had allocated to them the necessary sewer taps to service this property. They have talked with all of the people they feel would be interested as to what is the proper location, the type of services that are needed, and in the pictures presented, they are going to a circular type of unit. The people interested in this hospital have made exhaustive studies of the type of hospital they should have and finds this far superior to other types of hospital construction from economy, service, activities and a very beneficial development for a hospital concept. They hope that if they are successful today to be underway before the end of the year. They have contracts to purchase this ground and must exercise them shortly after the hearing. As evidence of community support they have many people present today who have worked with them. This plan meets all of the standards of the code regarding setbacks, they are well below the standards as far as coverage, and specific standards of Section V of the Code, and the general standards of the Ordinance. This is located one lot from land that is already zoned C-G. They are in conformity with the comprehensive plan that has been presented to the Planning Commission but not yet adopted by the Board. They are also in conformity with the old Centreville study which was adopted a number of years ago.

Mr. Lawson introduced the architect who said the building would be constructed of pre-cast concrete.

Mr. Lawson discussed a study being made of the several types of units -- double c orridor, single corridor and the radial, and they have the statistics if the Board wishes them. Very interesting results are coming out of that study, particularly, satisfaction by the patients and the nurses that are servicing these radial corridors. It's a tremendous saving in walking and the time and ability to monitor the various units. It seems to be the thing that is really coming and will enable them to do the job well. There will be a one-way entrance and exit with no parking on the travel lane, he said.

Will this be affiliated with group hospitalization and medical care, Mr. Yeatman asked?

They will be participating in that program, Mr. Lawson assured the Board.

From the bottom to the highest point, the penthouse (which is not counted by Fairfax County in computing the height) the building will be 81 ft. maximum height Mr. Lawson said. The actual hospital area is 56.6 and the meeting room and penthouse above that.

Twenty-one people were present in favor of the application.

Mr. Thomas Crouch, trustee fora group of people owning part of the land being sold for the hospital site. They own the rest of the land on the east and the south. His name was not on the petition, but he is in favor of the hospital.

No opposition.

Mr. Woodson stated that the plan presented more than meets the requirements for the additional height and that no variance was necessary.

Mr. Barnes Lawson presented a copy of the contract to purchase and a copy of the certificate of incorporation.

In application S-106-70, an application by Centreville Hospital Medical Center, Inc., an application to permit construction and operation of hospital and related facilities, property located 13815 Braddock Road, also known as tax map 54-4 ((1)) 94, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of June, 1970,

June 23, 1970

CENTREVILLE HOSPITAL MEDICAL CENTER, INC. - Ctd.

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is L. J. and A. P. Carusillo, et al, trustees, and the applicant is the contract purchaser.
2. Present zoning is RE-1.
3. The area of the property is 12.05243 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission has stated that they do not wish to make a recommendation on this application.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purpose of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the building and uses indicated on the plat presented with this application. Any additional structures of any kind, changes in use or additional uses whether or not these uses require a use permit shall be cause for this permit to be re-evaluated by this Board.

4. The exterior of the building shall be pre-cast concrete.

5. The route from #620 for egress and ingress shall be one-way, with no parking being permitted along the entire approach.

6. The building shall not exceed 90 ft. in height.

Seconded, Mr. Barnes.

Carried 5-0.

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TEXACO, INC., application under Section 30-6.6 of the Ordinance, to permit construction of canopy over pump island, closer to front property line than allowed, 5644 Telegraph Road, Lee District, (C-G), 83-1 ((1)) 8A, V-107-70

Letter from the applicant requested deferral.

The Board deferred the application to July 21.

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DUNN LORING SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of tennis courts, 8328 Cottage Street, Centreville District, (R-12.5), 49-1 ((9)) (I) A, 12, 13, S-111-70

DUNN LORING SWIM CLUB, INC., application under Section 30-6.6 of the Ordinance, to permit variance of fence height and setback requirements for tennis courts, 8328 Cottage Street, (R-12.5), Centreville District, 49-1 ((9)) (I) A, 12, 13, V-112-70

Mr. John Morning, President of the Swim Club, stated that they plan to construct two tennis courts and would like a variance on the height of the fence and setback requirements for the tennis courts.

Do you have permission to construct the tennis courts over the drainage easement, Mr. Smith asked?

This is what they are requesting, Mr. Morning replied.

DUNN LORING SWIM CLUB, INC. - Ctd.

This Board has no authority to grant construction over an easement, Mr. Smith said. Is there a house adjacent to the proposed tennis courts, he asked?

Yes, and at the present time they have a six foot stockade fence with a 10 ft. walkway, Mr. Morning said.

Mr. Smith was concerned about a 12 ft. high fence this close to the street as this is normally what would be the front yard. If this were a rear yard, it might be different. The Board has no authority to grant a 12 ft. fence in the setback area of the front yard. Would a 10 ft. fence be adequate, he asked?

Mr. Morning stated that they have all sizes playing tennis but they would go along with a 10 ft. fence.

It would have to meet the setback requirements of the zone, Mr. Smith stated, so probably they would only be able to get in one tennis court. The Board has no authority to grant a variance from the street setback. This would be an encroachment upon the sight distance and on the front yard requirement. The applicant could put a four foot fence on the property line, but not a tennis court fence.

Mr. Morning stated that the whole community recreational facility is fenced in; there is a six foot chain link fence existing. It encloses the old pool and the new pool which is almost completed. They had a stockade fence but when they came back for the second pool, they were told they had to have a six foot privacy fence. They have removed the stockade fence and have put up a chain link fence and they are going to put slats in it.

This fence is in violation, Mr. Smith stated.

The Secretary of the Swim Club who did not give her name, stated that when Mr. McNulty was president of the Club, the privacy fence was required by the County.

The Ordinance does not allow a six foot fence this close to the front setback area, Mr. Smith said, and he did not know how the fence got there.

If they have to have a 45 ft. setback, Mr. Morning said, he thought the fence would probably be at the pool.

Mr. Smith said that perhaps the Pool Association could go to the Board of Supervisors and ask that the Ordinance be amended as under the present ordinance, the Board of Zoning Appeals cannot grant a variance that would impede sight distance.

They have a hedge also between the fence they have now and the 10 ft. walkway and people have never voiced any objection, the Secretary stated.

What if they only ask for one tennis court, Mr. Morning asked?

That would be a good request, as long as they can meet the required setback for this zone, Mr. Smith said.

In application S-111-70, application by Dunn Loring Swim Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of tennis courts, 8328 Cottage Street, Centreville District, also known as tax map 49-1 ((9)) (I) A, 12, 13, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on September 23, 1970,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 4.7 acres of land.
4. Conformance with Article XI (Site Plan Ordinance) will be required.
5. Required setback from the right of way line is 45 ft. for a fence over four feet in height.
6. The use permit was originally granted May 8, 1962.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning

June 23, 1970

DUNN LORING SWIM CLUB, INC. - Ctd.

Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on the plat presented with the application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is to permit construction of one tennis court a minimum of 50 ft. from the right of way line of Drexel Street and 20 ft. from the Ashbury property line.

5. The existing six foot chain link fence along Drexel Street shall be removed.

6. The tennis court shall be enclosed with a 10 ft. chain link fence interlaced with screening material as approved by the Land Planning Branch.

Seconded, Mr. Yeatman.

Mr. Morning questioned the statement regarding removal of the existing six foot fence along Drexel Street.

The fence would have to be set back to meet the requirements of the Ordinance or cut down to 4 ft. in height. The Board cannot approve it in its present location. It is in violation now and will have to be corrected, Mr. Smith said. The Board was not aware that a six foot fence was constructed on this corner. The problem is that fences do not require building permits. Mr. Woodson can work with the applicants on this.

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LITTLE RIVER LIMITED PARTNERSHIP, application under Section 30-6.6 of the Ordinance, to permit dwellings to remain closer to side line than allowed, located 6310 and 6318 Eighth Street, Springfield District, (RT-10), 73-2 ((22)) 6, 10, V-109-70

Lester Shor, 8005 Wisconsin Avenue, Bethesda, Maryland, stated that this project was started in February of this year and everything is under roof. They had a footing check by the engineer and how the error occurred, he could not say. The greatest degree of variance on Lot 10 would be 9.97 ft. and on Lot 6 it would be 9.85 ft. They placed a point in the footings at the corners and along the party walls of all the houses and as far as he knew, the bricklayer placed them right.

Mr. Shor stated that an engineer by rule is at certain stations throughout any area that the Bureau of Standards maintains, when he leaves in the morning he takes his tapes out there to be measured and noted; when he comes back at the end of the day, he does the same thing because the steel tapes change throughout the day. When you are measuring hundreds of feet at a time it is not abnormal in the great changes in temperature to have the tape change.

Why not allow an inch or two for this instead of pushing it to the inch, Mr. Smith said?

No opposition.

In application V-109-70, an application by Little River Limited Partnership, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain closer to side line than allowed, located at 6310 and 6318 Eighth Street, Springfield District, also known as tax map 73-2 ((22)) 6, 10, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper,

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posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of June, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RT-10.
3. Area of the lots contain 2,400 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted. Seconded, Mr. Barnes. Carried unanimously.

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W. HOWARD ROOKS - Request from the attorney John L. Scott to defer the application to a later date as he could not be present on July 21. This is agreeable with Mr. Douglas Adams, attorney for the opposition, he said.

The Board scheduled this application for hearing on July 28 at 10:20 a.m. and noted that the property should be reposted and readvertised.

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The Board discussed problems in connection with the Hayfield Farms Swim Club occupancy permit.

Claude E. Deering who lives at 7813 Hayfield Road across the street from the swim club discussed several items that have not been completed at the pool site. A copy of his statement is on file with the records of this case. Mr. Stephen Obysicyk also presented copies of a statement regarding the pool.

Many of these problems come under site plan control, Mr. Long noted, and if they can satisfy the site plan requirements or assure the County that they will meet the requirements, they can obtain a temporary occupancy permit.

The Board discussed this matter at length but took no action. The hearing was recessed until prior to or after vacation in August.

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Mr. Woodson informed the Board that the McLean Little League was granted permission November 12, 1968 to light the two Little League fields, not later than 9:30 p.m., and that they submit a copy of their plans to the Zoning Administrator.

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The meeting adjourned at 3:50 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

7-14-70 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 14, 1970 in the Board Room of the County Courthouse. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. George Barnes, Mr. Richard Long and Mr. Joseph Baker.

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

Mr. Yeatman moved that the Board of Zoning Appeals approve the minutes of May 26; June 9, June 16 and June 23. Seconded, Mr. Baker. Carried unanimously.

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The Board voted to allow an out of turn hearing for the HENRY MASONIC LODGE #57 for July 28 since they had allowed their original permit to expire and were now ready to commence construction.

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Request of Donald Crounse, attorney, for out of turn hearing - Gulf Oil Corporation.

Since there was a rezoning application pending on this property to be heard by the Board of Supervisors on July 22, the Board of Zoning Appeals agreed to hear the case on August 4 providing the Board of Supervisors has acted on the rezoning prior to that time.

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OXFORD PROPERTIES, INC., application under Section 30-6.6 of the Ordinance, to permit variance of front yard requirement at the street line from 90 ft. to 15 ft. in order to create two "panhandle" lots, 2903 - 2909 Hideaway Road, Providence District (R-17), 48-4 ((1)) 7, 11, V-113-70

Mr. Charles Runyon, surveyor and engineer, stated that three pieces of property were combined into one tract and recently had a rezoning application approved by the Board of Supervisors. Now, they are requesting a variance in order that they might better utilize the property. He presented a copy of the preliminary plat pending approval in the Land Planning office showing seven lots. The two lots in question are the two panhandle lots (Nos. 5 and 6). This concept has been used in the past for cluster subdivisions. The zoning in the rear is R-17, developed as R-17 cluster. Across the street from this property is half-acre zoning so this zoning request would be a buffer. The smallest lot in this group will be 18,670 sq. ft. The owner is entitled to eight lots under the Ordinance but what they are trying to do is create better utilization of the land, with larger lots creating the buffer. Sewer and water connections will be put in when the Pohick is completed.

Mr. Smith noted that all of the area of the lots exceeds minimum requirements of the Ordinance.

Mr. Runyon stated that this property was rezoned by the Board of Supervisors to R-17 on June 17, 1970.

No opposition.

Mr. Smith noted a letter from Dr. Robert Clark opposed to the "rezoning". The Board decided that Dr. Clark probably did not understand what this application was for.

In application V-113-70, an application by Oxford Properties, Inc., application under Section 30-6.6 of the Ordinance, to permit variance of front yard requirement at the street line from 90 ft. to 15 ft. in order to create two "panhandle" lots, located 2903-2909 Hideaway Road, also known as tax map 48-4 ((1)) 7, 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lots are 25,025 and 21,920 sq. ft. of land.
4. Public water and sewer are available.
5. This land will be developed under the Fairfax County Subdivision Control Ordinance.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2.. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN HOUSING GUILD-VIRGINIA, application under Section 30-6.6 of the Ordinance, to permit resubdivision of Outlot B and Lot 48 in accordance with plat, located east of Larkspur Drive, Lee District, (R-12.5), 81-4 ((14)) outlot B and Lot 48, Sec. 3, Green Meadow, V-114-70

Deferred to August 4 at the applicant's request. Notices had not been sent out.

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JAMES B. GILSTRAP - request for out of turn hearing. The Board could not obtain a copy of the plat submitted for the building permit application, therefore decided to consider this at a later time.

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LESTER MARKELL - HUMBLE OIL COMPANY - The Board read a letter from Mr. Hansbarger to Supervisor Pennino regarding location of a branch bank facility on the two acre service station site. No action was taken.

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Letter from A. L. Brault requested extension of permit for Patrician Arms Nursing Home for a period of one year.

In accordance with the Board's recently adopted policy limiting extensions to 180 days, an extension of six months was granted. This will be the final extension.

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MERCHANT'S INC., application under Section 30-6.6 of the Ordinance, to permit applicant to erect building closer to side property line than allowed, 8348 Leesburg Pike, Dranesville District, (C-G) 29-3 ((1)) pt. 71, V-117-70

Mr. Frank Dixon, Vice President of Merchant's, showed an elevation of the proposed building, which he said was their standard building that they try to build in all of their locations. The standard building is 50 ft. in depth and would face the right of way. Mr. Fletcher, property owner in the rear, does not object to the requested variance, he said. They plan to construct a Colonial type building. There is a 50 ft. setback requirement from the service road and 50 ft. from the right of way, Mr. Dixon continued, which leaves very little building room on the property. With the 7 ft. variance they can build on the property what they feel will be an attractive building. No setback is required from the adjacent COH property. This business will be selling and installing passenger automobile tires and shock absorbers. There will be no gasoline sales and no recapping on this property. The property will be landscaped according to the drawings. From Route 7, the building will be seen as brick and in the back it will be painted concrete block. The back wall will not be visible to anyone.

Since the property has commercial zoning around it and will someday be developed in commercial uses, Mr. Smith felt that the building should be all brick.

Mr. Dixon agreed that they would be amenable to making it brick if it is required.

No opposition.

In application V-117-70, an application by Merchant's, Inc., to permit erection of building closer to side property line than allowed, 8348 Leesburg Pike, also known as tax map 29-3 ((1)) part Parcel 71, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 25,279 sq. ft. of land.
4. Development must conform with site plan control.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: exceptionally narrow lot;

NOW, THEREFORE BE IT RESOLVED, that the application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The building is to be constructed of Colonial architectural red brick material throughout.

4. Landscaping shall be done in accordance with plans.

Seconded, Mr. Yeatman. Carried 5-0.

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ANDREW CHAPEL PRE-SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school for 40 children; ages 3-5, 9:00 a.m. to 12:00 noon, 5 days a week; 1301 Trap Road, Centreville District, (RE-1), 19-4 ((1)) 47, S-116-70

Reverend James D. Righter, Minister of the Church, stated that they wish to use two rooms in the new building as a pre-school for three and four year olds, beginning in September of this year through May of each year. Hours of operation would be from 9:00 a.m. to noon, Monday through Friday. There would be classes of twenty three year olds and twenty four year olds. Three year olds would meet Monday and Friday and four year olds on Tuesday, Wednesday and Thursday. There would only be 20 children in the building at any one time. This is the first stage of the building - there will be a later stage. The building is very modern and very attractive. The church will operate the school. The play area is planned behind the church adjacent to the parking lot. There would be two trained teachers to supervise the youngsters.

No opposition.

From the Inspections report, there does not appear to be any problem, Mr. Smith said.

In application S-116-70, an application by Andrew Chapel Pre-School, to permit operation of pre-school for 40 children, located 1301 Trap Road, also known as tax map 19-4 ((1)) 47, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of July 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the Andrew Chapel United Methodist Church;
2. Present zoning is RE-1;
3. The property contains 5.96 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. All County and State regulations regarding fencing and play areas shall be met.

5. This is granted for a maximum of 40 pupils with one instructor for each ten pupils, ages 3-5, hours of operation 9 a.m. to 12 noon, five days a week.

Seconded, Mr. Barnes. Carried unanimously.

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JAMES F. HAZARD, application under Section 30-6.6 of the Ordinance, to permit addition to be constructed 22 ft. from rear property line, 3602 Heather Court, Virginia Hills, Lee District, (R-12.5), 82-4 ((14)) (15) 12, V-115-70

Mr. Hazard explained that it was necessary for him to request a variance due to the odd shape of his lot. He has lived in the house for six years and likes the area, and would rather add to his home than move to another location. The lot is large and it is only one corner of the addition which would need the variance. The addition is 20 ft. x 30 ft. and would be a combination of singles to match the existing house and redwood siding and a brick fireplace.

No opposition.

In application V-115-70, application by James F. Hazard, to permit addition to be constructed 22 ft. from rear property line, property located at 3602 Heather Court, also known as tax map 82-4 ((14)) (15) 12, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 13,922 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

WHEREAS, the applicant has satisfied the Board that the following conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; (a) exceptionally irregular shape of the lot and (b) unusual condition of the location of existing buildings;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This is granted for a 20' x 30' addition not closer than 22 ft. from the rear property line and is to be constructed of redwood siding and material similar to the existing dwelling.

Seconded, Mr. Barnes. Carried unanimously.

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HIGH POINT POOL, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit reduction of membership to 400 families and to include additional land to use as a picnic area, adjacent to Ellison Heights and Route 66 (R-10), 40-4 ((1)) 8A, ((16)) 8, S-118-70

Mr. George Lilly, 2229 Westwood Place, Falls Church, Virginia, represented the applicant.

Mr. Smith noted that this was a rather unusual request -- reduction of membership, most of the applications are for an increase in membership.

Actually, the Board is being asked to amend the application, Mr. Lilly stated. There is walking access to the pool property from Highland but the only vehicular access is from Woodland. The original permit for the construction and operation of this pool was granted in 1966 and was based upon membership of 500 families. At the time the site plan was submitted, there was a question as to the parking. The County did not get around to the site plan until 1970 and parking for 500 families would have been around 170 places. The pool did not have that number, so the site plan was rejected. It was too late to amend the application. In the interim the pool had reduced the membership to 400 families and the parking for this number of families would be 133 spaces. Except for two spaces, that much parking is presently provided on the site. There is no intention of increasing the number beyond 400 families, Mr. Lilly assured the Board. There is now a new application based on 400 families, plus a small additional area intended for picnic area use. Basically, that's the present application. His family belongs to the pool although they have not been closely involved in it, they have kept in contact with the project. This is a family neighborhood pool and supplies a great need for recreation in this area, particularly for young people in the form of swimming teams, and team activities. This project has had its ups and downs but it is a well-run and well-maintained project through the dedicated efforts of people that have been involved with it and is clearly an asset to the community.

Have the tennis courts been constructed, Mr. Smith asked?

No, Mr. Lilly replied.

Mr. James Stallings stated that they are asking for additional use of about 10,000 sq. ft. as a picnic area.

The Board has three different plats, on this, Mr. Smith noted. The applicant should submit better plats when they get final approval. Is all the land to be used for picnic area other than the parking area, he asked?

Yes, Mr. Stallings replied.

Mr. Smith noted that unfortunately the Board has received several letters about the pool operation.

Mr. Koneczny, Zoning Inspector, added that he too had received complaints on the pool, basically from one or two of the citizens and he was at the pool at one of their teen age parties to get a first hand view of the situation. Basically the complaints were regarding the loudspeakers, the loud parties, and Mr. Stallings has been trying to relocate some of the speakers, adjusting them, etc. and get in a suitable audible type of situation. They received only one call about the teen age party that night, and he thought they were very well mannered and well organized. Since then they have received a number of calls about the parties going on until 2:00 in the morning and a number of them till 12, 12:30 and 1:00. One complaint was made to the Police Department. After the teenage party, Mr. Koneczny said he went around to the neighbors, this was on Wednesday after the party was held on Friday night, and the general feeling of the neighbors was that they didn't object to the parties, but they all brought up one particular party that was held last year where there was live entertainment and they feel that the parties in a sense are good, but not too often and not too long. The teenage party closed at 12:00.

Do they have a permit to stay open that late, Mr. Smith asked?

Mr. Koneczny said in the original permit there were no stipulations on this.

The Board has given the Zoning Administrator under certain conditions authority to grant a waiver of the time involved in these pools, providing that the pool operators get permission prior to holding the after hour parties, Mr. Smith said. In this particular application, was there a time limit on it? The County policy has been from 8 or 9 a.m. to 9 p.m. and any time beyond that would require special permission.

Mr. Koneczny said he had requested from Mr. Stallings a schedule of activities so it could be reviewed and approved or denied. He was holding up on this because he knew they were coming back to the Board and the feeling of the Board might give them some ideas, he said.

The motion did take into consideration noise factors, Mr. Smith said, and reminded the Board of the noise ordinance in the County. It is the intent of the Board to have all noises within reason. The noise should be kept on the premises and not overflow onto adjacent areas.

Mr. Lilly agreed that not too frequently and not too late and not too loud was certainly a reasonable request. These affairs that create problems of this kind are not every night but he was sure that the members would be happy to comply and are complying essentially with the County ordinances in that regard.

Basically these parties should be cut off at 11:00 p.m., Mr. Smith suggested. Going to 12:00 maybe a couple of nights a summer might not be bad, but the policy of the County has been to cut them off at 11:00. He asked Mr. Woodson if he had ever allowed a pool to go until midnight?

Mr. Woodson said he had let pools stay open until 11:00 occasionally.

Mr. Koneczny said he had gone out on his own the night of the party to see if it disturbed the neighborhood and he had suggested that the pool send out advance notice of the party to the neighbors.

Mr. Koneczny said he had walked all through the neighborhood while the party was going on. A number of the properties have back yards adjoining the pool. The house at 6830 has trees in the area to buffer this considerably from the road. The music was turned down at that time.

When #66 goes through, they might be back asking to turn up the loudspeakers, Mr. Lilly said.

The Board has no authority, Mr. Smith said, and he hoped that the noise from #66 wouldn't be too bad.

A number of people stood up to be counted in favor of the pool.

Opposition: Mr. Hackman, 6830 Woodland Drive, stated that Mr. Vooght who is next door to the property that the pool wants to make picnic use of was taken to the hospital for an emergency operation Saturday and could not be here, so he was speaking in Mr. Vooght's place. This is a drawing of topographic contours of the land, he said; they are very close together on this side of the pool, making for steep slopes, and much of the noise can be reflected by steep slopes like that, but there is a shallow zone or two shallow zones that get most of the noise from the pool. In summer time prevailing winds in this direction carry a greater amount of noise to Woodland Drive. This pool is located within 200 ft. of nine different residences. They wonder if there are any other pools in Fairfax County this close to a private residence.

There are several, Mr. Smith said.

Mr. Hackman pointed out the very steep grade coming up to the pool and going down into the pool. The steeper the grade, the more noise the traffic makes, so any late activities are heard from the house and when they have one of these parties, they start going home at 11:30 to 12:00, it's about an hour by the time all the cars are going and there's something like 80 to 100 cars going around the house. Also there has been an increase in accumulation of trash along this road --- paper cups and things thrown out of cars by people coming and going to the pool. There has been an increased amount of teenage parking at the top of the hill late in the evening and horns blowing, loud radios, as late as 12:00 or 1:00 at night, and they know that these cars belong to the pool because they recognize the cars. They put a chain across the road but there are times when the chain is not put up every night although he must say that recently it has been put up. He pointed out the piece of land which the swimming pool wishes to cut off a part of and use as picnic area. The swimming pool originally bought this house, he said, as he understood, that it was to be the home for the manager of the swimming pool. They heard subsequently that the manager and his wife did not wish to live there because they would have to put up the noise from the swimming pool. The house is being rented now, it's in pretty poor shape, and the lawn has only been cut once this summer. The woman who rents it says she is not going to cut the grass because the swimming pool people will not make necessary repairs to the house.

Mr. Smith asked that Mr. Hackman refrain from making any statements that are secondary unless the lady or someone is here to either agree with or deny them.

Mr. Hackman continued that they feel, that with the condition of the house, and the pool taking the back part off of the lot, will depreciate the value of the house and subsequently depreciate the value of other homes on Woodland Drive. Also, by them taking the property, this means that the Vooghts will have someone picnicking right at their back door. They feel that the granting of a permit to the High Point Pool to use this lot will only bring the pool noises closer to homes on Woodland Drive. What they would like to see is for the High Point Pool to be compelled to put a high board fence around here. The residents cannot put up high fences to keep the noise out, as the properties slope. He also pointed out that this past spring the High Point people went out and cut out all the shrubbery in the back of this lot, anticipating its use as a picnic area and as a result the Vooghts have a straight line view of the pool now and there's considerably less barrier between them and the noises.

Wouldn't a fence between the two properties better screen the noise and sight there rather than having it on the road as you first indicated, Mr. Smith asked?

This slopes downhill, a rather steep grade, Mr. Hackman replied, so there is a line of sight from the pool to these homes and any fence along there, the pool activity noises would come over. One where he indicated would have a tendency to block some of the noise.

A fence there would discourage people from wandering onto the adjacent property, Mr. Smith admitted.

Mr. Hackman said that the Pool does own some property where there are considerable trees and they would like to see that these trees be left to provide some of the screening of noise from the pool. Since they opened the other area up, it's made the noise volume go up a bit.

Does High Point Pool, Inc. own that entire lot, Mr. Smith asked?

Mr. Stallings replied - "Yes".

You spoke of cutting off the back of that lot, Mr. Smith said, and this would not be possible. That would bring about a non-conforming situation. You could utilize the back portion of that lot providing the ownership is in the Pool's name, for picnic purposes but you wouldn't be able to delete it from the other portion of that lot.

According to County requirements for the amount of land they would have to have with the house they were told that they could sell the house omitting the back part of the lot, Mr. Stallings said.

The portion you propose to cut off is the back half of the lot, Mr. Smith said, and that would leave 10,000 sq. ft. for this lot. Mr. Woodson, would this meet the requirements?

Yes, this is R-10 zoning, Mr. Woodson said.

The only other question is - does the house meet the setbacks, Mr. Smith asked?

8B would have to be an outlot, with no access, Mr. Woodson said.

What do you propose to do with the house, Mr. Smith asked?

The house is up to the general membership, Mr. Stallings replied. They propose to keep it rented at the present time. The membership will decide whether to keep it and maintain it or to sell it.

What are your comments on the statements made in regard to the house, Mr. Smith asked?

Mr. Vooght has already put up a fence along there, Mr. Stallings replied; we would agree to do anything Fairfax County wishes to make this a picnic area. They don't plan to take any trees out - only to construct a few barbeque pits there. There is a fireplace barbeque pit there at the present time. It's true the grass hasn't been cut, but they did spend considerable money on the house last year, putting a new roof on it, painting it inside and outside, and have tried to maintain any problem the house has.

Whose responsibility is it to cut the grass, Mr. Smith asked?

Mr. Stallings replied that he was under the impression that it was the person's who rents the house. There is a written lease on the property.

Mr. Smith asked that he take a look at the lease and if the conditions are as indicated, have the tenant correct it. The Pool would be responsible for it.

Mr. Smith asked Mr. Stallings for comments regarding a fence.

He would rather see it go along the property line than the road line, Mr. Stallings replied. However, he did not think the fence would have that much effect on the noise. All of these people would not be picnicking at the same time.

Mr. Hackman again stated that the prevailing winds blow toward his house and they would be getting all the smoke from the barbeque and he did not think it was right to set up such a thing next to a private residence.

Mr. Smith stated that they would not be permitted to build a fire which would interfere with the people living next door. The Board could not permit it under use permit. He discussed ways of barbequeing that would not create any smoke - gas or electric barbeque grills perhaps. The Board had a problem similar to this a couple of years ago..

They would be glad to curb the barbeque, Mr. Stallings offered.

If they are going to barbeque, Mr. Smith said, it should be in some area back away from homes, as far away as possible. It is forbidden to generate smoke in the County anyway, although to what degree, he did not know.

Mr. Hackman said he had a couple of depositions to read from adjacent neighbors regarding the Pool getting use of this area as picnic area. One letter from Ken Perry who lives south of the property involved, at the top of the hill, was read into the record. (Copy of letter on file in this office.)

Mr. Hackman said he had a similar letter from his own family regarding the pool, and one from the Vooghts which he would like to submit for the record. (On file in this office.)

Mr. Stallings said they were given 52 ft. of anchor chain link fence for taking it down and moving it and he thought that if the Board required them to put up a fence, they might be able to use it. If not, they thought that where the property slopes at the end, they might put it as a backstop for volleyball or something in that one area that they don't use.

If they intend to have volleyball, it should be indicated on the plat, Mr. Smith said.

Mr. Hackman stated that residents have complained to the pool, but with no avail. They have had to regulate their sleeping hours to the pool's activities. There has been some harrassment, some of the residents were ready to go up and swear out a warrant, the police notified the pool and about fifteen minutes later they did turn off the amplification of the rock and roll band. However, that night, about half of the people leaving gave them a good "toot" on the horn as they came by their house at 11:30 or so.

If you get the license plate of cars that are doing that, using the horns at night in this manner, you could certainly have a good case against them, and Mr. Smith said he hoped the people utilizing these facilities would respect each other. There is some inconvenience to people living next door to it, but certainly the community as a whole is benefitted by the pool. The membership has to respect people's rights who live adjacent to it and on the roadway to it.

After Mr. Koneczny's visit to the pool where he got them to regulate the volume, Mr. Hackman said, it was better for a few days but it's been gradually working up again.

Mr. Koneczny will be back, unannounced, Mr. Smith assured him. Mr. Woodson should be notified and appropriate action would be taken. Again, these are good uses and he hoped there would be no reason to interrupt one of them.

If the speaker continues to be a problem, it would have to be disposed of, Mr. Smith continued. If they cannot cut down the noise factor to a degree that it would not be objectionable to the surrounding neighbors, they would have to dispose of it. Most pools do have speakers but they have corrected their problems.

The swimming pool seems to be having an increasing social schedule, Mr. Hackman stated. He submitted a schedule for before and after hour events for the month of July. The last movie they had, every word of it could be heard inside the living rooms of every house on Woodland Drive. The activities interfere with everyone's sleep.

Mr. Smith reminded Mr. Koneczny that the Board set a limit of six or four after hour parties or affairs on each of these a year so this would have to be cut down. The Pool would have to get permission from the Zoning Administrator to hold these after hour parties. To hold them three nights in a row after hours is subjecting the adjacent property owners to an inconvenience.

Mr. Stallings said they were not aware of the six nights a year requirement.

Mrs. Vooght, 6834 Woodland Drive, adjacent to the pool property being subdivided for picnic area. Most of the objections have been voiced. They would object to the extension of the pool property for picnic purposes which would be about 30 feet from her back door. There would be smoke from cookouts and noise. They have been plagued with shortcuts over the fence which is why they had to erect a fence in the first place. Since they cut the trees down, they had to put a bamboo fence over the wire fence to cut out the sight and some of the noise. All of the bedrooms and eating areas are in the rear of the house; they cannot sleep and they will not be able to enjoy a meal if the pool is permitted to use this property this close to her house.

If this is granted, Mr. Smith suggested, there should be no activity here at night. Activities should be curtailed at sundown.

Another thing, Mrs. Vooght continued, since the pool area is not fenced, they have a lot of strangers coming into the area after pool hours. When the pool is closed in the fall and winter, they might come in and use the picnic area and be a nuisance and disturbance too. By the time police get there, they have left. They have a chain there but this isn't sufficient. Minibikes go up and down Woodland Drive carrying children to and from the pool.

Mr. Stallings said they have put out a newsletter asking that all minibikes be abandoned from the property.

In application S-118-70, an application by High Point Pool, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit reduction of membership to 400 families, and to include additional land to use as a picnic area, located adjacent to Ellison Heights and Route 66, County of Fairfax, Virginia, Mr. Long moved that the Boa of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-10.
3. The area of the lot is 3.24 acres and 9,071 sq. ft. of land.
4. A use permit was granted for the swimming pool, tennis courts, etc. on this property on March 22, 1966.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation h as started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for the swimming pool, bath house, wading pool and refreshment stand with all facilities located on the 3.64 acres of land only.

5. Membership of the pool will be limited to 400 members with a minimum of 133 parking spaces; hours of operation 9 a.m. to 9 p.m. seven days a week unless prior approval for longer hours has been obtained from the Zoning Administrator.

6. All noise is to be confined to the premises. Lighting shall be directed onto the premises.

7. The private entrance road from the pool shall be completely closed off with a gate or chain link fence except during hours of operation.

8. Young hardwood trees a minimum diameter of 2 1/2 inches shall be planted 40 ft. on center along the property line where trees have been removed.

Seconded, Mr. Barnes. Carried 5-0.

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VIRGINIA ELECTRIC AND POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to erect, operate and maintain transmission line on steel poles (replace existing line) along route of existing line from Idylwood sub-station to Ox sub-station, Springfield, Providence and Annandale Districts, (RE-1, RE 0.5, R-17, R-12.5, I-P), 49-2, 49-4, 59-2, 59-4, 70-2, 70-4, 70-3, 79-1, 79-3, 78-4, 88-2, 88-4, 88-3, 97, S-119-70

Mr. R. W. Church, Jr. represented the applicant. The demand for power has been increasing dramatically and has doubled since 1964, Mr. Church stated. They expect it will double again by 1974. A new source of power was recently brought into the County from the west. There are presently two transmission lines between this and Idylwood -- one on H-frames and one on steel towers. The source at Ox now where the 500 kv line terminates is one of the most important power points in Fairfax County. From that point power can be switched up the corridor or into the Jefferson Street sub-station in Alexandria. It is now necessary to bring more power into the Idylwood substation and to accomplish this the Company proposes to take down the existing H-frame structures and replace the line with a double circuit 230 kv steel pole line to allow more energy to be brought to the Idylwood sub-station.

Mr. R. W. Carroll, District Manager of the Potomac district office of VEPCO, described the growth during the past years and as expected for the future. To help meet demands for power VEPCO proposes to replace the existing 115 kv H-frame wood pole line between Ox and Idylwood substations with a double circuit 230 kv ornamental steel pole line. The existing right of way is wide enough to accommodate this construction. The poles used in this line will be gray with an average height of 115 ft. and will be similar in appearance to those being used in Fairfax County on the Hayfield-Jefferson Street line. At Idylwood substation, a galvanized steel tower will be required to terminate the line. This tower would be approximately 145 ft. in height.

Mr. McKenzie Downs, real estate appraiser and broker, stated that he had made a report regarding the effects of the proposed project on properties along the line route, and concluded that the proposed line would not be detrimental to the development of adjacent land and would not have any adverse effect on any existing or proposed development. The project as proposed would be in harmony with the purposes of land use as embodied in the existing County ordinance.

No opposition.

Mr. Smith read the Planning Commission's recommendation for approval.

In application S-119-70, an application by Virginia Electric and Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to erect, operate and maintain transmission line on steel poles (replacing existing line) along route of existing line from Idylwood sub-station to Ox sub-station, Springfield, Providence and Annandale Districts, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is RE-1, RE-0.5, R-17, R-12.5 and I-P.
3. The proposed transmission line is approximately 12.5 miles long.
4. Compliance with Article XI (Site Plan Ordinance) will be required.
5. The proposed line will replace the existing line.
6. The Planning Commission approved this location at their meeting of July 9, 1970.
7. This is essential to provide adequate and continuous service to the public with fewer structures than presently exist.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance and Standards for Special Use Permit Uses in I districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on the plats submitted with this application.

Seconded, Mr. Barnes. Carried 5-0.

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NICHOLAS B. ARGERSON, D. D. S., application under Section 30-7.2.6.1.10 of the Ordinance, to construct 30' x 40' bungalow building for a dental office, 2959 Sleepy Hollow Rd., Mason District, (R-12.5), 51-3 ((14)) 1A, S-120-70

Dr. Argerson stated that he proposes to construct a one story building with basement on the property, to be used as a dental office. He will be the only dentist at present, but the Code allows two. He showed a drawing of the proposed building. He and his wife have owned the property for approximately seven or eight years. He has read the provisions in the Zoning Manual and will comply.

No opposition.

Mrs. Giles Tabor stated that she was not making a protest but wished to bring out several factors. In 1969 she appeared before the Board in regard to Dr. Argerson's request to build an office building at the corner of Beauregard and Chambliss Streets. Her main reason for being present today, she said, is to ask if it is not the owner's responsibility to cut the weeds and keep the property clean.

Dr. Argerson said the attorney who represented him in that matter requested permission to construct a one story building -- this was a mistake. He had planned to build a two story building. Now he has no plans to have an office building there. The weeds are cut twice a year. He has posted "no trespassing" signs on the property but it is still being used by the neighbors. He and his family have spent much time cleaning the property. The grass will be cut within the next week.

Mr. Yeatman suggested putting a brick fence where the wooden fence is shown on the drawing, as wooden fences don't last very long.

In application S-120-70, application by Nicholas B. Argerson, D. D. S., application under Section 30-7.2.6.1.10 of the Ordinance, to construct a 30' x 40' bungalow building for a dental office, 2959 Sleepy Hollow Road, also known as tax map 51-3 ((14)) 1A, County of Fairfax, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 14th day of July, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 23,208 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent

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land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these additional uses require a use permit, shall be cause for this permit to be re-evaluated by this Board.

4. The building shall be constructed with a brick exterior and landscaping plan to be approved by the Land Planning Branch.

5. A minimum of 10 parking spaces must be provided.

6. A six foot brick wall around the parking where the plat indicates a six foot stockade fence shall be provided.

7. Compliance with Article XI (Site Plan Ordinance) is required.

Seconded, Mr. Yeatman. Carried 5-0.

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Mr. Woodson submitted plans for lights for the McLean Little League as requested by the Board.

No further action is necessary in this matter, Mr. Smith commented, as the Board has granted permission for the lighting.

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The Board discussed parking of buses with Reverend Bonds, Pastor of the Bethlehem Baptist Church, and Director of the Northern Virginia Christian Academy.

Reverend Bonds stated that the Church is in the process of constructing a brick, Colonial style bus storage barn for keeping the buses which they use in the Academy, a staff car and a pick-up truck. One of the reasons it has become necessary to construct this is the widespread vandalism. They hzve seventeen school buses for transporting children to and from Sunday school and three small vans used for the school during the week. They have had a gas pump on the property for six years, and Weber Tire Company does all of their maintenance work. The bus barn is 40' x 40'.

Mr. Covington of the Zoning Office asked for an interpretation on whether or not buses can be stored in a residential zone, not so much in connection with this school, but in any residential zone.

Let's concern ourselves with this particular situation at this time, Mr. Smith said. Is this for school buses or only for buses associated with the private school?

Would buses be allowed to be stored and maintained in a residential zone, Mr. Covington asked?

Mr. Smith said he could find nothing in the Ordinance which would prohibit churches from operating a fleet of buses, however, maintenance would be limited to preventive maintenance, nothing major.

Reverend Bonds stated that they have a permit now for 75 students; they plan to file a new application next month to expand the school.

Mr. Covington said he had requested and received an opinion from the County Attorney. The office has received complaints on the operation of a garage and maintenance of buses on the church property.

Mr. Smith said he thought they would be allowed to gas and oil buses there. Other schools in the County do it.

Mr. Barnes agreed that minor maintenance could be allowed but overhauling an engine or doing body work could not be done there.

Mr. Covington asked the Board to specify what could be done in the new garage.

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BETHLEHEM BAPTIST CHURCH - Ctd.

Mr. Smith said he felt that preventive maintenance would include cleaning windshields, sweeping buses out, putting in spark plugs, new brakes, etc. if they have facilities to take care of this, and if they can meet all the setbacks and other requirements. Moving the buses inside is an excellent move, he said. Perhaps the Board should give more thought to this.

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Mr. Joseph Duvall, attorney and member of the church, spoke in favor of the request, and described the bussing operation in connection with the Sunday School.

No official action was taken.

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Letter from Mr. Thomas R. Epperson requested a six months extension. Mr. Barnes moved to grant the request; seconded, Mr. Yeatman. Carried 5-0.

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Letter from Mr. Johnathan Titus stated that a use permit was granted to him in February of 1969. He now has a second doctor and additional parking has been put in as stipulated by the Board.

Mr. Baker noted that there has been parking on the street.

The Board asked that a letter be sent to Dr. Titus notifying him that there has been some report of patients parking or doctors parking on the streets adjacent to the facility and in front of the building, and if this continues, his permit would be subject to revocation.

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CARDINAL HILLS SWIM AND RACQUET CLUB - Letter requesting use of tennis courts after sunset - Consensus of the Board was that this would require a new application.

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The Board read a letter from Mrs. Thomas Cain regarding the Sir Browcain School, and a letter from Mrs. Franklin Minney who had been operating the school. The Board agreed that it would be necessary for the new owners or operators to file a new application.

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The Special Use Permit for ACCA Day Care Center in the John Calvin Presbyterian Church, was amended to read "50 children, ages 2 1/2 to 8 years".

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The Board reviewed the site plan submitted by City Engineering and Development Corporation and approved it as being in conformity with the intent of the motion granting the Special Permit for service station.

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JAMES B. GILSTRAP - Request for out of turn hearing. The Board will decide at the next meeting whether to grant an out of turn hearing after having seen a copy of the building permit application.

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ROGER PENN - Request for out of turn hearing - the Board will hear this on August 4.

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The meeting adjourned at 4:50 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman — August 4, 1970 — Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 21, 1970 in the Board of Supervisors Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Joseph Baker, Mr. Richard Long and Mr. Clarence Yeatman. (Mr. Long arrived late.)

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

RIDGEMONT MONTESSORI SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori school, hours of operation 9 a.m. to 3 p.m., maximum number of children - 66; 888 Dolley Madison Boulevard, (RE-1), Dranesville District, 31-2 ((1)) 4A, S-121-70

Mr. Joseph J. Duffy, Jr., President of the Ridgemont Montessori School, Inc., requested permission to use the facilities of the Presbyterian Church for Montessori School or nursery school as defined in the Code. He presented a copy of the site plan waiver and photographs of the school itself. The school has been there for about five years. They were using the house on the property but since 1967 they have been in the educational building.

(Mr. Long arrived.)

In answer to a question by Mr. Smith, Mr. Duffy replied that they do not have a lease but they do have oral permission to use the facilities. He can provide the Board with a written memo if it is necessary. Under the County space requirements, they could have sixty-six children but they feel this is too crowded, so they would only have 62 children. Ages would be two years through six, five days a week. Parents would bring the children to school or they would come in car pools. The school does not transport children.

The Board asked Mr. Duffy to submit a copy of the Articles of Incorporation and by-laws for the record.

In application S-121-70, an application by Ridgemont Montessori School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a Montessori School, located 888 Dolley Madison Boulevard, also known as tax map 31-2 ((1)) 4A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing this 21st day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The property is owned by the Trustees of the Presbytery of Washington City. The applicant is lessee.
2. Present zoning is RE-1.
3. The property consists of six acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for a one year period with the Zoning Administrator being empowered to extend the permit for three successive years, and with the following limitations:

2. This is granted to the applicant only and is not transferable.

3. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

RIDGEMONT MONTESSORI SCHOOL, INC. - Ctd.

4. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

5. This is granted for a maximum of 66 children, ages 2 through 6, five days a week, from 9 a.m. to 3 p.m. and compliance with County and State regulations for fencing play area is required.

6. There will be a minimum of 30 parking spaces for this use.

Seconded, Mr. Barnes. Carried 4-0, Mr. Yeatman out of the room.

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VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 to permit addition to existing Bull Run sub-station, located 6716 Centreville Road, Centreville District, (RE-1), 65 ((1)) 105A, 106A, S-127-70

Mr. R. W. Church, Jr. represented the applicant. The purpose of this expansion is to provide an additional source of power at 115 kv at the Bull Run Sub-station, he explained, and it is a very necessary addition to the system. The site contains approximately six acres.

How many additional structures in the form of towers or transformers would actually be added, Mr. Smith asked?

There would be six transformers, Mr. Church replied, each performing one phase of two three-phase lines. There would be a dead end structure on the property approximately fifty feet in height.

To improve reliability of service, Mr. R. W. Carroll stated, they propose to install at Bull Run Substation a 230,000 volt to 115,000 volt transformer and connect it to their existing 230,000 volt transmission line that is already in place between Loudoun and Ox and goes through this substation site. This installation would increase reliability of service to the Bull Run-Gainesville 115,000 volt line now under construction.

Mr. Carroll told the Board that portions of the fence around the existing station would be relocated and some new fencing would be installed to enclose both new and old equipment. The facilities would be completely enclosed with a six foot steel chain link fence, topped with barbed wire. The gate would be locked at all times except for ingress and egress when an attendant is present. Operation of the expanded substation would not generate additional traffic which will be hazardous or inconvenient to the predominant residential character of the neighborhood or conflict with normal traffic. Access is available from Old Centreville Road.

The proposed facilities, Mr. Carroll continued, must be located adjacent to the existing 230KV line and there is no C or I zone on or near the existing line within one mile of the existing substation.

This proposed substation addition will reinforce the power supply to the area and provide for continuing growth, Mr. Carroll stated. VEPCO has owned this property for several years.

Mr. Smith read the Staff recommendation: "The staff notes that the subject application is for the expansion of an existing facility to meet the needs of the County. The staff notes that accommodation of the future improvement of Route 28 to a 300 foot right of way (E4 crosssection) should be provided for now."

Mr. Church stated that they would object to that very strenuously. The new setback line on this property after being required to accommodate half of the proposed 300 ft. right of way pretty well wipes out the property. They conferred with the Highway Department yesterday and they indicate that this is phase four of a four phase plan that is not yet adopted, for which the alignment has not been set, and which, if implemented, is somewhere around 1985.

Mr. McKenzie Downs, real estate broker and appraiser, stated that he had made a study of the area and found that this would not have an adverse effect on the area. A written report is on file with the records of this case.

Mr. Smith read the Planning Commission recommendation for approval.

Mr. Steve Lopez of the Planning staff suggested deferral until after September 16 to allow the Board of Supervisors to act on the Bull Run Plan.

No opposition.

VIRGINIA ELECTRIC & POWER COMPANY - Ctd.

In application S-127-70, an application by Virginia Electric and Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to permit addition to existing Bull Run sub-station, located 6716 Centreville Road, also known as tax map 65 ((1)) 105A, 106A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of July, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 5.9467 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed byaction of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. A six foot chain link fence shall be erected around the perimeter of the property in conformance with the fencing ordinance setback requirements.

5. Hardwood trees a minimum of 2 1/2 inches in diameter shall be planted 40 ft. on center along the fence lines where trees are not existing or have been removed. Seconded, Mr. Barnes. Carried 5-0.

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JIM L. & EVA J. WELLS, application under Section 30-7.2.7.1.2 to permit replacement of existing facilities damaged by the elements, located 8731 Lee Highway, Providence District, (RE-1), 49-3 ((6)) pt. 2, S-122-70

Mr. William Hansbarger represented the applicant.

Why is this back before the Board, Mr. Smith asked?

Because they plan to relocate the buildings, Mr. Woodson replied.

This use is categorized in the Ordinance as a number of uses, Mr. Hansbarger stated, but the one that fits best is commercial recreation. A use permit was granted in 1962 for the antique shop in the home, for a period of one year. It has been operated as an antique business and not as an antique shop. Mr. Wells has musical instruments dating back to the 1800's.

This is under a different section of the Ordinance, Mr. Smith noted. The application requests replacing damaged buildings but it is a completely different operation.

This is similar to a museum, Mr. Woodson stated, but it is not included in the Ordinance. Mr. Hansbarger talked to him, he said, and he suggested that it come under Group VII.

This was granted for an antique business, Mr. Smith stated. Is he going to continue the antique business?

Many of the instruments that will be displayed are antiques, Mr. Hansbarger said, but they will discontinue selling the glass antiques. This will be a museum of antique instruments.

Mr. Smith felt that this was a completely new application.

The application reads "for recreational and educational uses", Mr. Hansbarger said. The notices that the office sent to the adjacent property owners did state the entire purpose of the application.

Mr. Smith objected to hearing the application today based on the advertising of the application "under Section 30-7.2.7.1.2 to permit replacement of existing facilities damaged by the elements". The application should be deferred and readvertised at no expense to the applicant and should include the recreational and educational aspects of it.

Mr. Hansbarger felt that the Section of the Ordinance advertising the application and the sign posted on the property met the requirements, plus the letter that went out to the adjacent property owners.

Is there a charge made to people now to go in and look at the instruments, Mr. Smith asked? He said he was not aware that admission was being charged and had visited the property himself, and was not charged admission.

Mr. Woodson said that Mr. Wells had been charging for years.

Mr. Wells described the operation which he had been conducting since getting the special use permit in 1962, stated that he had offered toevery child in the Fairfax School system free admission with a guided tour of the musical instruments. Since the storm, things have been so congested, they are not operating now. In the antique business they operate by appointment only.

After a very lenghty discussion on whether or not to hear the application or defer for readvertising and reposting, Mr. Long stated that he felt the application had been properly advertised and the letters sent out by Mr. Hansbarger told the neighbors what was planned.

The antique shop is being eliminated and being that the application was advertised under Section 30-7.2.7.1.2 of the Ordinance, Mr. Yeatman stated, so he believed that it was properly advertised and would move that the case be heard today. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion.

Mr. Wells said that he wished to preserve a part of the American past. There will be an old carousel in the museum but there would be no rides in connection with this operation. People will pay admission to come into the museum. If they run into a duplicate, they would sell the duplicate, but this would be the only sales. There would be no softdrinks, candy, etc. sold.

Is the only revenue-producing feature the admission charge, Mr. Smith asked?

They do rent on the outside, in three states, big musical items that are truck mounted, Mr. Wells replied. They do not solicit and they do not have their name on any of their units. People contact them for the rental, and they have done five White House shows.

Where in the Ordinance is a person permitted to rent things from his home, Mr. Smith asked? Rental of other equipment is not allowed in a residential area.

Mr. Hansbarger stated that Mr. Wells rents the equipment from his home which is located outside the property contained in the use permit. He said that he, himself, could rent anything he wanted to from his home without coming in for a use permit.

Mr. Woodson said this question had never come up before.

This is a commercial operation and is is being done from out of a residentially zoned area, Mr. Smith stated. How can the Zoning Administrator allow rental of equipment from a residentially zoned area and deny anyone else a similar rental concession.

That is why he is here under a commercial recreational establishment, Mr. Woodson stated.

This is not prohibited by the Ordinance, Mr. Hansbarger contended. First of all, this is a permissive Ordinance -- those things not expressly prohibited are permitted. His advice to Mr. Wells would be that with or without a use permit, if he wants to take calls in his home, it is not prohibited. Things are rented at Old Virginia City and a person pays admission there.

Mr. Smith objected to renting equipment and transporting it to and from this residential zone.

Suppose he keeps the equipment some place else, Mr. Hansbarger suggested, and took the calls on this property?

Mr. Smith said this was an area that certainly should be cleared up.

Will there be other antiques besides musical instruments, Mr. Baker inquired?

There will be five antique cars, Mr. Wells replied.

Mr. Smith noted that the section under which this application was filed includes skating rink, sports arena, and bowling alley.

There is no place in the Ordinance for a museum, Mr. Woodson said, so he advised the applicant to file under this section because it is recreation and they pay admission to go in.

Would 50 parking spaces be adequate to take care of people who would be coming to this facility, Mr. Smith asked?

Mr. Woodson said he did not arrive at this figure but he felt that it would never have more than a few cars.

Mr. Wells stated that they were asking permission to house everything in this one building, closer to the highway. They have already removed one old building and they will remove the others after the new building is constructed. The home antique operation would also cease.

Mr. Smith objected to the equipment rental from this property and reminded Mr. Woodson that he had required one man to move a bulldozer off his property and park it on commercial property. If Mr. Wells can rent equipment and store it on his property, why can't a man rent and store a bulldozer on residential property?

Mr. Yeatman compared this operation as a farmer who takes a piece of farm equipment to a neighboring farm, bales hay, and brings the equipment back. He is in RE-1 and RE-2 zoning. That has been going on for a long time. This is an occasional type rental.

A one man operation could not get very commercial, Mr. Barnes agreed.

It may be similar, Mr. Smith noted, but a farmer does not need a use permit.

If a use permit is granted, then this becomes a use permitted by right, Mr. Hansbarger reasoned, and anything permitted by right can be rented.

Mr. Smith asked Mr. Woodson -- would you allow a person to have three or four musical instruments and rent them from his home?

If he took one out himself to play, Mr. Woodson said, he would.

No opposition.

Mr. Mohamadi of the Land Use Administration Staff agreed with Mr. Smith that the application should have been postponed for readvertising and reposting.

In application S-122-70, an application by Jim L. and Eva J. Wells, an application under Section 30-7.2.7.1.2 to permit construction of new facilities for recreational and educational musical museum, property located 8731 Lee Highway, also known as 49-3 ((6)) pt. 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of July, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE-1.
3. Area of the use permit is 2 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) will be required.
5. The original use permit granted in March 13, 1962 was for an antique shop.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. A minimum of 50 parking spaces will be required for this use.

5. Compliance with Article XI (Site Plan Ordinance) will be required.

6. Adequate public facilities approved by Fairfax County Health Department will be required for the convenience of the public.

7. There shall be no outside storage of equipment or display of advertising signs.

8. The land with this use permit shall be enlarged above the five acre site if necessary, to comply with all necessary requirements for use permits within this Section 30-7.2.7.1.2.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion as he felt the renting of equipment from this residential zone was not in keeping with the Ordinance.

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The Board agreed to accept Mr. Higginbotham's offer to represent them regarding the court case for Columbia Pike Limited Partnership.

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HORNE PROPERTIES, INC., application under Section 30-7.2.10.3.6 of the Ordinance, to permit recreation center, limited to billiard and ping pong tables, 6184B Arlington Boulevard, Willston, (lower level), (C-D), 51-3 ((1)) 4, Mason District, S-124-70

Mr. William Ingersoll, 6823 Bland Street, Springfield, Virginia, represented the applicant. This location is the lower level of the old Kresge store, he said, and the upper level is now occupied by Steven Windsor Clothing. There is an outside entrance to the lower level between the two stores.

Since the School Board was not notified as an adjacent property owner, Mr. Baker moved to defer this hearing to August 4 so the School Board may be notified. Seconded, Mr. Long. Carried unanimously.

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MINNIE IRENE SOWERS, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 2813 E. Lee Avenue, Memorial Heights, Mount Vernon District, (R-12.5), 93-1 ((18)) G, S-125-70

No one was present to represent the applicant, therefore the case was placed at the end of the agenda.

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WILLS & VAN METRE, INC., application under Section 30-6.6 of the Ordinance, to permit variance to number of entrance structures, height of entrance structure and setback, Tamarack, located on Hunter Mill Road, Centreville District, (RE-1), 27-2 ((1)) 11, V-123-70

Mr. John Aylor stated that this is an RE-1 cluster subdivision. The subdivision is recorded. On June 3 Mr. Wills applied to the County to have some entrance structures on both sides of Tamarack Drive, entrance walls and gatehouses. The closest wall to Hunter Mill Road is 10 ft. and the closest shelter to each side of Tamarack Drive is 12 ft. If there is a 50 ft. requirement, they are asking that it be waived. In making the application, Mr. Wills talked with the Zoning Administrator and it was indicated that there was nothing precisely in the Ordinance that took care of this type of structure. There was an ordinance pertaining to signs, but they do not consider this a sign. The only area to be encompassed by a sign contains 8 sq. ft. Total of

the wall and the shelters is 424 sq. ft. so actually only about 2 per cent of the entire structure would be devoted to any notice of any kind. The shelters are four column structures and a person can see through them. They are mainly to help people looking for people living in the subdivision and to add tone. These houses will sell for $43,000 and up. They estimate that the cost of each structure would be around $3,000. The Community Association owns the two parcels of land which will be open space. The shelters will be permanent structures with no maintenance required. The only thing to paint would be the underside of the shelter.

This Board cannot consider the sign, Mr. Smith said. The variance sought on the gatehouses will have to be justified.

Mr. Aylor said the land drops off rather fast and because of the topography, they did not put the lots right on Hunter Mill Road so it would be a hardship not to have some identification on the road. They cannot move the gatehouses back because of the storm drainage easement.

No opposition.

In application V-123-70, an application by Wills and Van Metre, Inc., application under Section 30-6.6 of the Ordinance, to permit variance to number of entrance structures, height of entrance structures and setback, Tamarack, located on Hunter Mill Road, also known as tax map 27-2 ((1)) 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st of July, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the owner of the property.
2. Present zoning is RE-1.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; (a) exceptional topographic problems of the land; (b) location of storm sewer easement and stream bed;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same lane.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This variance is for the structures only and not for signs and the brick wall.

4. The construction of the buildings and the material is to be in conformity with photographs filed with this application.

5. The structures shall not interfere with adequate sight distance.

Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion as he felt there was no justification for a variance on the gazebos.

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MT. VERNON VOLUNTEER FIRE DEPARTMENT AND FAIRFAX COUNTY FIRE SERVICES, application under Section 30-7.2.6.1.2 of the Ordinance, to permit construction and operation of fire station, located intersection of Parkers Lane, Sherwood Hall Lane, and Holland Road, Mount Vernon District, (R-12.5), 102-1 ((1)) pt. 3, S-126-70

Mr. Burton stated that the property is owned by Fairfax County and because of the situation of having three roads, there is only one contiguous property owner -- the Harrelson property. This is to serve the Route 1 corridor and terms provide that this will be leased to the Mount Vernon Volunteer Fire Department, Inc., for the purpose of establishing a volunteer fire department station thereon. This will be a 130' x 77' building, one story, no siren.

No opposition.

Mr. Smith read the County Facilities Site Selection Committee Recommendation: On December 8, 1969 the County Facilities Site Selection Committee met and reviewed the proposed relocation of the Mount Vernon fire station. The committee recommends that

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the northernmost 1.5± acres of the county owned Harrelson tract be approved for fire station use under Section 15.1-456 of the Code of Virginia, as amended.

The Planning Commission also recommended approval of the application under Section 15.1-456.

The following motion was made by Mr. Yeatman, seconded, Mr. Barnes, and carried 4-0 (Mr. Long abstaining as his firm drew the plats):

In application S-126-70, application by the Mount Vernon Volunteer Fire Department and Fairfax County Fire Services, application under Section 30-7.2.6.1.2 of the Ordinance to permit construction and operation of fire station, located at the intersection of Parkers Lane, Sherwood Hall Lane and Holland Road, also known as tax map 102-1 ((1)) pt. 3, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact.

1. The owner of the property is Fairfax County.
2. Present zoning is R-12.5.
3. The lot contains 1 1/2 acres of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

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The application of FRANCIS J. McCLOSKEY, JR., D. D. S. was placed at the end of the agenda as no one was present to represent the applicant.

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PROGRESSIVE CARE, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation of nursing home under new management, all operations to be as previously done, 7120 Braddock Road, Annandale District, (RE-1), 71-3 ((8)) 10A, S-108-70 (deferred from June 16)

This application was deferred to September 8 as the applicant's attorney, Barry Murphy, was out of town and Mr. Ted Sutes of his office asked that it be postponed.

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TEXACO, INC., application under Section 30-6.6 of the Ordinance, to permit construction of canopy over pump island closer to front property line than allowed, 5644 Telegraph Road, Lee District, (C-G), 83-1 ((1)) 8A, V-107-70 (deferred from June 23)

Mr. R. A. Davis requested that the canopy be allowed for health and safety reasons to protect employees working out in the elements and to keep the area dry for traffic stopping at the pump islands.

Unfortunately, Mr. Smith commented, these are not reasons for the Board to grant a variance on the basis of hardship.

The service station has been there eight or ten years, Mr. Davis stated. The depth of the lot is 114.97' and 108.45'.

Did Texaco dedicate the land for widening Telegraph Road, Mr. Yeatman asked?

It was condemned, Mr. Davis replied, and the station was just remodeled at an expense of $8,000 - $9,000.

Mr. Barnes stated that the variance, if granted, would allow the canopy 3 1/2 ft. from Telegraph Road.

The Board has turned down many canopies even where there were service drives, Mr. Smith stated, and this one doesn't even have a service drive. The pumps are closer to the property line than allowed under the Ordinance, and this is because of condemnation.

No opposition.

In application V-107-70, application by Texaco, Inc., application under Section 30-6.6 of the Ordinance, to permit construction of canopy over pump island closer to front property line than allowed, located 5644 Telegraph Road, also known as tax map 83-1 ((1)) 8A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals held on the 21st day of July, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is Texaco, Inc.
2. Present zoning is C-G.
3. Area of the lot is 23,434 sq. ft. of land.
4. Proposed canopy would be within 3 1/2 ft. of the right of way line of Telegraph Road.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Barnes. Carried unanimously.

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The Board returned to the application of MINNIE IRENE SOWERS, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 2813 E. Lee Avenue, Memorial Heights, Mt. Vernon District (R-12.5), 93-1 ((18)) G, S-125-70.

Mr. Grenadier appeared on behalf of Mr. Bernard Fagelson, representing the applicant. The adjacent property owner, Mrs. Kuba, is present in favor of this application, he said.

Mr. Knowlton told the Board that the Board of Supervisors last Wednesday adopted an amendment to the Ordinance regarding beauty shops as home occupations, so that home occupations are no longer required to provide off-street parking. However, his interpretation is that the Board could still place any reasonable restriction on a use permit to make it compatible with the neighborhood.

No opposition.

Mr. Long moved to defer to August 4 for the applicant to be present to testify with regard to this application. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith again called the application of Francis J. McCloskey, Jr. and no one was present. The applicant should be notified that this will come up on September 8 and if he does not respond, the case will be denied for lack of interest.

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The Clerk was instructed to ask Mrs. Elgia G. Clemmer to be present on August 4 with regard to her application for beauty shop.

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Request from Showke George - Park Rug and Carpet Shop - Rezoning is scheduled to be heard by the Board of Supervisors on August 5. Since the Board of Zoning Appeals has no meeting after August 4, they would like to be heard before the Board of Supervisors meeting contingent upon getting the rezoning. Consensus of the Board was that this would not be possible since the zoning would not be in compliance with the Ordinance at that time. If this is rezoned, the Board could hear the case on September 8.

July 21, 1970

Letter from Walter B. Savage, residing at 2523 Bull Run Court, owner of Lot 48, Stonewall Manor, adjoining the property of Dunn Loring Swim Club - Recently the Dunn Loring Swim Club cleared an area of their property for a parking lot. They have fenced an extensive area of the parking lot but did not fence the area between their parking lot and the Savage property. The letter expressed concern about the possibility of selling the home at a later date and the potential buyer inquiring as to why the property is in no way separated from the parking lot. If the buyer has small children, there could be all kinds of problems.

The letter was referred to Mr. Woodson's office for an inspector's report. The Clerk should send a letter to Mr. and Mrs. Savage indicating that the Board has referred this to the Zoning Administrator and the Board will take it up at their meeting on the 28th.

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National Memorial Park - variance on fence height at the corners of West Street and Lee Highway and Hollywood Road and Lee Highway - Request for rehearing:

The motion was to grant the application, Mr. Smith recalled, but the motion did not carry. To his knowledge there was no reference in the motion made for denial. Sight distance was discussed but the motion to grant was defeated for lack of a majority. Mr. Smith said the application was made under the hardship section of the Ordinance and he felt that the Board had no justification for granting a variance on the fence height in an area such as this but he had no quarrel for rehearing it if the Board feels this is evidence for rehearing, providing it's readvertised and reposted. This time the posting should be at the corners and not in the middle of the cemetery.

Attorney for the applicant stated that in the motion for rehearing, theirs is predicated upon emergence of evidence which was not presented during the original hearing and has not been available. It was not clear to the Park at the time that they would need the support of a professional engineer. They now have somebody who would set forth the clear idea on the fence. Photographs and other site plans have come to light since the hearing on the 16th of June.

What happened in 1935 and 1936 has no bearing on the variance on the height of the fence, Mr. Smith said, and the thinking of the Board on the variance would have to be current substance.

Mr. Yeatman moved to rehear the application based on the evidence that the new attorney and engineer can present to the Board. Seconded, Mr. Barnes. Carried 4-0, Mr. Long abstaining. This will be reheard on September 15 after reposting and readvertising. Signs should be placed at each corner of the cemetery. Five adjacent property owners should be notified by the applicants.

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JAMES GILSTRAP - Request for out of turn hearing - The Board reviewed the application for building permit and the plat submitted at that time, and read Mr. Gilstrap's letter telling how this happened. Mr. Yeatman moved to hear the application on August 4, and request that the contractor be present. Mr. Long asked that the three contiguous property owners be notified as well as the others to meet the notification requirement. Seconded, Mr. Barnes. Carried unanimously. (Mr. and Mrs. Gilstrap should be present.)

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Mr. Smith read a letter from Mr. Hancock, Assistant County Attorney, to the Board regarding the court's decision on Gulf Oil Corporation (service station located on Telegraph Road - application denied by BZA) - which stated that the court had upheld the Board's decision.

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Letter from Mr. Waterval requested the Board of Zoning Appeals to defer final decision to September on the application of Lake Barcroft Recreation Association. The Board issued an intent to defer at this time, but the application is still listed on the 28th of July agenda.

The Board adjourned at 5:05 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

August 4, 1970 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. in the Board Room of the County Administration Building, on July 28, 1970; all members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. Richard Long, Mr. Joseph Baker and Mr. George Barnes.

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

W. HOWARD ROOKS, application under Section 30-7.2.9.1.7.1 of the Ordinance, to permit operation of real estate office with six employees, 8105 Little River Turnpike, Annandale District, (R-17), 59-4 ((10)) 4, S-98-70

John Scott, attorney, represented the applicant. Mr. Rooks seeks a special use permit to operate a real estate office at 8105 Little River Turnpike, he stated. The property has a frontage of 180 ft. on the proposed service drive in front of Route 236 and a depth of 250 ft. on one side and 279 on the other and it lies 175 ft. west of Pine Ridge Drive, approximately 350 ft. east of Woodlark Drive. Mr. Rooks is the owner of the property.

How long has he owned it, Mr. Smith asked?

Forty-five days, Mr. Scott replied.

Did he own it at the time the application was filed for the use permit, Mr. Smith asked?

That is correct, Mr. Scott replied. The property is vacant at the present time. The property is owned by Mr. Rooks and his wife, Sue G. The lot is improved with a single family dwelling having approximately 2,000 sq. ft. It was constructed in 1945. Reference to the plat will show a service road now running from Pine Ridge Drive to Accotink Parkway and the plat will also show that certain strip 30 ft. wide is in front of this property and is in the process of being dedicated to the State for the further widening and extension of that service road.

The service drive is not in place at this time, Mr. Smith said. Does the service drive come up to this property?

No, it is not developed up to this property, Mr. Scott said. It is developed from Pine Ridge Drive east of Pine Ridge Drive along Accotink Parkway. The application is filed under Section 30-7.2.9.1.7 for a real estate office. Requirements of this section are that the dwelling have frontage on a primary highway, that the dwelling was in existence at the time this section of the Ordinance was adopted, that the property be at least 3/4 acre in size, that parking spaces be provided, a sufficient amount to accommodate all of the employees and all persons who may be expected. The application complies in every respect with that section.

Mr. Scott stated that Mr. Rooks is not an ordinary realtor, he is operating three offices in the Northern Virginia area, and last year he was awarded first place by the Women's Club in Woodbridge and in the statewide contest Virginia Business for Beauty. He showed a placque awarded to Mount Vernon Realty for an outstanding contribution to the environment and beauty of the state.

Does he have any offices in the County, Mr. Smith asked? Woodbridge is in Prince William County and they have a different zoning ordinance.

He has an office at 8120 Richmond Highway in Fairfax County, Mr. Scott replied. He has been a broker in Northern Virginia and Fairfax County for more than ten years. The one at Richmond Highway is in a commercial office building. The proposed use would permit two or three salesmen to be on duty at any one time, although the application is for six, Mr. Rooks advises that only two of the salesmen would be on duty in this office at any one time except on occasions when there were sales meetings or special events at the office. They normally would be using this facility between the hours of ten and four-thirty or five, and the premises would be maintained in a very clean and well kept manner, and the existing shrubbery would remain. He introduced Mr. Rosser Payne as an expert witness.

Rosser H. Payne, 59 Culpeper Street, Warrenton, Virginia, stated that he appeared in behalf of the applicant for two reasons -- to give the planning aspects of the relationship of the planning process in Annandale district specifically, and to give the reasons for the rules by which the Board abides, and some of those rules were established when the Ordinance was drafted so many of the members might not remember the reason these specific guidelines were given. In dealing with the first item, the comprehensive plan, he pointed out that since October 1958 there have been five comprehensive plans adopted by the Board of Supervisors on recommendation of the Planning Commission for the entire County, including the Annandale area. The most recent of those was February 18 and 25 of this year, specifically dealing with the Annandale district. Closing out this point, he reminded the Board that nowhere in the adoption or the studies of these plans, which are general, as required

by State Code, was there ever any implication or ever any statement by the staff, the Planning Commission or the Board of Supervisors, that these general comprehensive plans as adopted should be implemented by anything other than the current zoning ordinance under which you operate. In the most recent publication, he did not find any reference to the fact that the Zoning Ordinance in regard to use permits in residential districts should be changed. He therefore must assume that it was the intent of the County of Fairfax to continue to implement the general comprehensive plans through the use of the current ordinance. There were questions raised at the Planning Commission, there was some doubt as to the validity of the application of the Ordinance to the planning process.

Mr. Smith said he hoped that Mr. Payne would not elaborate on the comprehensive plans - they do not recommend for or against use permits. Use permits are based solely on the criteria set forth in the Ordinance.

A good deal of time was spent at the Planning Commission hearing on this, Mr. Payne said, and that is why he brought up the point. In the drafting of the original Zoning Ordinance, and in the drafting of the 1963 amendment which dealt specifically with real estate offices, it is important to note the reason for the criteria.

The Chairman objected to going into the reasons -- this would be a personal opinion as to what the intent was at that time. The Board is all aware of what the intent was as a good many of the members were on the Board at that time and participated. The Board must operate by the final product.

The November 1963 amendment, Mr. Payne said, dealing with real estate offices specifically, was set forth in the ordinance primarily because the primary highway was considered to be more appropriate for the use of a real estate office. Concern was expressed to him by the Board of Supervisors, that the real estate, first of all, being similar to other home occupations is difficult to identify located in a subdivision. The problem with cul-de-sac streets in offices of this kind, which had been permitted up until 1963, created some confusion in terms of public use. The nature of a real estate office, these offices needed exposure to ready access for the house or apartment hunter. That was the basis for the 1963 amendment which specifies the location of such uses on primary highways.

Mr. Scott asked Mr. Payne if in his professional opinion, would the use of this property as a real estate office be (1) hazardous or inconvenient to the predominant residential character of the neighborhood?

No, it will not, Mr. Payne replied, and his reasons are (1) that the structure cannot be altered or changed. (2) The property has and always has since its construction fronted individually on Route 236, the primary highway; there is no vehicular or direct pedestrian connection to any lot in the subdivision. The traffic count on #236 could be argued both ways, but he would submit that 30,000 vehicles a day does not constitute local street traffic.

Would such use be incongruous therewith, Mr. Scott asked?

It would not, in his opinion, Mr. Payne said, because the specific criteria laid down for the Board of Zoning Appeals considers screening, the existing use, and forbids alteration of the structure.

Would such use conflict with the normal traffic on the streets of the neighborhood, now and in the future, taking into account convenient routes of pedestrian traffic, particularly children, relative to main traffic thoroughfares and street intersections, and to the general character and intensity of development of the neighborhood, Mr. Scott asked?

No, it would not, Mr. Payne replied. In his opinion, there will be no direct access to the subdivision from any point unless a service drive is constructed in the future by the Virginia Department of Highways. If that occurs, at that time the area for the service drive will provide connections only to the intersections to Route 236 and thereby only indirect access to the subdivision.

Will the use of this parcel as a real estate office hinder or discourage the development of adjacent land, Mr. Scott asked, and buildings, or impair the value thereof?

Mr. Payne said he did not believe it could. Again the use of the property is restricted to its present character with construction of off street parking.

Is the use in harmony with the general purpose of the plan for the area, Mr. Scott asked?

Mr. Payne said he believed that question had been adequately answered by the Chairman, and he believed comprehensive plans for this area should be and will be administered by the current zoning ordinance of Fairfax County.

Will the use be detrimental to the character and development of the adjacent land, Mr. Scott asked?

As long as the County rules are applied as drafted, he did not see how it could be detrimental to the adjacent properties or adjacent land, Mr. Payne said.

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Has the Virginia Department of Highways ever built a service drive, Mr. Yeatman asked, without the owners dedicating and building the service drive?

Mr. Payne said in his experience in the County, the owners have been required to dedicate and construct service drives.

Mr. Yeatman reminded Mr. Payne of his statement that when the Commonwealth built the service drive, in other words, they would not enter from the service drive now, into the property?

No, sir, it has always been a private driveway, Mr. Payne said.

That would change the character of the property, Mr. Yeatman said. Isn't there ample commercially zoned space within a short distance of this property in the Annandale section?

Certainly there is some office space available, Mr. Payne stated, but he did not know the exact figures on vacant floor space.

This is a nice subdivision, Mr. Yeatman stated, and it would be detrimental to have a real estate office here. It is not like a house, especially when there are this number of sales people there.

Mr. Payne stated that he did not see much difference between the use that Mr. Minchew made of his property across the street for years, he believed that's now closed, that was basically a real estate office for his own subdivision, and secondly there is a dentist office directly across the street from this property for which this Board granted a permit, so he therefore found it difficult to draw a distinction.

That was for one dentist, Mr. Yeatman commented, and this application calls for several real estate salesmen. Most real estate companies in the County of any magnitude operate from a commercial zone and he did not know of any substantial real estate firm operating from a home.

In answer to Mr. Payne's comment that this is not any different than a subdivision sales office operated by Minchew, Mr. Smith said, it certainly is different as Mr. Minchew did not require a use permit. This was allowed in the Ordinance by right. If the service drive were constructed, the entrance would no longer be from #236.

The Board has been reluctant to grant use permits where there is substantial commercial area closely associated, Mr. Smith said. The comprehensive plan referred to in this chapter is referring to the ordinance itself and not basically the adopted plan, although the adopted plan is involved, but the basic plan the Board must consider is whether or not the zoning is proper and if it meets the basic criteria.

It does meet the criteria, Mr. Payne stated.

It does meet the criteria, Mr. Smith agreed - there's no doubt about it fronting on a major highway.

Major and Mrs. Huggins, owners of Lot 2, support this application, Mr. Scott stated, and they are one house removed. They are present.

Do either of the contiguous property owners support the application, Mr. Smith asked?

Mr. Scott stated that they do not, but Lot 6, owned by the Johnsons - they are in support of the application. He pointed out the lots that support the application, and he submitted letters from people supporting the application.

Mr. Smith noted letters in favor from Virgil G. Fahres, Buford A. Sides, Mrs. L. B. Anderson and Major and Mrs. Robert E. L. Johnson.

Opposition: Mr. Douglas Adams, attorney, represented the Fairfax Hills Civic Association. There are close to 20 citizens associations represented in letter form.

If its the general consensus of all the citizens associations that they oppose the use, even by use permit, they should notify the Board of Supervisors to get the Ordinance changed. The Board has to recognize the fact that the Ordinance does allow this, Mr. Smith noted.

Their objection is to any strip commercial use, no matter what basis is used to obtain it, Mr. Adams said, on #236.

Mr. Smith reviewed the letters submitted by Mr. Adams: Chapel Square Civic Association, signed by Frank P. Presta, President, objection based on the commercial intrusion which will affect the residential character and could lead to strip commercial zoning. Letter from the Kings Park Civic Association, signed by William C. Olin, President, opposed to unnecessary deviations from the master plan and as being detrimental to the interests of established residents and detrimental to citizen confidence in the plan itself. Again this is not considered under the master plan as such, Mr. Smith stated, but under

the general ordinance. The Red Fox Forest Civic Association refers to the adopted master plan calling for low density residential uses in this area; (The master plan allows this by use permit, Mr. Smith commented) and opposed to strip zoning for commercial use in a residential area. The Brook Hill Civic Association opposes it based on the master plan, signed by Lt. Col. Joseph P. Higgins, President. The Accotink Heights Civic Association opposes again based on the master plan, Mr. Smith said, which this does not violate, but they oppose it for any use other than residential. Another letter from Hugo V. Goodyear, President of Canterbury Woods Civic Association opposed the "attempt to rezone property" and this is not an attempt to rezone, of course, Mr. Smith said.

Mr. Smith continued -- noting a letter signed by Dr. Anthony J. D'Amico, President of the Ravensworth-Bristow Civic Association, he also referred to a rezoning of the property. Paul K. Bohr, President of Barcroft Terrace Citizens Association, objected because granting the proposed use would violate the residential character of the neighborhood as contemplated by the recently adopted master plan. Another letter was noted from Wakefield Chapel Estates Civic Association, signed by Michael Getler, supporting low density residential use of the land, opposing the use as a real estate office due to increased traffic problems, strip zoning, and eventual change in the character of the area.

Mr. Adams stated that Fairfax Hills Citizens Association is made up of approximately 66 lots, approximately 50 owners, who are very concerned by this request. They consider it an intrusion into their residential community. Mr. Scott has established that this application does meet some of the specific requirements of the Code as to size, and being on a primary highway, but he has not seen any information on the amount of parking in this location.

Mr. Smith stated that 10 parking spaces were proposed.

More important in the specific requirements, Mr. Adams stated, a prerequisite in any case coming before this Board, he has to meet the standards contained in the Code and on this, they have notably failed. The first question -- would the use be detrimental to the character and development of adjacent land -- it would be detrimental. The area is entirely single-family residential. The real estate office they referred to did not require a use permit and the dentist never used his office, never applied for a use permit, and had he had intention to do so, it would have been as a home owner when he lived there. So there is no commercial use at all in the immediate area for some miles in either direction. These are large lots, there are older homes in there -- this is not a redevelopment area. This property is buffered entirely from the commercial area by the Beltway; there are a good many trees, large lots and attractive homes. The Fairfax Hills subdivision, put on record a number of years ago, has restrictive covenants to indicate that this is a residential area; there are restrictive covenants against non-residential uses; against signs; and one against nuisance. The people in this area developed this subdivision and moved there with the thought that this would be primarily a residential area. The use today is entirely a residential area. So, yes, the use of this property for a real estate office, would be detrimental to the character and development of the adjacent land. The four people owning adjacent property are present to speak in opposition to this use.

The second criteria, Mr. Adams continued, is -- is it in harmony with the purposes of the comprehensive plan? A lot of the letters refer to the comprehensive plan adopted in February. The comprehensive plan shows the general use of the area as low density residential. This is a factor to bear in mind -- that this is not next to commercial; is not transitional land; and the master plan shows in as low density single-family residential.

The comprehensive plan has been mentioned in practically every letter here, Mr. Smith said. In all of the comprehensive plans adopted in the County, this use is allowed, provided it meets the criteria and is in harmony with the character and development of the land and does not afford an impact and this type of thing. The comprehensive plan that Mr. Adams refers to is an adopted comprehensive plan allowing land uses. This is embodied in the ordinance as a land use in a certain zoned category with specific criteria so it would not be set forth in the comprehensive plan itself.

The other very important factor to consider -- is the traffic generated by the use hazardous or inconvenient to the predominantly residential character of the neighborhood, Mr. Adams continued, and he would submit that it is. Route 236 carries in excess of 30,000 vehicles per day. Mr. Rio is present with a chart to illustrate the traffic problem. Lake Boulevard intersects the main intersection of the subdivision at the crest of a hill. It's one of the worst intersections on #236. The highway department has put a 45 mile an hour speed limit along that section and in the last few years they have channelized the traffic, putting in deceleration lanes and so forth. There is a clear lack of visibility at that intersection and the speed and the number of cars make it a very dangerous intersection. In addition to that intersection, there is Woodlark Drive intersection which is another road into the subdivision. Cars coming from the east heading west along #236 must come to the Woodlark intersection, turn and assuming they are going to the proposed use, make that turn back east and to the property. Cars coming from the west to go to the Rooks property and wish to leave it and go back west, have to pull out from the property, cross two lanes of traffic, proceed through the intersection and turn left and back west. This is a bad traffic movement at any point.

There is no service drive along #236, Mr. Adams stated, and if a service drive is put in, it would have to be by all four property owners in that block. This is not in harmony with the character of the neighborhood and is detrimental to the development. All of the people would have to come out at one of these two intersections and both these intersections would be substantially impeded by commercial use of this property. He introduced Mr. F. Richard Rio to give expert testimony on this application.

Mr. F. Richard Rio, 4317 Woodlark Drive, Fairfax Hills, stated that he is an architect with 36 years of experience, an affiliate of the American Institute of Planners, and for 12 years he was chief master planner for the Air Force. In terms of residential use, this use will be detrimental to the character and development of the adjacent land? The plan approved by the County shows the land use as residential.

This is a permitted use under the adopted master plan, Mr. Smith interjected, and the thing before this Board is the first part of the section dealing with impact. He read the section of the Ordinance dealing with special permits.

It's not in harmony, Mr. Rio stated. The property is in an area which is residential and there isn't a single piece of commercial property close by. A hazard created by the traffic pattern on #236 impinges on the people coming out of Woodlark Drive and Pine Ridge Drive when the traffic on #236 is forced to make a U-turn. He thought that land values would be impaired by the real estate office. There would be automobile parking on the property, and the man would probably have to put up a sign, and this would be detrimental.

The Board's experience has been that no special permit has decreased property values, Mr. Smith stated.

If this use is permitted, Mr. Adams said, would you buy as a residential house, the property next to it? People would probably give second thoughts to buying property next to a commercial use.

The dental office across the street that was referred to is not under use permit, Mr. Smith pointed out. This is a use by right. There are no use permits at the present time in this immediate area or at least adjoining this property.

B. G. Stevenson, attorney, 3924 Mill Creek Drive, stated that the Mill Creek Park Citizens Association concurs with the statements made in opposition. They would be opposed to a special permit being granted on any property in the Mill Creek Park area. There are any number of other places available to the applicant for this purpose and looking back into the intent of the Ordinance, it was for the purpose of allowing a person who wanted to make use for business purposes in his residence he could do so, limiting the people to the number stated in the Ordinance. Looking at the basic traffic pattern, as Mr. Adams pointed out, the flow of the traffic in and out of this will require some U-turns. The physical condition of the highway at these points would not permit U-turns, in that the median strip at these points is one car width wide. He discussed the traffic hazards at length.

Charles Previll, Chairman of the Camelot Zoning Committee, 8027 Guylar Drive, represented the Camelot Civic Association. The proximity of the Camelot subdivision to the applicant's property is shown on the transparency. If this application is granted, they fear a precedent will be established west of the Beltway in the Annandale district, that will cause the remaining undeveloped tracts of land -- (Mr. Smith asked that he not refer to other parcels of land, the Board has to go by the Ordinance regarding this specific piece of land. This is not a rezoning and referring to what might happen is only speculation.) Mr. Previll stated that the impact on Fairfax Hills and Chestnut Hills if this is granted, would be such that the values of the abutting properties would be degraded for residential uses. A real estate office with the number of employees proposed is a commercial use regardless of the shape of the building and regardless of the route secured to arrive at that posture. He would concur in the reasons given in the Planning Commission recommendation to deny.

Mr. Yeatman suggested that Mr. Previll talk with the Supervisor for his district to have this portion of the Ordinance deleted so it would not come up again.

Mrs. Richard Harris represented the Chestnut Hills Citizens Association in opposition to any use other than low density residential in this area and to comment on the traffic problem as it is now, appealing to the Board not to make it any worse.

Mrs. Janet Dorrs, 4407 Woodlark Drive, described accidents involving school buses in this location, and now they refuse to pick up the children there because of the traffic situation. They have to walk to Lake Boulevard to catch the bus.

Mr. Rita Swartz -- is there a septic tank with this house, she asked?

The Health Department has approved it for this use, Mr. Smith replied, and with six employees, there would be less use than if a family lived there.

Mr. Swartz objected to any pollution that would be caused by the use.

A lady in the audience stated that this would be just the beginning. The person getting the permit would sell the property and this would start all over again.

Mr. Adams introduced Mrs. Moore, adjacent property owner.

Mrs. Samuel Moore, 4104 Pine Ridge Drive, presented petitions signed by people in the neighborhood in opposition. The applicant has revealed to her shortly before this was to be heard in June, he first told her that this was to be a real estate office for six employees or less. He then explained that the land in this area in his professional opinion, since the houses were small and the lots were large, that some developer might be interested in this land and the way to bring about the change in land use was to bring in a use such as this real estate offide.

The Annandale Community Council is also opposed to this use, Mr. Adams stated, in this particular location because of the traffic and the residential character of the community.

Mr. Scott, in rebuttal, asked Mr. Rooks if Mrs. Moore correctly stated what transpired during the meeting with her?

Mr. Rooks stated that he felt that Mrs. Moore took some statements out of context from the conversation. He visited Mrs. Moore and told her that because of the traffic, he felt that his application was very natural for that area. There are no plans for further development. He is interested in only the one application.

Mr. Scott read a letter addressed to Fairfax Hills residents from the Civic Association, directing attention to the second paragraph of the letter which says "the question of a single real estate office is not necessarily detrimental to the character of the neighborhood and if the matter were to end there, there would be no great cause for alarm. However, the typical approach in effecting a zoning change away from residential is to get a special use permit or variance as an ititial wedge and expand it into a full-fledged zoning change. Our neighborhood is considered a prime target by real estate speculators, and any effort to vary the residential character must be viewed with alarm by those who wish to maintain residence here."

Mr. Adams stated that he would be happy to have the letter included in the record. The letter was sent to the members.

Mr. Scott submitted that the Civic Associations who have written to the Board, and Mr. Adams, Mr. Stevenson and Mr. Rio, are proceeding and have proceeded under a mistaken premise. The fact is, that under the ordinance, uses are permitted in residential districts. Specifically, under the Section which created the 10 special categories, there are many uses that areppermitted in comprehensive plans throughout the County. This application was filed under Group 9. That permits in residential subdivisions as a matter of right, if the applicant qualifies for the specific requirements, the following -- antiques, restaurants, arts and crafts schools, etc. -- and real estate office. In this instance, this applicant complies in every respect with the special requirements as to size of the home, size of the lot, date the home was constructed, its fronting on a primary highway, and the fact that no alterations are necessary. The Board must apply the general standards set forth in 30-7.1.1.1. How have we met that burden of proof? The applicant has employed and is paying on retainer, Rosser Payne to testify as an expert witness. We thought of other people but we did not know of a more qualified person. Mr. Payne was the master planner of the County for seventeen years. He sat in on the legislative history on all of these ordinances and participated in the drafting of the ordinance. There has been conflict of testimony as to whether or not this applicant falls squarely and favorably under 30-7.1.1. Mr. Payne was asked four specific questions taken from this section. Mr. Payne answered that in his opinion this application falls squarely within this, that it would not be offensive to any of the prohibitions of it. Mr. Adams also entered an expert. This gentleman is a practicing architect who appeared before the Planning Commission and identified himself as an architect. He calls himself a planner. There was no evidence of his education or qualifications in this field.

Remarks should be made with regard to the remarks of the objectors and about the objectors and the Board accepted him as being qualified to make a statement whether it be as an expert or as a person living in the area, Mr. Smith ruled. Certainly he has enough background to qualify him to make a statement.

Mr. Scott said he intended to follow his remarks by saying that he presented a known expert who teaches in this field and the opposition presented another expert and it is the Board's job to give weight to the testimony of each of these gentleman and to make a decision. The same would be to Mr. Adams and Mr. Stevenson testifying on the traffic situation. Mr. Scott said that he is not a traffic expert, Mr. Adams and Mr. Stevenson are not. Mr. Payne's professional opinion is that fronting on this primary highway it could not possibly be offensive or cause a traffic hazard to the neighborhood. In conclusion, this applicant qualifies in every respect with the specific requirements. The Board has discretion in the other areas. If the applicant does so qualify, he is entitled as a matter of right to this special use permit, that the Board's discretion stops there under 30-7.1.3. The Board's discretion shall be limited to determination with respect to the standards applying to the use covered by the application. He submitted

that under the existing ordinance and laws of Fairfax County, uses of this type are permissible within residential subdivisions and in this case, this applicant is entitled to the use permit.

The Board is aware that the specific requirements of the ordinance are met, Mr. Smith said. The question is whether or not the applicant has met the general requirements as to traffic hazard, impact, and the Board has to weigh the general criteria set forth under all use permits. The Board is in receipt of a letter from the Supervisor of the area, Mr. Charles Majer, attaching a letter addressed to Supervisor Majer from Mrs. Nelson Miller, Mr. Smith stated, from Chestnut Hills Association, in opposition.

The Board also has a letter from Eldon Lewis, President of Little Run Citizens Association, Mr. Smith stated, in objection to the application. Memorandum from the Planning Commission recommended denial for the following reasons: The comprehensive plan for Annandale Planning district adopted by the Board of Supervisors on February 18 and 25, 1970 designates the subject property for residential use not to exceed three units per acre. The Commission pointed out to the applicant that in the Annandale areas there is ample area for commercial office use. The Commission believes that if the use is approved, it would be detrimental to the character and development of adjacent land and residential property and would adversely affect the use of the same.

In application S-98-70, an application by W. Howard Rooks, under Section 30-7.2.9.1.7.1 of the Zoning Ordinance, to permit operation of real estate office for six employees on property located at 8105 Little River Turnpike, also known as tax map 59-4 ((10)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of July, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. Present zoning is R-17.
3. The area of the lot is 44,561 sq. ft. of land.
4. The Planning Commission recommended denial of this application at its regular meeting of July 21, 1970.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with standards for special use permit uses in R districts contained in 30-7.1.1 of the Zoning Ordinance, and

2. The use will be detrimental to the character and development of adjacent land,

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman.

The applicant had an excellent case, Mr. Smith stated, in all areas except the area of traffic and he would agree with the opponents in this case. The traffic was a factor as far as he was concerned. This is a residentially developed area and to allow a use that could possibly create a traffic hazard would be a big factor. All indications from those involved in planning indicate that they feel it should remain as such.

Carried 5-0.

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LAKE BARCROFT RECREATION CORP., INC. - The Chairman announced that this has been tentatively set for September 8 but if the court has not arrived at a final decision and the degree is not made at that time, the Board would probably grant further deferral until decision has been made by the court.

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TAMARACK STABLES, application under Section 30-7.2.8.1.2 of the Ordinance, to permit horse center, (riding school, boarding and selling of horses, hay, grain and equipment), 9801 Colchester Road, Mt. Vernon District, (RE-2), 114 ((1)) pt. 1, S-128-70

Hay and grain may be sold by right if it is raised on the property, Mr. Smith stated.

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Leon F. Majewski represented the applicant. The use permit they had expired, he said.

Is Tamarack Stables a corporation, Mr. Smith asked?

Tamarack Stables is a trade name - his wife and himself are a family corporation, Mr. Majewski said. They just recently formed the corporation and the papers he has are only tentative.

The Board needs a copy of the certificate of incorporation from the State Corporation Commission, certifying that this is a corporation in good standing in the State, Mr. Smith said.

They incorporated at the suggestion of their lawyer, Mr. Majewski stated. They are the only stockholders. This has been in operation in Fairfax County for ten years. At the present time they have 25 boarders, and 12 of their own. They have been riding up and down the road and they have permission to use the C & P property for riding along the road. This is the same parcel of land which had a use permit for this operation in 1964. Some of the buildings have been moved since the original permit was granted. They have 30 box stalls in the main barn. The horses are fed top quality hay all the year. A separate bathroom has been put in for the customers and the facilities have been approved by the County Health Department.

Have you been riding on property other than your own, Mr. Smith asked?

Yes, Mr. Majewski said. They have permission to ride on Fort Belvoir property. This was by word of mouth.

The Board could not grant permission to use any land other than that of your own, Mr. Smith explained, and to use any other land, he should have written permission from the owner on file with the County.

The horses are not rented to the public, Mr. Majewski said. They teach riding which is mostly supervised. A few of the students do come out to do some extra riding but they do it in the ring or in the field. This is more or less supervised because he and his wife are there most of the time. They charge $40.00 per student for ten lessons. For extra riding it's $3.00 an hour. The Board is $60.00 a month including everything except grooming and exercising. All of the boarders do have box stalls.

The riding ring is on the edge of the property and it should be set back 100 ft., Mr. Smith pointed out.

Lessons are given mostly in group and they have three or four private students, Mr. Majewski said. They have had calls from other horse owners in the area to supply them, especially with hay, and they would like to have permission to do this.

The Board has no authority to grant a permit to buy and sell hay, Mr. Smith stated. The only equipment to be sold would be to the people participating in the riding school. Buying and selling horses could be done by right. If the hay is raised, it can be sold.

What about insurance on the operation, Mr. Barnes asked?

No, they don't have insurance, Mr. Majewski stated. They have access to insurance. They are operating the stable at Reston.

The insurance should cover both the corporation and Mr. and Mrs. Majewski, Mr. Smith said.

Mr. Joe Flaherty, 13388 Darcy Place, Lorton, Virginia, spoke in favor of the application. This is one of the finest establishments located here. This young couple utilizes this land and have youngsters coming there riding the horses and it thrills him to see someone providing opportunities for young people. He has also been working with agencies that acquire land for park purposes, and the plans for the future include riding trails throughout park lands.

No opposition.

Mr. Yeatman moved to defer to August 4 to allow Mr. and Mrs. Majewski to bring in insurance statements and corporation papers. Seconded, Mr. Baker. Carried unanimously.

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RHOADS & STRICKLER, INC., application under Section 30-6.6 of the Ordinance, to permit construction of three dwellings without required off-street parking and with a front setback of 25 ft. rather than 40 ft. as required, 3201, 3203 and 3207 Burgundy Road, Somerville Hill, Lee District, (R-12.5), 82-2 ((10)) 1, 2, 3, V-130-70

The Ordinance is specific on off-street parking, Mr. Smith stated. The Board will listen to this but felt that the off-street parking could not be varied.

Edward Holland represented the applicant.

The property is owned by Robert E. Lee and Rhoads and Strickler, Inc. are the contract purchasers and the developer, Mr. Holland stated. All parties have retained him jointly.

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The variance request should have been by the owners rather than the contract purchasers, Mr. Smith noted.

Mr. Halland stated that the applicants requests that he be permitted to construct three dwellings without required off-street parking and with a front setback of 25 ft. rather than 40 ft.as required. The justification for such request is as follows:

The lots situated on the north slope of Somerville Hill Subdivision are high above Burgundy Road. The soil is the same as that which has caused slides elsewhere within the subdivision. Burgundy Road lies in a 60' right of way and the entire frontage of the Somerville Hill Subdivision is improved with curb, gutter, sidewalk and asphalt surface 36' wide.

Thorough studies have been conducted by the Building Inspector's office, the County Development Department and Holland Engineering, who have jointly concluded that if the buildings to be located on each of these three lots may be constructed at approximately the same elevations as the existing ground near the front of the lots, if it is not necessary to cut into the steep slopes in the rear of these home sites, and if adequate surface and sub-surface drainage are installed under engineering supervision, these homesites will be sufficiently stable to erect and maintain residences thereon.

If it is necessary to erect the buildings 40' from the front property and if it is necessary to cut into the terrace for the purpose of installing an off-street driveway for parking, the change in the support conditions of the soil in the lots would be materially less stable and might preclude the use of these lots for their intended purpose.

Strict enforcement of the Code provision as to setback and off-street parking would, because of soil conditions and the extreme topography, create such a hardship as to prevent the use of these lots, Mr. Holland concluded. This property has been studied for the past three years. The County participated in a rather expensive soil stabilization and sub-surface drainage project. He was the engineer at that time. Prior toathat the County had withheld permits on this property. If the Board were to grant this waiver and the conditions set on these lots by the building department, this is a safe, satisfactory and reasonable use of this land for homesites. The property to the east has a house set back the full required distance. It's back yard got into the steep property and has been the subject of slides. With the variance sought, they can keep away from the steep area and produce favorable homesites.

The application as far as the houses is concerned is an appropriate one, Mr. Smith stated, but to request a deletion of the parking requirements, what is the authority in the ordinance for the Board in deleting this rquirement?

Mr. Holland could not quote an authority on that. The people in the County and the developers feel this would be a very sound thing to do if it is within the Board's jurisdiction. They can make do, it is less satisfactory, if they have to cut a parking pad off-street. They are trying to leave as much of the natural soil as they can. In the public interest it would be good because the street is wide and the traffic is not heavy. The lot to the east had a driveway to the rear of the lot and that is the lot which has had considerable problems. The next lot which would be Lot 5 had a driveway and it slid and the owner closed it. On Hatcher Street there are two uphill lots immediately to the rear that had driveways and the cutting in to make a flat enough slope disturbed the sub-soil and they slid out and have been abandoned. In this subdivision there are three lots in this vicinity in which the parking space has been abandoned.

Mr. Vesta Short with the Inspections Division, stated that what Mr. Holland said about the lots is true. If the Board sees fit to grant the waiver, in his opinion, it would allow the builder to construct these homes at a cost which would not be prohibitive. If they excavate it will cause problems and will be more costly. Mr. Lee has been trying to develop these lots for eight of ten years. Cutting in to the bank for the off-street parking would not be good at all.

Mr. Smith read the section of the Ordinance regarding off-street parking. The Board does not have authority to grant this variance on off-street parking.

Mr. Alfred W. Rebholtz, living on the lot east of the three lots in question, Lot 5A, presented a statement from the neighbors fronting the property, himself and two others behind the property,in opposition. The reason for objection, the street goes into a one lane state highway right at the north property line and as it is now, the neighbors who don't have off-street parking have to park on the curb and sidewalk. The neighbors in back use their off-street parking and each one of them have cars parked in the driveways. As far as landslides, the County won't give a statement that the problems have been remedied. His lot has a driveway. The lots directly behind him have fallen into his back yard and the County did some work but they by-passed his lot, after saying they were going to fix it. He fixed his own lot the best he could but still has problems.

For the most part the lots have off-street parking, Mr. Rebholtz stated, but where the road goes into a single lane, people park on the curb and sidewalk to keep away from cars coming or going. If one car goes up the street, the car coming down has to wait. As far as the houses, they have three foundations already dug 40 ft. from the street. His own house is 45 or 50 ft. back. His property has never slid, but other land has slid on it. He feared that disturbing the ground would cause more slides. Mr. Short told him that if the hill continued to slide, Mr. Rebholtz said, if there was any foundation breakage, he would make them move.

If the slide gets far enough along, Mr. Short said, it could happen that a house might need to be condemned and they would have to move out for their own protection but until this occurs, it's another story. When this subdivision was developed, the County was not aware of the problems at that time.

Mr. Rebholtz said his house was built in 1954.

The Board discussed underground drainage with Mr. Holland and Mr. Short.

Mr. Rebholtz described other lots in the area that had slippage problems. If the County is so certain that the slides are stopped now, why can't he get a statement from them to that effect, he asked?

The County is the people working there and the citizens living there, Mr. Smith said, and he was sure that no one of them would commit themselves to such a statement. The County must be sure that this is not going to happen any more or they would not allow the construction of these houses. The developers are going to have to stand behind them for at least a year and the people putting up the money to finance them are certainly going to be sure that they will last thirty or forty years until they are paid for.

If these lots are developed, Mr. Short stated, there are joint inspections by Design Engineer and Inspections Division of the County. The engineer certainly has a responsibility along with the County. Normally, the builder guarantees the building for a year.

Mr. Holland described his experience in engineering in the County during the past 30 years. In examining this land very carefully for the last seven years, this is the best solution they can come up with and offers much more stability to the neighborhood, than the present foundations that are dug. If there is a problem with the off-street parking variance, they would remedy that and not hold up the application.

Is this the best possible positioning of the homes, Mr. Smith asked, or could they be moved back five feet?

They feel that they have gone a long way back, Mr. Holland said. They would love to set the houses closer to the street in the sense of safety and security but this is as far back as they can go.

Mr. Yeatman said he would like to view the property and defer action to September 8. Seconded, Mr. Baker.

Mr. Rhoads said these three lots are a stop-gap until he can get his subdivisions out of Subdivision Control and to push him off until September means that he will be into the winter before he can construct these houses. He understands that he can get a hardship sewer permit to go ahead with this construction. He is in a desperate position to keep his employees on the payroll. The houses will be three-bedroom, two bath, homes which will run about $25,000 - $26,000 comparable with houses in the area.

Mr. Yeatman moved to place it at the end of the agenda on August 4 for decision and in the meantime the Board should view the property. Seconded, Mr. Baker. Carried unanimously.

Mr. Smith said that he has no intention on varying the parking requirements as the Board does not have authority to do this.

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FRANCONIA GRAVEL CORPORATION, application NR-21, to permit gravel operation on 16.57 acres located in Lee District, 91-3 ((1)) 42, 44 and 51

Mr. Edward Holland represented the applicant. This property which consists of 16 and a fraction acres is adjacent to the west boundary of the line of Virginia Concrete Company which consists of several large parcels on which current gravel operations are now taking place and on a portion of the adjacent property to the east.

Mr. Knowlton located the subject property and the current gravel operations.

Mr. Smith referred to a memorandum from Mr. Covington and Mr. Massey regarding the application. The memo from Mr. Covington reads "a field inspection of NR21, proposed gravel operation, indicates that this area is in the master plan for 2.5 density units per acre. The memo recommended approval. (See memo in file.)

This is less than 20 acres, Mr. Holland stated, but it is contiguous to a parcel of land on which active gravel removal is taking place. On a large tract, such as the one owned by Virginia Concrete Company, it would be unreasonable to expect that there was no operation if in fact the operation going forward on that land at some moment in time either at the beginning or the end of this operation, were not active at that moment, the intent is that the abutting property is being used and from time to time land coming up to the proximity of this property has been used for gravel operation. In order that we mine gravel and bring the property into the same elevation as that on the adjacent property, we are complying with the sense of the Statute, Mr. Holland continued. It would be the applicant's purpose to grade in accordance with the requirements of the section of the code permitting mining and natural resources and under the jurisdiction of the natural resources committee, and then to finally convert this land into single-family use for which the area is zoned and which the master plan has shown as single-family use. The property along the east boundary of this tract is lower and in part has been lowered so that to bring this property into coincidence with it, further excavation is necessary, whether it be mining or otherwise. He pointed out that the operation would occur only on the easterly or rear portion of the property. There is a slight ridge in the center of the property half way between the road and the Virginia Concrete property. This ridge more or less obscures the rear of the property from the developed residential property and the road in front. In that area, they are proposing to remove a small amount of the loam on the top of the ridge for the purpose of making the restoration fill properly cover the residue of the mining operation with growing soil which in turn will be covered by topsoil in accordance with the restoration requirements.

The operation will start at the rear, Mr. Holland said, or adjacent to Virginia Concrete's property and work forward. All of the installation except the entrance road will be back from the highway considerable distance -- over 300 ft. -- that will consist of the shop and the weighing scale, and the other equipment will be completely obscured from the road and from the residential land.

What is the deepest excavation point, Mr. Smith said?

A couple of mounds stick up rather sharply, Mr. Holland said, and at that point it's about 28 ft. That does not mean a 28 ft. depth. There will be a small portable crusher used for the coarse gravel. Most of this material would be acquired by the Mo-Jak Company who will take the select material and use it for a cement material being used as a highway base. They mix in portable plants and deliver to the various highway projects. From time to time one of the portable plants would be located at the very rear of this property. The machines are very quiet.

Did the Board of Supervisors permit this operation on a gravel operation site under the Ordinance, Mr. Smith asked?

In the NR-2 zone, they don't, Mr. Covington said.

This type of plant is a small self-contained item, Mr. Holland stated, which delivers a product into a truck that is moist and ground up and in a condition which when hauled over the roads which is less apt to cause dust.

Mr. Smith asked Mr. Woodson if the mixing plant would be allowed in this zone if the permit is granted, without an additional permit from the Board of Supervisors?

This is 1B, it's permitted by right, Mr. Covington said.

The use of this equipment would be restricted to the rear 300 ft. of the property, Mr. Holland said, nearest the rear property line or the line common with the Virginia Concrete property, totally out of sight with the residential area to the north. The only change in the contours at the top of the ridge will be to remove from 2 to 5 ft. of loam to be used in the restoration project and to make way for the access into the remainder of the property. The operation will begin on the very steep, hilly land in the rear. The slopes of the land in the back today are approximately the same as required in restoration. They are not creating deep hillsides, they are changing the location of some of the slopes and reducing the number of deep ravines that now exist on this property. They will stay off the north property line 100 ft. until they come to the rear and the Board may give permission to come as close as 50 ft. The reason that might be done is because there is a deep ravine right at the property line and if they go closer to the property line they make a uniform slant rather than leaving a sharp thin ridge between the two properties. This area is covered by timber and the buffer strip is well covered with vegetation now. The area to be worked in the center does not have much vegetation until they get to the rough land where they will have to remove the timber. Three of the property owners on the south have no objection to the gravel operation, in fact, they give permission to go up to the property line, and he would submit these letters. [illegible]

Is the Franconia Gravel Corporation a domestic corporation in the State of Virginia, Mr. Smith asked?

Yes, Mr. Holland replied.

Another thing, Mr. Smith pointed out, the owner of the land is not the applicant so the Board must have some connection between the applicant and the landowner involved. Is this a contract to purchase or a lease arrangement?

Franconia Gravel Corporation is leasing the operation, Mr. Holland said.

Mr. Arthur Nalls stated that he is part owner of a portion of the property. Mr. Simms owns the larger piece, 14 acres. They are partners and the owners of 2 acres in the rear, and contract owners of parcel 44, which is owned by Mr. Grimsley. They acquired ownership of the 2 acres in the rear a year ago.

What's the agreement between the applicant and the owners of the property, Mr. Smith asked?

Franconia Gravel Corporation has a lease on the property, but Mr. Nalls said he did not have a copy of the lease. He could furnish the Board with a copy later on.

Mr. Marshall Gorham, Jr., President of Franconia Gravel Corporation, as well as owner of it, stated that this is a corporation now active on Beulah Street in the County. It was incorporated in 1968.

There should be a copy of the corporation papers and the lease agreement between the landowners and the applicant, Mr. Smith said.

This case was prepared quite a few months ago by an engineer who was formerly an employee of his, Mr. Holland stated, and who had a heart attack and died. One of his men, also an engineer, volunteered to take over his work and look after it in behalf of the family. Then he left the area, so Mr. Holland said he has only recently come into this case, a week ago, and apologized for not having the two documents.

Mr. Long moved that the Board proceed with the hearing and allow Mr. Holland to bring in the documents requested by the Board. Seconded, Mr. Baker. Carried unanimously.

The Board would also like to see the contract to purchase the land, Mr. Smith said.

Mr. Holland stated that he would like to present letters from four adjacent property owners, in favor of the application.

Mr. Robert Jenson, Mr. Grimsley, Lonnie D. Reedy, Fred Keller, have waived the setback or reduced the setback required from the property line, Mr. Smith noted.

If they do not get the waiver from the Board, they might be held 50 ft. off the Virginia Concrete property line, then the grade would not be the same, Mr. Holland said. They will widen Beulah Road and provide a deceleration lane and then for 300 ft. into the property they will put in a gravel base, surface treated road. From there on back into the area of the action and the work in the rear they will maintain a gravel road with oil treatment on the portions as they become stable, so that they will have little or no problem of tracking mud onto the public streets. Right at the end of the 300 ft. surface treated gravel road they will put a cattle guard type of crossing so that the trucks will shake the loose gravel and clay from the tires as they go out. The road is more or less on a tangent in this area, it is quite straight for some distance, there is a dip in the road about 200 ft. to the north, but sufficient sight distance so the trucks may enter and leave the highway in safety. The hauling will be done within the property itself. The operation will start at the rear and work its way forward and at 30 day intervals, whatever has been mined out must be restored according to the regulations of the Restoration Committee. The quantity of material here is in terms of gravel removal on Beulah Road, very small. They have about 300,000 tons or about 175,000 cu. yds. of gravel to be removed. When this has been removed and restored, the owners can convert this area into single-family residences. Mr. Nalls himself is a builder and is interested in that.

Mr. Smith asked if the permit is granted, do they intend to go in right away?

Yes, Mr. Gorham said. Mr. Nalls is working as their agent and he is part owner of the property. The Mo-Jak Company are workers on the #95 project and they are having problems acquiring materials to do this job. Mo-Jak will be supplied with finished materials from this site but there is no contract with them yet.

The only equipment on the property will be rented and operated by Franconia Gravel Corporation, Mr. Gorham stated. There is a corporation seal -- would that be sufficient?

No, there should be a statement from the State Corporation Commission, Mr. Smith said -- a certificate stating that they are qualified to do business in Virginia.

How do they plan to build houses on this land, Mr. Long asked? What about sewer?

Mr. Gorham stated that he is not in the building business. They are in the gravel business. They will dig and put the contours back according to County Restoration Board. If they get a use permit they hope to start within 60 days. Once they sign a contract with the Mo-Jak Company, they contract would run out in March 1973 and he felt that 2 1/2 years as stated by the Ordinance would give sufficient time.

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FRANCONIA GRAVEL CORPORATION - Ctd.

Mr. Holland described what the finished contours would look like -- 2 to 1 slopes would be the maximum; no cliffs; no ponds; no water in this operation; the slope toward the rear would be more uniform, more gradual and safer than it was. There have been complaints by people adjacent to gravel areas that motorcyclists and others go in and they intend to put in thank-you-mam bumps to prevent that sort of thing. There is a good deal of trespassing on the land now and they will attempt to stop any trespassing that becomes a nuisance to the neighborhood. This is in the middle of an area that in 1961 was set aside for natural resource mining and they are now within the 10 year period during which it was reasonable to mine such gravel material, even though there were residential developments in the area. This morning as he passed the two operations of Clem, he noticed it was in very attractive shape, that the homes are much greater density around that particular operation than around this one. Such a small operation as being discussed here would not impair the use of abutting properties. Lots one through four of the abutting subdivision are not developed, and they are as rough in topography ad the rear of this land. The gravel land will be leveled and smoothed in a way as to make it attractive.

James Edward Ablard, representing 30 families in Lincoln Heights, Glynalta Park, and some of the families living in the Simms property directly to the south, presented a petition signed by families in the area, and photographs taken by residents of the area. Mr. Reedy also signed the petition, after he signed Mr. Nalls paper initiating consent, Mr. Ablard said.

This would nullify his signature, Mr. Smith said, unless he is in the room to speak one way or the other.

Mr. Ablard passed out copies of pages from the Ordinance, noting that this is a gravel permit operation proposed on less than twenty acres, so therefore they must move down to the "however" clause found on page 69. There shall be no minimum area limitation when the tract applied for is contiguous, and this is a very important word in the Ordinance, to an active, and that's also a very important word, sand and gravel operation already permitted, and that's the third important word in this particular clause, and they would say they are right in saying what Mr. Holland said is not the sense of the statute -- they say that the active sand and gravel operation is not there and two residents are present prepared to testify that it is not contiguous to the active sand and gravel operation. The active sand and gravel operation is some distance removed from the rear border of the property in question. There's a quite significant feature in the back of this property which the Commission missed when they were out looking at the property, the line traced on the photo is a VEPCO pole high wire operation, all along the back of the property. Right now that is screened by the trees on the back of the property from the rest of the NR land. One of the things Mr. Holland proposes to do is to knock down all of those trees and that would retard development of that property in the future. From his inspection of the property, he would point out what areas are being mined now. Lot 64 is divided from the 16.5 acres by the high wire pole and there is no way for anybody to operate an active sand and gravel operation underneath that high wire, it comes too close to the back border of the NR-21 area. In Mr. Covington's report, it says that the active sand and gravel operation is adjacent to the rear of the NR-21. The word "adjacent" may or may not be synonymous with the word "contiguous" but the word "contiguous" has a definite meaning and that is "touching", "abutting". The minimum area regulation says there must be an active sand and gravel operation contiguous and it certainly is not.

In view of the question on this, Mr. Smith said, there is a memorandum from the County Attorney's office: "In light of the express prohibition against the impairment of a 'vested right; nonconforming use', contained in Title 15.1-492 of the Virginia Code, the registration of a nonconforming use active at the time of the adoption of Section 30-7.2.1.2.6 would be superfluous and the absence of and/or failure to register inconsequental. Accordingly, a tract of land less than twenty acres in area but contiguous to nonregistered, nonconforming use would nevertheless be contiguous to an 'active sand and gravel operation already permitted for said uses, and exempt from the twenty acres minimum area limitation contained in Section 30-7.2.1.2.1 (c) of the Zoning Ordinance."

Contiguous means touching, Mr. Smith said, and the Board has never said that contiguous could be across the street. Is there a contiguous operation? One that touches it?

Yes, Mr. Covington said.

The County Attorney relied on Black's Law Dictionary and Mr. Ablard said he would like to rely on a case in Virginia -- Houston Salt and Plaster Company case vs. Campbell -- which out and out says that it has to be touching for the first definition that is used in the law, and the first definition is that contiguous means touching. He has been out there, and cannot find that there is an operation touching. Number 64 is a tract of land that indeed does have at the rear portion of it, a part that is being mined at this time but there's no open gravel pit there.

It's still touching, Mr. Covington said.

FRANCONIA GRAVEL CORP. - Ctd.

Does the adjoining property touch or is it contiguous to this application, Mr. Smith asked? Is there asseparation between the two or a setback area?

No, sir, there is no separation, Mr. Covington said. The attorney is using the power line as a method of dividing the two properties. This power line goes through a number of properties that have been mined and are being mined.

Does the power line have an easement or do they own the property, Mr. Smith asked?

Mr. Covington said he would assume they have an easement.

Is the operation still going on on the same parcel of land, Mr. Smith asked?

Yes, Mr. Covington said. Mr. Keller is in the room.

Does he have a use permit to mine, Mr. Smith asked?

No, sir, it's a non-conforming use, Mr. Covington said. Virginia Concrete bought this property from Modern Sand and Gravel and apparently they bought it from someone else.

That's why the non-conforming situation is here, Mr. Smith said. Under the new ordinance weren't all of the operations brought under this ordinance?

Not for restoration purposes, Mr. Knowlton said; they had to register as non-conforming uses.

The Board is now in a position of arguing the State Code against the County Ordinance, Mr. Smith said.

The requirement was, Mr. Ablard stated that within 90 days of enactment of the Ordinance the owner, lessee or operator of each parcel of land had to register with certain particulars and it has come to his attention that there has been a semblence of this filed but it was filed long after this permit was applied for -- the 6th of July of this year.

An old gravel pit permit was issued in 1948 without any limitations, Mr. Covington said.

It still would have been a non-conforming operation and would have been registered, Mr. Smith said. Based on that section of the ordinance requiring registration, he would say that the most restrictive prevails and in this case the ordinance states "must be registered". He wondered if the County Attorney were aware of this section of the ordinance. He disagreed until he could do more research.

The Board agreed that there was a contiguous operation in that the property lines touch, but the question is, whether or not its an active operation, and whether it meets the section of the ordinanee, since there is no use permit on it.

Mr. Smith stated that Mr. Covington had based his decision on the State Code but the County Code supersedes that if it is more restrictive.

Mr. Ablard reiterated the point made with Mr. Smith -- the requirement is that there has to be a sand and gravel operation already permitted and they say that it is not permitted and the applicant cannot at the same time apply for a permit under the statute and say that the part of the ordinance is invalid. That is inconsistent pleading in the lawyer sense. It is not the correct way in which to interpret the Ordinance; the Board must take the ordinance as a whole and hold them to the requirements. The adjoining property is not permitted under the terms of the statute regardless of what the State law says. The State law may well support Virginia Sand and Gravel in operating that piece of land but it in no way allows the Board of Zoning Appeals to grant a grandfather extenuation. Going into the 20 acre minimum requirement, what is the reason for the requirement? They say that it is the purpose of this requirement to prohibit exactly what's going on here. Here there are two subdivisions where people are living and a sand and gravel operation coming in between them. Mr. Holland's plans show a 150 ft. trench down the middle of the property to take out the gravel and that will be open for 2 1/2 years. He's going to divide the people in Glynalta and Lincoln Heights and will cut out a place which by his own admission the children play all the time, and the minimum requirement was placed there to prevent what is happening here. The master plan is for this area to be developed in residential housing by 1985. As proposed in the restoration plan, Mr. Holland is going to scoop out the gravel but is not going to put back the trees to screen that subdivision along that 50 ft. border which has been waived by Virginia Sand and Concrete, and there's not going to be anything to shield that subdivision from the aerial electric right of way.

At the current time there is noise from the property, Mr. Ablard continued, there is sound in the distance which is not as bothersome as it will be if this is granted and they bring in bulldozers, equipment and rock crushers right between two subdivisions.

The area to the south is presently being developed at the present time, Mr. Ablard stated. This will mean additional noise. There will be a combined effect on the people on this property.

Another reason for the 20 acre requirement is to make sure that there's a coordination of restoration plans, Mr. Ablard continued. There is no restoration plan on that non-conforming use and there won't be. What will happen is there will be contours dropping in conformity with the ditch that already runs beside the power line between the property and the power line. At the northern rear corner, there will be two holes instead of one. Mr. Geib is prepared to make a statement to the Board; he owns a portion of the ravine and Virginia Sand and Gravel will not be able to excavate within 50 ft. of Mr. Martin's property which is 1, 2, 3, and 4 which are not developed at the present time, and they will have the same ravine there and a new hill and a second hole. That should be enough to withdraw any consideration of a use permit because the purpose of the statute will not be fulfilled. This small operation will stand out like a sore thumb and be an open pit for two years. The standards for special permit uses in R districts clearly requires the Board to find that it will not be hazardous to the people in the area or inconvenient to the predominant residential character of the neighborhood, or be incongruous therewith or conflict with the normal traffic on the residential streets of the neighborhood. Convenient routes of pedestrian traffic, particularly of children, will not be interfered with and shall be in harmony with the general purpose and intent of the zoning regulations and map and shall not affect adversely the use of neighboring property in accordance with the zoning regulations and map. What is going to happen for 2 1/2 years is an industrial operation between two subdivisions, with a 150 ft. gap, it's going to be intolerable. The machinery is going to be running. On page 71 of the Ordinance, there are certain standards spelled out and he questioned whether or not the Board can allow installation of facilities to be used in the process of sand and gravel when they are clearly located in and adjacent to developed residential areas. It is abundantly clear from the operation planned that the sand and gravel operation will be within 300 ft. of these people's back doors. They do not meet the standards of Section 30-7.2.1.2.3 (c) "the installation of facilities used in the processing of sand and gravel shall not be located in or adjacent to developed residential areas or areas subject to intensive residential development".

On the petition, the number of children in the area adds up to about 75, and that's 75 children the Board must worry about in terms of sliding sand, or whatever ground water might accumulate in the bottom of this pit, in terms of drop-off, Mr. Ablard continued. Mr. Holland indicated there would be a 2-1 slope in the restoration but he has not said what he plans for the 2 1/2 years this pit is open. From the Board of Zoning Appeals minutes of several years ago concerning a property on Hooes Road, there was a letter submitted by Mr. Frank Holloway relative to the development of one of those parcels, noting that the predominant gravel deposits which exist in this area are found at levels of 220 ft. and above but not below.

Apparently the Restoration Board after some engineering by the applicant has ascertained that there is gravel at this point, Mr. Smith said, to warrant the excavation of it.

A statement as to the depth of gravel on Hooes Road, Mr. Holland said, is entirely immaterial in this case. They have made tests -- Franconia Gravel people dug three test holes down in the lower section to the elevation of approximately 200. The gravel plains throughout the eastern section of the County has a downward slope toward the south. This location has gravel down to the depth specified.

They have come up with an amateur calculation that out of the 16 acres only about 6 acres would be sliced up and used for gravel. The rest would be despoiled by supplying the loam to put back on the property, Mr. Ablard said, the constant traffic in and out, the noise, causing great discomfort to the families living there. They would also object to the use of Beulah Road for this operation.

The use of state roads is a matter of right, Mr. Smith stated.

Mr. Ablard discussed the mud problem on the road. There has been no showing by the applicant that there will be dust control. There is a letter from Dr. Kennedy in the file regarding wells on the lower property.

Ten years ago, it may have been proper to develop the gravel pit, but not now, when the houses are there on Miller Drive, Mr. Ablard said, they are contiguous to the property and their interests will not be served by this operation.

Joe Geib, 6311 Miller Drive, Lot 5, stated that they moved in in 1963 or 1964. He discussed the access to the park land and the fact that children must pass the gravel operation to get there.

Mr. Holland, in rebuttal, referred to the plan on the wall and stated that terraces are shown on the east and south and will be for a temporary period. In the restoration section of the Ordinance it is specifically required that no area shall be left unimproved

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after it has been mined for a period exceed 30 days. This monstrous hole referred to is not a fact. The part in the back would need massive grading of the steep hillside either by subdivision or by gravel operation. As an engineer, the reason for Lots 1 through 4 not being developed is because they are of a very rugged topography. To work on the rear part of the property for subdivision purposes, most of the trees would disappear if there were no gravel on it. The steep ravines, the steep hillside and the little knob on this property would be moved before one could could develop it as single-family homes. The gravel operation assists in preparing the land for future use and it cannot be used for the type of development called for in the master plan until substantial earthwork has been done. The topography is too rough to save the trees on this land and the four lots to the north. There will be a swale passing through the rear third of the property. As for locating between the two subdivisions, the people would be trespassing by going back and forth, they will not be impeded by the grading operation because in the section of Lot No. 6 on forward on the north from the property acquired by Nalls and Simms on the south, there will be little or not change in the contour that will prevent pleasant walking. He did not allege that there were going to be motorcycles, Mr. Holland said, he said it had happened in other places. The applicant will put in obstructions to prevent that type of uses.

The subdivision to the north has a 100 ft. tree buffer, Mr. Holland said. The lower section of the land where the road will be is not covered with trees today. The people to the north will have the vegetation left intact. The only thing they will be aware of is that beyond their trees some 200 ft. from their property line there will be a truck road. If a Natural Resources zone is to be used, they need trucks to haul it away. This was in the Board of Supervisors wisdom in drafting this Natural Resources zone in this area. This is the smallest gravel operation on Beulah Road. Northern Virginia is running out of gravel very fast and it is important to use that which will be beneficially used. It is beneficially used when in fact the earth has to be used anyhow and instead of churning up this valuable natural resource, it is used to help in the construction of Route 95. The noise would reach some of the houses but it would not be constant -- it would be occasional. If the wind was to the northwest, they wouldn't hear it. They would be glad for the Board to condition that the only truck hauling off-site would occur between 7 a.m. and 4:30 p.m. They would like the privilege of operating the equipment on-site as late as 6:00 p.m. There would be loaders, the pugmill, a very quiet operation, it mixes the ingredients with the cement required in road building. There would be front end loaders or bulldozers which would probably stop at 4:30 but they would like to ask that they be allowed to work them until 6:00 occasionally; the Ordinance says 9:00.

The Board needs information on the machinery used, Mr. Smith said, the crushing machine, the pugmill and all of the other equipment.

Mr. Smith read a letter from Mr. Massey: "The Restoration Board, on June 5, 1970, reviewed and approved gravel operation application of Franconia Gravel Corporation (NR 21), 16.57 acres located on the east side of Beulah Road adjacent to the Glenalta Subdivision, including the accompanying restoration plan. The Restoration Board recommends that the bond be fixed at $2,000 per acre and calls attention to the fact that this property is located in close proximity to developed residential subdivisions."

Also, Mr. Smith noted a letter from Harold Kennedy, Director of the County Health Department: "The Health Department has surveyed the area surrounding the 16.57 acres, located at plat 91-3 ((1)) 42, 44 and 51 proposed for a gravel operation in this application. Our primary concern in this matter is the possible effect on individual water supplies in use either by cutting off of the supplies or contamination of the water table due to excavation in close proximity to the wells. It was found that individual wells were in use on parcels 50, 43 and 40. Public water is available. Although this operation may produce no adverse effect on the wells, the possibility cannot be completely discounted."

The Planning Commission recommendation was as follows: "The Planning Commission on July 27, 1970 recommended to the Board of Zoning Appeals that the subject application be denied. The Commission felt that the proposed gravel operation would be hazardous and inconvenient to the predominant residential character of the neighborhood and will affect adversely the use of neighboring property, also, be detrimental to the character and development of adjacent land. Unfortunately, the proposed site is located between two well-established, single-family subdivisions; the subject site is also ready for development; sewer will shortly be in the area; water is in Beulah Road and there should not be any problems in developing the site.

The Commission felt that at this point in time it is too late to now ask to dig gravel. This should have been done 10-12 years ago on this lot and for these reasons, the Commission unanimously recommended denial of this application."

Mr. Yeatman moved to defer the application for members of the Board to look at the area, the boundaries of the property, and the contiguous properties and other gravel pits, defer to September 8. The Board can visit the property on their own time whenever they get a chance. Seconded, Mr. Long.

The additional information requested from the applicant must be available before the Board can make a decision, Mr. Smith noted. The opponents would be allowed some time for comments, limited to ten minutes, on September 8.

Motion to defer carried unanimously.

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On April 15 the Board instructed Mrs. Haines to send a letter to Mr. Ralph Louk, Mr. Smith said, relative to representing the Board on a case in court (Long and Foster variance). It was understood that Mr. Louk was to represent the Board at no cost to the Board, and that he could bring in additional legal help if he saw fit with the understanding that there would be no compensation. Is this the consensus of the Board?

All the members agreed.

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Apparently yesterday some Board members were summoned and another attorney appeared and said that he represented the Board, Mr. Smith said, this was a very fine attorney, but the Board had earlier indicated that Mr. Louk was the representative. The reason they used for deferring the hearing was the fact that the man who appeared said he was not familiar with the case, he had just got the records on it.

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HENRY MASONIC LODGE #57, application under Sec. 30-7.2.5.1.4 of the Ordinance, to permit construction of one story 30x72 ft. building for Masonic Lodge, located on Oak Place, in Fairfax Acres, (RE 0.5) 47-4 ((3)) 2, 3, 4, 5, S-134-70

HENRY MASONIC LODGE #57, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection of building closer to property line than allowed, located on Oak Place, Fairfax Acres, (RE 0.5), 47-4 ((3)) 2, 3, 4, 5, V-135-70

A variance was granted for this use in September 1968 and March of 1969, Mr. Smith recalled. Why wasn't the use initiated, he asked?

They filed within the one year period, representative for the applicant said, the site plan and it is now approved. The building committee of the lodge was under the impression that the plan complied with the one year requirement but found out that the building permit actually had to be issued. They have had the bond put up and the mortgage approved. They wish to complete the construction and settle on the lot. They are not asking for a change, only what was granted before, the same building dimensions, parking, etc.

No opposition.

A lady in the audience, an adjoining property owner, asked what the hearing was all about.

The permit expired and the Board required a new application to be filed, Mr. Smith explained. The Board no longer extends use permits, no matter what the reason, if they have expired.

Parnell Porter, attorney, represented the applicant and identified himself for the record.

Mrs. Tinker, 10507 Oak Place, Fairfax, Virginia, stated that the letter in her estimation didn't tell her a thing. As far as the people in the area knew, the whole thing had been approved. She wondered if the neighbors were aware of this.

The applicants have allowed the variance and special use permit to expire, it went beyond the one year time limit prior to the time of construction, Mr. Smith said, site plan approval held them up and in order to legally handle this, it had to be readvertised and the case had to be heard again. They have stated that all their plans, etc. for the original use permit and variance are still planned.

Shouldn't there have been some mention of this in the advertising, Mrs. Tinker asked?

It is sufficient notification, Mr. Smith said, and it's one of the best he has seen all day.

If people had known there might have been opposition present, Mrs. Tinker said.

The case was approved previously, they have made no change in it, so it probably would have been approved if there had been opposition present today, Mr. Yeatman said. This is renewing the original application so they can go ahead with their construction.

In application Number S-134-70, an application by Henry Masonic Lodge #57, under Section 30-7.2.5.1.4 of the Zoning Ordinance, to permit construction of one story, 30' x 72' brick building on property located on Oak Street, Lots 4, 5 and pt. of Lots 2 and 3, Section 4, Fairfax Acres, Providence District, also known as tax map 47-4 ((3)) Lot 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with all

applicable State and County codes and in accordance with the by-laws of Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners, and a public hearing held on the 28th day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. The present zoning is RE 0.5.
3. A use permit was granted on this property September 24, 1968.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with the standards for special use permit uses in R districts contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the zoning ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. The application is approved as applied for, for a one story brick building, 30' x 72', that there be 75 parking spaces provided on the property for use of this facility; that the entrance and exit be oriented toward one way in and one way out; that there be a barrier of natural screening 50 ft. along the service road and Oak Place, and a 25 ft. undisturbed natural screening barrier adjacent to Lots 6, 5, 4, 3 and residue of Lot 1, part of Cobbdale. If it becomes necessary to disturb the barrier for water and sewer easements, that additional screening be placed on the property inside the easement to take care of any trees or undergrowth that might have been removed for sewer. It is understood that the Board has no objection to a negotiated sewer or water easement across the property so long as it is on the property lines and does not interfere with the construction of the building or interior parking arrangement. All other provisions of the Ordinance applicable to this application shall be met. Seconded Mr. Barnes. Carried unanimously.

The plat calls for 104 parking spaces rather than 75, Mr. Long said, so he would amend the motion to read 104 parking spaces. Mr. Barnes accepted the amendment. Carried unanimously.

In application V-135-70, application by Henry Masonic Lodge #57, under Section 30-6.6 of the Ordinance, to permit erection of building closer to side property lines than allowed by Ordinance, property located at Oak Street, Lot 4, 5, and pt. Lots 2 and 3, Fairfax Acres, also known as tax map 47-4 ((3)) 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes, and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of July, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning is RE 0.5.
3. A variance was granted on this property for the same use March 11, 1969.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in a practical difficulty or unnecessary hardship to deprive the user of the reasonable use of the land and buildings involved, (a) exceptionally irregular shaped property.

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats submitted with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this board prior to expiration.

Seconded, Mr. Barnes. Carried unanimously.

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The President of the Hayfield Farm Swim Club, Inc. stated that five weeks ago on June 23 the Board granted an extension of their swimming pool because the parking lot was not completed and the surrounding area was not graded as the County wanted it. They were unable to complete the two items because even though on June 8 they negotiated a contract to do this, the weather prevented them from completing the lot. At this point, Mr. Lyons completely graded the lot. The pool is built in a flood plain. Mr. Lyons probably has overcommitted himself in some places. There was a letter which he gave to the Board June 23 saying that he would begin work on June 20 but he did not begin. Today, Mr. Covington was given a letter, in which Mr. Lyons says the following to me: Bluestone is being spread on the lot today. He says also that the final coat should be poured on Thursday and they should be able to park there Friday. He follows all of this with the quote "weather permitting".

If there is no progress being made, let the Board know at the next meeting, the Board agreed. In the meantime, there is effort being made.

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Letter from Mr. Walter B. Savage regarding fence requirements between Dunn Loring Swim Club parking lot and the Savage property:

Mr. Smith recalled that at the Board's last meeting the Board read a letter from Mr. Savage and it had been referred to the Zoning Administrator's office for a report. The following report was received from Mr. Long, Zoning Inspector:

"In checking the minutes of the Board of Zoning Appeals meetings concerning the Special Use Permit and the expansion of such use, no mention is made of the board fencing requirement between Lot 48 (owned by Mr. Savage) and the parking area of the Dunn Loring Swim Club property. The requirement for a fence is only on the property lines of Lots 11 and 12, Section 6, Dunn Loring Woods.

During a conversation with Mrs. Savage on July 23, 1970, she indicated that pedestrian and motor bike traffic crosses her property at the end of the fence of the parking lot.

On July 24, 1970, a visit to the parking lot area was made and pictures were taken, (copies attached) of the fence, sanitary sewer easement and adjoining property in question.

It appears that perhaps the reason the fence was not extended between Mr. Savage's property (Lot 48) and the Dunn Loring Swim Club property was due to not being able to cross the sanitary sewer easement with the fence."

Mr. Long should investigate the possibility of requiring a fence over the easement, the Board agreed.

The Board adjourned at 6:15 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

August 4, 1970 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, August 4, 1970 in the Board Room of the Fairfax County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman; Mr. Richard Long; Mr. Joseph Baker and Mr. George Barnes.

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

WILLIAM L. WALDE, application under Section 30-6.6 of the Ordinance, to permit construction of dwelling within 30 ft. of access easement, located end of Green Oak Drive, River Oaks, Providence District, (RE-1), 21-2 ((1)) 3, V-131-70

Mr. F. H. Niklason represented the applicant. Mr. Walde has not settled on the property yet, he explained. It is owned by Mrs. Martha Payne.

If Mr. Walde is the contract owner, how can he have a hardship, Mr. Smith asked?

Mr. Walde has contracted to dispose of his present home and plans to construct a new home on this site if he gets approval today, Mr. Niklason stated.

What purpose does the access easement serve, Mr. Long asked?

It continues on down and serves three other properties near the river, Mr. Niklason replied. The old easement will be abandoned and a new easement created to connect with the cul-de-sac at Green Oak Drive. Mr. Niklason did not have a copy of the contract.

Mr. Smith felt the application should have been in the name of Mrs. Martha Payne, owner of the property, as Mr. Walde as contract purchaser would not have a hardship.

Mrs. Payne stated that once the new right of way has been decided upon and approved, the proposed house would be beyond the 40 ft. setback. She has owned the property since 1958.

Does this come under Subdivision Control, Mr. Smith asked?

Mr. Knowlton replied that this comes under the "cut once regulation" or the "grandfather clause".

The Board cannot base a variance on an easement that is not recorded, Mr. Smith said. This is a proposal to take one acre of land out of a larger parcel and the Board is discussing this out of order. It is based on a hardship and there is no hardship. The man is not a valid owner. He purchased it with the knowledge that this situation existed so by doing that, what validity does the hardship have? Perhaps based on the easement, he might be entitled to a variance but since he is not the legal owner and the lot has not been established, the Board has no authority to grant a variance till it becomes a lot of record.

Mr. Parke Payne, husband of the owner, stated that he owns the Eagle Rock property which is the third of the three pieces which may use the access. This same problem will occur on other lots, he said, as there is a narrow ridge there and in order to properly align the houses on the ridge and not force them too far off the top of the ridge, they will need to be closer than 75 ft., especially on Mr. Colombo's lot.

Mr. Smith stated that the lot has to be recorded and the applicant should go back to Mr. Paciulli to have the new access shown on the plat.

In application V-131-70, Mr. Long moved that the application be amended to include Mrs. Martha Payne as applicant, and that the application be deferred for 30 days to allow the applicant to make further studies on the relocation of the right of way. Seconded, Mr. Barnes.

Dr. Hamm stated that he was in agreement with what the Chairman of the Board decided on realignment of the easement. The driveway as proposed on the plat would go through his property, he said, and he did not grant an easement through his property.

Carried unanimously.

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HALE V. JACOBSEN, application under Section 30-6.6 of the Ordinance, to permit construction of family room closer to property line than allowed, 7101 Oak Ridge Road, Providence District, (R-10), 50-3 ((4)) 67, V-132-70

Mr. Jacobsen stated that he purchased the property in 1963. He has three girls and a boy and only three bedrooms. There is an open patio existing where he plans to put the addition. There is no basement in the house.

No opposition.

Mr. Smith questioned the location of a shed on the property line.

That shed is a mobile shed, Mr. Jacobsen said, which he and his neighbor share jointly. It can be moved any place on the lot.

A frame shed should be 4 ft. off the property line, Mr. Woodson stated.

In application V-132-70, an application by Hale V. Jacobsen, application under Section 30-6.6 of the Ordinance, to permit construction of family room closer to property line than allowed, located at 7101 Oak Ridge Road, Providence District, also known as tax map 50-3 ((4)) 67, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the4th day of August, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. The zoning is R-10.
3. The lot contains 11, 114 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) shallow lot;

NOW, THEREFORE BE IT RESOLVED, that the application be and the same is hereby granted with the following stipulations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition shall be of similar design and material as the existing dwelling.

4. The shed at the corner of the property shall be relocated on the property in compliance with setback requirements.

Seconded, Mr. Barnes. Carried unanimously.

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FORD LEASING AND DEVELOPMENT COMPANY, application under Section 30-7.2.10.3.8 of the Ordinance, to permit automobile dealership with used car sales, located N.E. corner of intersection Green Spring Road and Little River Turnpike, Mason District, (C-D), 72-1 ((1)) 24, S-133-70

Mr. Myron Smith represented the applicant and the Straight family. The application is for the operation of a Ford Lincoln dealership, he said.

Is this two dealerships or one dealership, Mr. Dan Smith asked?

Mr. Myron Smith stated that this would be two dealerships under one ownership and operation.

Mr. Dan Smith asked for a copy of the certificate from the State Corporation Commission stating that the applicant is licensed to do business in Virginia. Would the applicant be leasing to someone else, he asked?

The dealership would be operated by someone else but the property would be owned by the applicant, Mr. Myron Smith said.

Is this the same as the Ford Leasing on Route 7, Mr. Yeatman asked?

Yes, Mr. Mike Smith said. As he understood it, Cherner Motor Company's property is being partially condemned by the State and they are going to have to be out of there by next April.

Mr. Dan Smith felt that the advertising was for one dealership and this is for two separate and distinct dealerships.

The Board discussed this at length and decided by a vote of 4-1 (Mr. Smith voting against the motion) that the advertising was proper and to proceed with the hearing.

Mr. Myron Smith pointed out the location of the proposed operation and an additional 17 acre tract of land which he said was being donated to the County for park use by the Straights. On the land to the rear is a historic house touched upon by the staff comments. In respect to the screening that is indicated along the front, they propose to plant Japanese Cherry trees in that area, 7 to 8 ft. in height when planted. Along Green Spring Road would be a brick wall screened by plantings along there as well. Those also would be the same type of Japanese Cherry trees. The brick wall extends around here and the reason for that is to add some screening to the Colonial house. These would be screen planter (d) with linden trees which are approximately 8 to 10 ft. in height when planted, and which grow to be quite large. From this point up around the remainder of the property is a wooden fence 6 ft. in height and a continuation of the linden trees would be along there; along the east side of the property would be planted white pine trees. Also to break up the blacktop appearance of the inner portion of the development/the located oak trees in order to add green space.

Mr. Smith passed out detailed plans for development of the entire tract showing the Ford operation in a building of 60,000 sq. ft. and the Lincoln Mercury building with 36,000 sq. ft. of floor space. This is a used car display for the Lincoln-Mercury and used car display for the Ford operation, he said. In the back is the new car storage area and this indicates less intensity than going toward the highway. This area is for service and employee parking, he said, pointing out the location on the plan, and that basically is the layout of the property. The offices will be located to the front and the display room will be closely located toward the highway.

Where are the Moss house and the Tobey house, Mr. Long asked?

The Moss House is not on this property, Mr. Myron Smith explained. The Tobey house is on this property and Ford would be happy to give this to the Park Authority if they want to move it. The Tobey house is a modern style house which is not really unique, it is currently being lived in by Tom Hurst and his wife. The height of the buildings would not be greater than 24 ft. indicated in staff comments.

What would be the largest size truck on this property, Mr. Smith asked?

Under group X, it would be 1 1/2 tons, Mr. Myron Smith answered.

Has the Board ever granted a body shop in the C-D zone, Mr. Dan Smith asked?

Mr. Woodson stated that it would not be allowed in C-D. Only minor repairs could be done on this property.

Mr. Long said he thought there should be some minor body repairs -- how can he operate a dealership and not have body repairs, he asked?

Doesn't Harriman have a body shop on Route 7 in connection with that operation, Mr. Yeatman asked? Or Chrysler?

Dan
The body shop came up in a question, Mr./Smith recalled, and as he remembered it, it was in an industrial zone. The body shop had to be moved over into the industrial area. Under one dealership, would the Zoning Administrator allow four signs, he asked?

Mr. Woodson stated that one freestanding sign would be allowed on the property but there could be signs on the buildings.

Mr. Dan Smith stated that the Board should not render a decision until such time as the Board has received a copy of the contract to purchase by Ford Leasing from the owners and a copy of the lease back to Cherner. Normally, he asked, how many cars would the Cherner Ford dealership keep on hand at any one time?

175, Mr. Myron Smith replied.

Dan
Mr./Smith asked if the front parking would be approved by Mr. Woodson's office as shown on the plat?

Mr. Woodson stated that the parking is now 45 ft. back -- he would just have to be back 5 ft. more.

Opposition: Mr. William Houston, 5204 Cherokee Avenue, represented the Lincolnia Park Citizens Association. As a Group X use, this would be a use of special impact, he stated. The use proposed would cover some 14 acres and would involve a multiple car dealership - new car dealerships plus used car sales plus the repair facilities required, they submit that the size and intensity of the use would stretch the intent of Article VII of the Ordinance to the breaking point. This would be one of the largest dealerships in the County. He referred to the radio commercials of another Ford agency in the Washington area which emphasizes that it is on such a scale as to have all the aspects of a factory. That's exactly what's being proposed by this application -- a factory sized operation. The property is immediately adjacent to the residential district to the north and east and the parcel of land contiguous to the north is proposed as park uses

but this would be no more harmonious with such an operation than would residential. Directly across the street is an area of fixed commercial and residential properties. Moving farther away from this property there are large areas of fine single-family residential uses in all directions. Section 30-7.1 of the Ordinance states that special permit uses should not be detrimental to the character and development of the adjacent land. The use proposed here is clearly so detrimental. Section 30-7.1.2 of the Ordinance stipulates that the use will not hinder the appropriate development and use of adjacent land and buildings or impair the value thereof. This use would clearly do both. The same section of the ordinance states that the location, size, intensity and site layout of the use shall be such that an operation will not be objectionable to nearby dwellings by reason of noise, fumes or light to a greater degree than is normal. This use would clearly be so objectionable. They urge denial of the application.

Should the Board see fit to over-ride their objections, Mr. Houston continued, and grant the application, they urge that for the protection of the citizens living in the area, the Board attach at least the following conditions to the permit: (1) screening on all sides of the property shall be of brick faced masonry wall type with two exterior rows of evergreen plantings as specified in the Board of Supervisors resolution of February 15, 1961. They find it somewhat incongruous that on the west property line the applicant agrees to put a brick wall and on a portion of the north property line, but on the east property line which is immediately adjacent to residential property he proposes to put a wooden stockade fence. They feel that the maximum screening and buffering that would be afforded by a brick wall should be on all sides of the property including west, north and east. As far as the plantings are concerned, while Japanese Cherry trees and Linden trees are very pleasant in appearance, in the spring and summer, they are deciduous trees and become bare during the winter and there should be the standard two rows of evergreen plantings between the wall and the property line. Along the Green Spring Road property line the existing multiflora hedge shall be maintained in lieu of the standard outer planting of shrubs and the existing evergreen trees and poplars may be used in lieu of portions of the tree row where there are existing evergreen trees and poplars. (2) There shall be no access to the property from Merritt Road, Green Spring Road or the north property line. (3) The property shall be so graded that no surface drainage or storm run-off will flow to the small tributary of Turkey Cock Run south of the Little River Turnpike. The small stream has already been heavily impacted by the Memco development just to the southwest of this property, there are several places where it culverts under the existing streets which have become flooded in heavy rain, and they are apprehensive as to the effect of 14 additional acres of 100 per cent run-off which would be generated by this property. Some portions of this property already drain to the north and east under Little River Turnpike, but the property is so flat in general they feel it wouldn't present much of an engineering problem to grade the property so that all of the drainage is directly to the main stem or to the west branch of Turkey Cock Run rather than across Little River Turnpike. All service and repair services shall be so designed, engineered and constructed so as to shield adjacent property owners from objectionable noise, fumes and other pollutants in accordance with the highest engineering standards. There shall be no body shop or other major repair facilities. (5) Such other stipulations as the staff shall recommend shall be attached to the conditions of the use permit including the stipulation that there be only one freestanding sign and that there be interior plantings. (6) In processing the site plan the design review division shall coordinate and consult with the Division of Land Use Administration and Planning Division before giving its approval to the site plan. (7) Prior to issuance of the building permit, the site plan shall be reviewed by and approved by the Planning Commission.

James Bell, Director, Fairfax County Park Authority, stated that he did not fall in the category of for or against, but he represents the Authority to present certain factors: the Green Spring Farm is a Colonial type home of historic significance, and has been detailed by the Planning staff in their research, and if this is granted, and the Park Authority is not taking a position one way or another, the Park Authority would be the recipients of the property north of the subject property today -- approximately 17 acres along with the historic house. If this is granted, they would request that consideration be given not to permit access onto Green Spring Road in that it could possibly generate traffic to the residential areas north of the Straight property as well as where the road bisects the existing Straight property which they would receive. The Authority would initially request that that portion of the road be vacated to access and make the property one continuous part of the land. Immediately west of the Straight property running over to Braddock Road, they have signed a contract and acquired six additional acres and will have frontage on Braddock Road and that would become all one contiguous piece of land for park and assorted purposes.

Another consideration, Mr. Bell continued, the screening which has been indicated to the rear of the property, they would request that if they stay with the Lindens as proposed by the applicant, that they be made at 25 ft. intervals on center than 50 ft. as shown on the plat. They would prefer major screening by evergreens rather than decidious trees. Another factor involved here, there is a large hedge row of cedars which comes across at an angle which they would request be moved back and not be destroyed in the development of the property.

Will the Park Authority pay for moving them, Mr. Long asked?

They would be removed by the applicant, Mr. Bell replied. They would hope to be able to work with the applicant in development of the site. Those plants not involved in the hedge row which would be destroyed in development, the Park Authority would hope they would provide them with the plants and they would move them onto their property to help with the screening process. The applicant has indicated a major screening plan, however, in reviewing the site plan, he could not find where they have accommodated water outlets to make sure that these screening materials were properly maintained.

Mr. Barnes asked if the Park Authority plans to move the Tobey House?

The Park Authority has not addressed itself to the moving of the Tobey home. No commitment of any type has been made on that. They would have to look at the funding, should they find it desirable. The applicant has indicated a willingness to provide the Park Authority with the structure.

Mr. Long asked Mr. Knowlton if he felt that all the screening should be of a type, size and grouping as approved by the Division of Land Use Administration -- is the staff in a position to review the phantings, etc.?

Not entirely, Mr. Knowlton replied. The County has in its ordinance and its adopted policy a standard screening -- two standard screenings, one is the brick wall and the other is the stockade fence with evergreen plantings, what was presented to the Board of Supervisors and Planning Commission in connection with this particular application was a little unusual in that as you can see in the far rendering, he said, an architectural wall which was scalloped in and out with linden trees located in the wall wells, a beautiful rendering. This is also shown on plats submitted with the rezoning application. However, the application before the Board indicates a wall along that property but a perfectly straight wall and not necessarily an architectural wall. This type of thing the Board would have to address itself to as a specific requirement.

In this particular case, Mr. Dan Smith stated, since the rezoning was predicated on this particular plan and this rendering, this Board should follow through on this particular plan.

Mr. John Porter Bloom of the Fairfax County History Commission, stated that they have been interested in the application for a long time. Since they are a citizen group completely unpaid, they are perhaps not as technically adept as some of the points made by previous spokesmen. He had only just seen the memorandum from the Director of Planning dated July 28 with regard to the application. Their concern is in relation to the Green Spring Farm and the general neighborhood. In the discussions they have had in the History Commission there has never been any mention of a Lincoln Mercury dealership. In looking at the rendering it says Ford dealership. They are concerned about the screening and trees that lose their leaves in the winter time are not adequate screening for a large part of the year. Trees 50 ft. apart are not adequate screening. Green Spring Road is a very narrow, somewhat winding road, which should be protected under any circumstances from truck and commercial traffic which a double dealership as proposed would generate. The proposal to vacate the road or the part adjacent to Green Spring Farm sounds good. They are in favor of the idea to move the cedar trees.

It seems, Mr. Bloom continued, to be a rather one-sided proposition with regard to the Tobey House -- that the developer is ready to have the County go to the expense of clearing the property for them. This is not a structure of historic significance in the usual sense -- it is a house of real architectural distinction, however, and it would seem that a more generous offer would be for the developer to save himself the trouble of demolition and carting it off by offering to move the house for some manner of preservation that might be worked out.

Mrs. Lois Chapieski, resident of Fairland Street, stated that she is a member of the pre-conservation committee which is a coalition of organizations and individuals in the Turkey Cock Run Park area of Fairfax County. They are concerned with the preservation of the stream valley. It seems that if the Board has all the technical contracts, terms etc. from the applicant, this would be an open and shut case granting this use permit. She thought the question before the Board was one that was more open as to whether the permit would be granted for this or not. It seems that all he has to do is provide what the Board needs and it will be granted. At the Board of Supervisors meeting Mrs. Pennino stated that she would vote for C-D zone but this did not necessarily mean that she was voting for a Ford agency for this property. She did not feel, Mrs. Chapieski, stated, that this would be a good use for this land. The park land that was promised in exchange for the C-D zoning was very attractive, and now that the park land is assured, she would like to stress Mr. Houston's point that the auto agency is not a compatible neighbor to the park. The flooding is a real problem and if the Board grants this use permit, it will be helping to create another Arlandria in terms of flooding, and another Route 1 in terms of the high impact commercialization.

Mr. Myron Smith, in rebuttal, stated that this same model was used at all of the hearings and there was never any doubt that this was going to be a Ford Lincoln Mercury dealership on the property. The park is contingent upon this matter being completed with Ford. The County Attorney has in his possession a deed properly executed and acknowledged by Mr. and Mrs. Straights. His instructions are that he can go ahead and record that when the use permit is granted so that Ford can proceed with the purchase of this property.

If that contingency is not met, Mr. Myron Smith continued, and the Straights cannot possibly afford to donate $450-or $500,000 worth of property and this was stipulated to the Board when they rezoned this on July 1, to the County for nothing. A gentleman today told the Board that he didn't want the County to go to the expense of moving the Tobey House. Someone else from the History Commission was present at the rezoning hearings who stated that they wanted the Moss House and the surrounding property to be given to the Park Authority, but Mr. Smith continued, he is appalled at the gentleman's statement that he doesn't want the County to go to the expense of moving the Tobey House when they are getting 17 acres of developed park land for not a cent, when this County is in difficult shape in selling park bonds and coming up with money to condemn parks. Mr. Rio prepared the model before the Board and they have had it at every hearing, everybody has seen it, including all the other aspects which he asked Mr. Knowlton yesterday to bring here, that they used before the Board. The staff takes these and they don't give them back to the applicant for any other use, so all those things that the staff has are presented to the Board.

The renderings only show one sign with the word "Ford", Mr. Dan Smith stated. The plat today shows six signs on the front of the property.

That has to be construed with all the other documents, Mr. Myron Smith said.

Mr. Dan Smith said he felt this was overdevelopment of the land. He felt that either one of these dealerships involved would need more land within the next three years. There is one Ford dealership in the County now on about 20 acres and they are looking for space -- Koons Ford.

Mr. Yeatman said he felt that site plan would take care of the drainage situation. The County would not have parks all over the County if it didn't have business to pay for the park land.

Mr. Dan Smith commented that he thought the park land had been emphasized too much. This Board should not base a decision either way on the fact that there is a proposal to donate park land.

Mr. Myron Smith introduced Mr. Bernard Grenadi, real estate negotiator from Ford.

Mr. Grenadi stated that Cherner now has a dealership in Shirlington and Washington, D. C. The Lincoln Mercury Division is a separate division of the company from the Ford Division. Each division issues franchise separately and distinctly. They have dual dealers around the country, they are not common, but they have them. In this particular project both divisions are cooperating and proceeding along common lines in order to put this deal together on the same property but they will still be treated as two separate operations from a business standpoint.

Cherner now owns the land in Shirlington, Mr. Smith asked?

No, he is a tenant, Mr. Grenadi thought. The one in Washington, D. C. has been closed down and the applicant acquired the property. When Mr. Smith made the comment that the property wouldn't be adequate in future years -- how many years did he mean, Mr. Grenadi asked?

Mr. Dan Smith answered -- he remembered the one at 7-Corners that had 20 acres and they are crowded. That's just for a Ford dealership.

Mr. Grenadi stated that they must look at the market and the density of the population and the geographical location along with the highway pattern. There are distinct types of markets. They have a marketing survey team that comes to each major market area every five years to review the area from geographical standpoint, density, etc. and they analyze the optimum for a location and representation to service the customer more adequately in the market. When they do so, they have a projected volume, this is planned for the next ten, fifteen or twenty years. After ten years plans get a little hazy, they can't project too far, but they do feel that the size of this property will adequately take care of the needs of this dealership for the next ten years at least. If so, this might need another dealership another five or ten miles away if the market grows. There was only 500,000 sq. ft. involved in the initial consideration, but because of recommendations from local people and engineers and the planning and esthetics involved, the screening is using up a certain amount of land, and because of this square footage loss they added on another 100,000 sq. ft. to the project. They project 2,000 cars for the Ford and 1300 cars for the Lincoln Mercury dealership for the first five years.

Will Cherner close the operation in Shirlington when this is opened, Mr. Dan Smith asked?

Yes, Mr. Grenadi replied.

Were the applicants aware that this would be limited to one freestanding sign, Mr. Dan Smith asked? That a body shop would not be allowed and no major repairs would be allowed in this C-D zone?

Mr. Grenadi said he did not know that.

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Montgomery Wards in Fairfax County is in a C-D zone, Mr. Yeatman said, and they do automobile repairs. A gas station under C-N puts in brakes, mufflers, etc.

The Board should have a copy of the contract to purchase by Ford Leasing and the lease to Cherner and papers showing that Ford Leasing is in good standing with the State Corporation Commission, Mr. Smith said.

What comments did you make to the Planning Commission and Board of Supervisors about auto repairs, Mr. Long asked Mr. Myron Smith?

He did not recall that this was discussed, Mr. Smith replied.

Rather than defer this to a meeting in September, Mr. Yeatman moved that the Board place this item at the end of today's agenda to allow the applicant to supply the requested information. Seconded, Mr. Baker. Carried unanimously.

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GULF OIL CORPORATION, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection of automobile service station, located S. E. corner of Gunston Cove Road and Lorton Road, Lee District (C-N) 107 ((1)) 77, S-136-70

GULF OIL CORPORATION, application under Section 30-6.6 of the Zoning Ordinance, to permit construction of building closer to property line than allowed, located S. E. corner of Gunston Cove Rd. and Lorton Road, Lee District (C-N) 107 ((1)) 77, V-142-70

Mr. Donald Crounse represented Gulf Oil Corporation, the contract purchaser. The property was rezoned July 22, 1970, unanimously approved by the Planning Commission and the Board of Supervisors. The application conforms to the master plan and the staff recommended in favor of it. All of the property owners within 500 ft. of the property were notified and none expressed any opposition. There is a service station existing on Lot 78A to the rear of the property and the Lorton Auto Parts in I-G, which is a junk yard, is adjacent, and on the east of the property on the other side of the railroad is undeveloped land but which is planned for industrial use. To the north is the interchange on Rt. 495. It is felt by the staff and the Board of Supervisors that this is a proper use for the property and would upgrade the area. The land at the present time is vacant. The property slopes from Lorton Road in an elevated manner to the rear of the property. The easterly border of the property is 200 ft. in length and from side to side it is 156 ft. Gulf had a station to the rear of this location but sold it to Shell -- then #495 camealong and they had second thoughts about it so they bought this property and now wish to build a station in this location.

Is the 40,000 sq. ft. all the land that Gulf has under option, Mr. Smith asked?

Yes, Mr. Crounse replied. This would be a three bay colonial brick building with front entrance. A septic field will be located in the rear. Route 642 has been abandoned -- the railroad owns half of it and Gulf owns the other half. At the time of rezoning there was a report from the Sewer Department stating that sewer would be available to this property upon completion of the lower Potomac plant. Until that time they plan to use a septic tank.

Can the building be moved back so that right of way could be reserved for future road widening, Mr. Long asked?

Mr. Crounse stated that the building could be moved back to allow some right of way but the proposal that was handed to him this morning amazes him as it shows a minimum 90 ft. and a maximum 160 ft. right of way. The property is only 200 ft. and to him that would be a complete taking of the property.

Was the Pohick Restudy adopted prior to rezoning, Mr. Smith asked?

Mr. Knowlton replied that it was.

Was there Board of Supervisors discussion on this, Mr. Smith asked?

He was not present, Mr. Knowlton replied, but he had read the minutes on this and did not recall discussion on this.

Mr. Smith felt that to reserve that area then sewer would be absolutely necessary as there would be no room for a septic tank and field.

Mr. Long stated that in view of the topography he felt it would be difficult to move the building back. He is in favor of reservation if it can be done;it looks like it would be a difficult thing in this case.

The Highway Department has no money for this, Mr. Crounse said he had been advised. There are other ways this road can be put in utilizing the existing underpass and widening that.

No opposition.

The severe grades shown are basically after grading, Mr. York Phillips told the Board. The existing grades are not as severe. If it is re-graded, the grade could be modified to accommodate all kinds of changes.

This is to be an important segment of road, Mr. Knowlton stated, because this road narrows down to a one lane tunnel under the RF&P at a point where there is a severe bend in the road where there is absolutely no sight distance. The proposal would to a great extent straighten out the section of road although it would be at a curve and the curve is fairly set at an 8 degree curve, tied at one end by the existing bridge at Interstate 495 and at the other end which will have to have frontage on the road. This proposal is imminent although at this time the staff cannot say precisely when. As this area develops this particular type of improvement to that condition of the road will be mandatory.

Do you think they are going to build the bridge or tunnel, Mr. Long asked, to correct the situation?

The roadway can't go anywhere until the railroad underpass is constructed, Mr. Knowlton replied, so they will have to go hand in hand. There is no immediate appropriation on the part of the state so he could give no date.

In application S-136-70, application by Gulf Oil Company under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection of gasoline service station, property located southeast corner of Gunston Cove Road and Lorton Road, also known as tax map 107 ((1)) 77, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals,

AND WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Robert L. and James A. O'Neill.
2. Present zoning is C-N.
3. The area of the property is 40,000 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission recommended approval of this use.
6. The Board of Supervisors rezoned this property with this intended use in mind at the time of rezoning.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. The use will not be detrimental to the character and development of adjacent land and shall be in harmony with the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. The building shall be a three bay brick gasoline station.

Seconded, Mr. Barnes.

Mr. Long amended his motion to say "brick Colonial" station. Accepted Mr. Barnes. Carried unanimously.

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Was the Board of Supervisors aware that this would need a variance at the time of rezoning, Mr. Smith asked? Did they know of the road widening requirements?

They were aware of it, but could not condition a rezoning, Mr. Knowlton said.

To make a reservation such as this so there would be no room for a septic field might restrict the property beyond use, Mr. Smith suggested. If sewer were available, he would not hesitate to reserve it. Under site plan there should be dedication for widening of Lorton and Gunston Cove Road and he wondered whether the Board had authority to go beyond this, based on the information they have.

In application V-142-70, application by Gulf Oil Corporation, application under Section 30-6.6 of the Ordinance, to permit construction of building closer to property line than allowed, located S. E. corner of Gunston Cove Road and Lorton Road, Lee District, also known as tax map 107 ((1)) 77, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970,

AND, WHEREAS the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is Robert and James O'Neill.
2. Present zoning is C-N.
3. The area of the property is 40,000 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission recommended approval for this use.
6. The Board of Supervisors rezoned the property for this intended use.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems and (b) the existing abandoned right of way along the easterly property line;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the specific structure or structures indicated on plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to day of expiration.

3. The building shall be a minimum of 20 ft. from the abandoned right of way.

Seconded, Mr. Barnes. Carried unanimously.

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ROGER PENN, application under Section 30-6.6 of the Ordinance, to permit enclosure of carport 5.5 ft. from side property line, located 1519 Longfellow Street, Dranesville District, (R-10), 30-4 ((4)) (B) 24, V-137-70

(Mr. Barnes left the meeting.)

Mr. Penn stated that he has lived at this address since 1959. When he moved into the house he realized it was small so they thought of enclosing the carport. They found out that the house was too close to the property line to enclose the carport without getting a variance. Over the years they have had a problem in keeping the floor of the carport from heaving due to freezing in the winter time and they have retained a contractor to distribute the water away from the carport area. This carport is screened now. The carport would be enclosed with material to match the house -- antique brick and clapboard siding.

No opposition.

Mr. Long stated that he would be opposed to a variance if the house were in the middle of the lot but in this case it seems the applicant would be denied reasonable use of his land if the variance is not granted.

August 4, 1970
ROGER PENN - Ctd.

In application V-137-70, application by Roger Penn, under Section 30-6.6 of the Ordinance, to permit enclosure of carport 5.5 ft. fromside property line, located 1519 Longfellow Street, also known as tax map 30-4 ((4)) (B) 24, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the property is the applicant.
2. Present zoning of the property is R-10.
3. Area of the lot is 10,459 sq. ft. of land.
4. Required setback from the property line is 10 feet.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship which would deprive the user of the reasonable use of the land or buildings involved; (a) unusual location of existing building.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location of the specific structure indicated on plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition shall be of similar design and material as existing dwelling.

Seconded, Mr. Yeatman. Carried 4-0.

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MINNIE IRENE SOWERS, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, 2813 E. Lee Avenue, Memorial Heights, (R-12.5), Mt. Vernon District, 93-1 ((18)) (G) 256, 257 and 258, S-125-70

Mr. Bernard Fagelson presented Mrs. Sowers'beautician's license as requested by the Board at the last hearing. Mrs. Sowers has been operating in her home but when she found that she was operating in violation, she stopped.

Mrs. Sowers would be the only person who could operate here, Mr. Smith pointed out, if this is granted; it would be for a one chair operation with no help. The Board of Supervisors recently granted an amendment allowing applicants in home occupations to use their driveway for parking but the Board of Zoning Appeals could still require the applicant to provide off-street parking for at least one vehicle not meeting the setback requirements.

Mrs. Nan Kuba, next door neighbor, spoke in favor of the application.

No opposition.

In application S-125-70, application by Minnie I. Sowers, to permit operation of beauty shop as home occupation, property located at 2813 East Lee Avenue, also known as tax map 93-1 ((18)) (G), 256, 257 and 258, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the property is 9,400 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This is for a one chair operation for a three year period.

Seconded, Mr. Yeatman. Carried 4-0 (Mr. Barnes absent.)

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DEFERRED CASES:

AMERICAN HOUSING GUILD, application under Section 30-6.6 of the Ordinance, to permit resubdivision of Outlot B and Lot 48 in accordance with plat, located E. of Larkspur Drive, Green Meadow, Section III, Lee District, (R-12.5), 81-4 ((14)) Outlot B and Lot 48, V-114-70 (deferred from July 14)

Mr. Robert Lawrence represented the applicant. The applicant has owned the property since 1968, he stated. This is an unusual piece of land, the remaining part of a tract purchased by the applicant. In the original dedication of the subdivision there was a remaining outlot - outlot B. This was a problem piece of property because of the topo. He showed a sketch indicating the topography problems.

Why was this left undeveloped at the time of subdivision development, Mr.Smith asked?

That is Section III of this entire tract, Mr. Lawrence replied.

When subdivision for Section III was drawn, Mr. Smith said, did they get credit for the outlot?

The subdivision had sufficient density without the outlot, Mr. Lawrence stated. He presented a development plan proposed for Section III and as can be seen from the topo map, he said, the area slopes away to the bottom part of the map. Initially the plan on this outlot was to attempt to convey the property to the adjoining land owners in the subdivision next to them. Attempt was made to do this but they were unsuccessful so the owners of the property had to decide on alternate means of development of the property. In accordance with the topography problems and after consultations with Mr. Chilton's office, the resubdivision before the Board was derived. Also the Park Authority stated that they would like part of the land dedicated to the park to be used in conjunction with the adjoining Sherry tract. The entire outlot is buildable property -- there is no flood plain there. The most feasible development of the property in view of the topography problems is as shown on the plan presented. It would not interfere with rights of adjoining property owners and would not have a detrimental effect on that property. If the variance is not granted, the owner would be deprived of his reasonable use because of the physical condition of the property. With the development as shown, there would be adequate open space. A large part of the outlot would be dedicated to the Park Authority. There would be ingress and egress for the residents of the subdivision by means of the road shown on the plat (Tammy Drive) and the pipestems into the proposed lots. The Sherry tract will be developed in the future. The original subdivision was recorded in mid-1969. About thirty houses are occupied out of a possible 55.

Apparently this subdivision has proceeded in stages, Mr. Knowlton said. The third section has already been platted and recorded. Had this particular tract of land gone under the cluster option, all four sections, the number of lots shown on the large plat could apparently have been gotten and the amount of land for open space could have been provided for. Apparently through three sections the applicant did not see fit to use the cluster option and now apparently wants to use the benefits of it in this section. Normally in cluster subdivisions, the County would not approve this many contiguous pipestem lots with the long pipestems.

Mrs. David Hardy, Lot 6, Shady Hills, stated that they were made an offer to purchase the piece of land at $3500 for a piece of land that is underwater every time it rains. There is a definite drainage problem at the bottom of the hill. Every time it rains the dry creek bed fills up and since the applicant has been building in there, dirt, sand and silt has been coming down onto her property. The applicant has been filling on the land on which he is asking permission to build. Truckload after truckload of fill has been dumped at the top of the hill and is now coming down into her back yard. There is a storm drainage easement on her property which runs by her trees and the material that washes down will soon kill her trees. Several people in Maplegrove who have never had drainage problems before this subdivision was built now have problems. One lady had so much water it broke the sliding doors and flooded her whole basement.

This should be reported to Public Works so an inspector can go and eliminate these problems, Mr. Smith suggested.

A contractor is obligated to provide siltation controls, Mr. Long added, and if he does not, he will be required to put up a bond.

Mr. Wood, the engineer for the applicant, stated that no fill is being put up there. They have not even submitted a grading plan.

Mrs. Robert Dowzell, living on Lot 18, Larkspur Drive, stated that they were offered the option of buying the other lot behind them -- one time for $2,000; another time for $1500, then $1,000. They considered the property unusable. The property is so steep, they would not even let the children sled there. It is heavily wooded property.

Mrs. Brumback, Lot 7, Shady Hill, told the Board that there has been quite a bit of filling on the property in question, and quite a bit of grading. She discussed the problems of siltation and erosion in connection with this property.

If there is a siltation problem, there is an ordinance which requires bond to be posted, Mr. Lawrence stated in rebuttal. The testimony of these witnesses supports their contention that this is a property with unusual physical characteristics. They appreciate the concern for the trees and will have necessary measures taken to take care of the trees. The builder has not been contacted in regard to any problems. It will be necessary to remove some of the trees to construct houses, but the builder has it to his own interest to maintain as many trees as he can. If contiguous homeowners want to preserve the trees they could have purchased the lots. An alternate resubdivision of this outlot would preclude the use of parcel A as a park area. That could also be built upon with the proper engineering procedures, but it would be an impractical approach, because of topography problems. In regard to the staff comment about electing not to go to the cluster option on this entire subdivision -- the peculiar nature of the shape of the entire parcel is such that a cluster subdivision would cause the entire parcel from Franconia Road all the way back to the outlot to be full of pipestem lots because it is a narrow piece. This is an airy subdivision with plenty of open space and it is because this was conventional development rather than cluster. This is a reasonable use of this property and it does not have an adverse effect on neighboring properties. Certainly the lots as proposed are not going to be detrimental to the neighborhood.

It would seem to him, Mr. Smith said, that the owner and developer created the problem himself. He was shortsighted with respect to the entire development. If there is a hardship here, it is a self-created one.

The Ordinance cited by the staff would not really bear this out, Mr. Lawrence said. That section does not really apply to this case.

Mr. Smith said it does. The developer created this himself by his manner of developing in sections and now he finds himself with what was set up as an outlot and comes in with a proposal to develop it.

The hardship was created by the shape of the property and it was there when the applicant purchased the land, Mr. Lawrence contended. This piece of property was not cut out and purchased in that manner. This is what the builder was left with when he bought the land.

This Board should not approve a variance to allow something that would have been denied under the cluster plan, Mr. Long said.

Mr. Baker moved to defer to September 15 for the Board to hear from Mr. Chilton, to get his thoughts on this. Seconded, Mr. Long. However, Mr. Baker and Mr. Long withdrew the motion and instead recessed the hearing to see whether Mr. Chilton would be available today to discuss this.

In the meantime the Board proceeded to the next item:

ELGIA CLEMMER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 8633 Curtis Ave., Mt. Vernon District (R-17) 101-4 ((10)) (13) 30, S-76-70

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ELGIA CLEMMER, application under Section 30-6.6 of the Ordinance, to permit parking closer to property line than allowed, 8633 Curtis Ave., Mt. Vernon District, (R-17) 101-4 ((10)) (13) 30, V-76-70

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In view of the amendment recently adopted by the Board of Supervisors, Mr. Smith noted that the variance application would not be necessary.

Mrs. Clemmer asked to be allowed to withdraw that application.

Mr. Long moved that the applicant be allowed to withdraw the variance request. Seconded, Mr. Baker. Carried unanimously.

The driveway is long enough to park three cars, Mrs. Clemmer stated, and parking would not be a problem. This is a one chair operation, one customer at a time. She will comply with the Inspections report, and will submit a copy of her license to the Board.

In application S-76-70, application by Elgia Clemmer, application to permit beauty shop as home occupation, located 8633 Curtis Avenue, also known as tax map 101-4 ((10)) (13) 30, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 6,600 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in subject application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application.

4. This permit is for a one chair operation for three years.

Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith announced that Mr. Chilton was not available to discuss the application of American Housing Guild - Virginia. Mr. Long moved to defer to September 22 in order to have a report from Mr. Chilton. Seconded, Mr. Baker. Carried unanimously.

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TAMARACK STABLES, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit horse center (riding school, boarding and selling of horses, hay,grain and equipment) 9801 Colchester Rd., Mt. Vernon District (RE-2) 114 ((1)) pt. 1, S-128-70 (deferred from July 28)

Mr. Majewski presented a copy of his insurance policy and articles of incorporation requested by the Board. Since the last hearing, he said, they have initiated purchase of some additional swamp land.

If there is additional land involved, it should come in under a new request, Mr. Smith commented.

Mr. Yeatman moved to defer to September 22 to allow Mr. Barnes to review the insurance policy. Seconded, Mr. Baker. Carried unanimously.

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HORNE PROPERTIES, INC., application under Section 30-7.2.10.3.6 of the Ordinance, to permit recreation center, limited to billiard and ping pong tables, 6184B Arlington Boulevard, Willston, (lower level), C-D, 51-3 ((1)) 4, Mason District, S-124-70 (deferred from July 21)

Mr. William Ingersoll represented the applicant. He stated that there would be 20 pool tables. The inspection team has been there and according to their report, this space can be used for this purpose. They will comply with all the regulations. They would like to be open on a 24 hour basis. The proposed lessees of the property have an operation in existence in the Clermont shopping center in Arlington at this time. They have been featured in the Women's Section of the Washington Post. It is a family type recreation center featuring full pool tables. That operation is open on a 24 hour basis, however, the hours in Fairfax County would depend on what the County will allow. This is a fully carpeted facility and no alcoholic beverages are allowed in the premises. The operation will be by Jack 'N Jill Cue Clubs, Inc. They have a lease contingent upon getting the use permit. They plan to have a snack bar in the building to serve soft drinks and soup and probably coffee.

Mr. Smith said he knew that the age minimum was removed but he was not aware of the unlimited hours.

Mr. Woodson said he did not believe there was a regulation on the hours.

Mr. Smith said that the Board should have a copy of a lease from Horne Properties to Jack & Jill Cue Clubs, Inc.

In application S-124-70, application by Horne Properties, Inc. under Section 30-7.2.10.3.6 of the Ordinance, to permit recreational center limited to billiards and ping pong tables located at 6184B Arlington Boulevard, Willston, lower level, also known as tax map 51-3 ((1)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the property is 5.939 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance.

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The hours of operation shall be 8 a.m. to 12 midnight 7 days a week.

5. There will not be any sale of or any alcoholic beverages on these premises.

6. This permit is for a three year period.

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7. This use permit will not become valid until such time as the applicant has furnished the Zoning Administrator with a certificate of incorporation, copy of the lease agreement between the Jack 'N Jill and the applicant.

Seconded, Mr. Yeatman.

Mr. Long stated that he should have said this approval is granted to the applicant only and Jack 'N Jill Cue Club, Inc. This is granted from 8 a.m. to 12 midnight, seven days a week. Accepted, Mr. Yeatman.

Without some additional time to study the operation in Arlington and other factors involved, he would not be willing to vote for a time that would be unlimited, Mr. Smith said. There are no other businesses in this shopping center open all night.

Carried unanimously.

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RHOADS AND STRICKLER, to permit construction of three dwellings without required off street parking and setback of 25 rather than 40 ft. as required, deferred from July 28 to view the property.

Mr. Smith noted a copy of the contract to purchase by Rhoads and Strickler had been requested by the Board.

Mr. Holland stated that he did not recall that it was required by the Board, but that he had stated at the time that he represented both the purchasers and the sellers. He asked that the application be amended to Mr. and Mrs. Lee, the owners.

Mr. Long moved that the applicant's name be amended to include Mr. and Mrs. Robert E. Lee, Sr. Seconded, Mr. Yeatman. Carried unanimously.

The Board has no authority to vary the parking requirements, Mr. Smith stated, so the only thing under consideration would be the request for variance to construct the houses closer to the front property line.

Mr. Holland asked that on-site parking be permitted within the area from the street to the front setback line, on-site. They can put a garage in, but they do have a problem in lateral support. It would be his engineering recommendation that if a parking pad is permitted in the front yard, they would obtain greater stability.

This can be done by right, Mr. Smith said.

In application V-130-70, application by Rhoads and Strickler, Inc. and Robert and T. Lee, under Section 30-6.6 of the Zoning Ordinance, to permit construction of three dwellings closer to front property line than allowed by Ordinance, property located 3201, 3203, 3207 Burgundy Road, also known as tax map 82-2 ((10)) 1, 2 and 3, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed inaccordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is Robert and T. Lee.
2. Present zoning is R-12.5.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the buildings and/or land involved: (a) exceptional topographic problems of the land; (b) there is a soil slippage problem with the land.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted for the front building setback only, with the following limitations:

1. This approval is granted for the location and specific structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration. Seconded, Mr. Yeatman. Carried 4-0.

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Mr. Smith announced that the Board would reopen the case of FORD LEASING AND DEVELOPMENT CORPORATION.

Mr. Myron Smith presented a copy of the option contract and copy of a letter from Mr. McDonald, the district sales manager, directed to the Chairman of the Board, stating that negotiations are going on with Cherner Motor Company. As far as the matter of Ford Leasing and Development Corporation right to do business in Virginia, he called the State Corporation Commission and was advised that they sent a telegram at approximately quarter to two this afternoon, and he has not yet received it.

Mr. Smith stated that he would like to have something other than the telegram.

In application S-133-70, an application by Ford Leasing and Development Company, under Section 30-7.2.10.3.8 of the Zoning Ordinance, to permit automobile dealership for used cars, on property located at the intersection of Green Spring Road and Little River Turnpike, also known as tax map 72-1 ((1)) 24, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 4th day of August, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owners of the subject property are Michael and Belinda Straight. Ford Leasing and Development Company are the contract purchasers.

2. The present zoning of the property is C-D.

3. The area of the property is 609,343 sq. ft. of land.

4. Compliance with site plan ordinance (Article XI) is required.

5. The Board of Supervisors was awre of the intended use and the proposed site plan at the time they rezoned the property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for Special Permit Uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and,

2. The use will not be detrimental to the character and development of adjacent land, and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted to the applicant and Cherner Motor Company only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats presented with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The building shall not exceed 24 ft. in height.

5. There shall be only one freestanding sign not in excess of 26 ft. in height for this property.

6. The applicant has stated the Fairfax County Park Authority may have the Tobey House and remove it to another site at the Park Authority's expense.

7. An architectural brick wall, six feet high, shall be erected along the westerly, northerly and easterly property lines, and two rows of evergreen trees shall be planted in a space vetween these brick walls and the property line. Height, size and plant groupings shall be as approved by the Division of Land Use Administration.

8. All planting to serve the entire site shall be of a type, size and grouping as approved by the Division of Land Use Administration and generally in accordance with plans filed with the rezoning application. This would be the one that the Board of Supervisors reviewed.

9. There shall be a total of 947 parking spaces.

10. There shall be only one entrance onto Green Spring Road other than the service road entrance. This is in conformity with the plan filed with the Board of Supervisors

Seconded, Mr. Baker.

Mr. Yeatman wished to add to the motion that water hydrants be located to serve the plants and screening that is being required, otherwise they will die as in other parts of the County.

Is there any provision in this to allow the Park Authority to replant the Cedar trees that are adjacent to or on the back of this property, Mr. Smith asked?

Mr. Long accepted Mr. Yeatman's amendment.

Mr. Yeatman said he would add to his amendment that the Park Authority will move the Cedar trees and replant them in other parts of the park. This will be at the Park Authority's expense.

Mr. Long accepted Mr. Yeatman's amendment. Mr. Baker agreed.

The part of the motion dealing with Cherner was not acceptable to Ford, Mr. Myron Smith said. There is no existing contract between Cherner and in the final analysis Cherner can back out of it any time even though he is being considered. With that being the position, he would hope the Board would have the permit run to the Ford Leasing and Development Corporation.

That was fine with him, Mr. Long said.

Actually Ford Leasing is not going to operate the two dealerships, Mr. Dan Smith said; they are going to contract or lease the dealerships to other people so actually the Zoning Administrator has no control over the use permit unless it is to the actual operator.

They don't know who the operator is at this point, Mr. Myron Smith said.

Then possibly this should be amended to grant with the stipulation that as soon as the development takes place, the actual operator would have to be considered by the Board, Mr. Dan Smith suggested. Ford Leasing is only a developing company; they develop the property and lease it to the operator which in this case the Board was assured that it would be Cherner Motor Company, even the plat shows Cherner.

Ford Leasing doesn't feel at this time this permit can run to Cherner, Mr. Myron Smith said, there is no existing lease.

If there's no negotiation, it would have been good to have left Cherner out of the discussion entirely, Mr. Daniel Smith stated.

People wanted to know precisely what they had in mind, Mr. Myron Smith said, and this is what they have told them right down the line on this case.

Mr. Long amended his motion to delete Cherner Motor Company from the permit.
Mr. Baker accepted.

Mr. Daniel Smith said it was his understanding that the body shop and the major repairs were not permitted. Mr. Long agreed.

As the motion is now worded, it is granted to a corporation that is not going to operate this, Mr. Knowlton stated. Do you want a name to be supplied as soon as a name is known and added to this folder?

Yes, the local zone manager, he would assume, Mr. Smith said. Who is in Merrifield? Is there someone there who would have any connection with this application? Is there anyone in Fairfax County representing Ford Motor Company who could be listed as the person to contact in relation to this Ford Leasing Development Company should there be a question by the Zoning Administrator's office or any county official?

It was agreed that Mr. Myron Smith would be the man to contact.

Carried, Mr. Smith voting against the motion because of the wording of the advertisement - the application was for two dealerships and the Board of Supervisors apparently felt this was a good use of the property and he has no great quarrel with this, but the advertising was misleading.

3-1, Mr. Barnes absent.

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Dunn Loring Swim Club - Mr. Smith stated that there is a letter from Mr. Vernon Long advising that on this date Mr. Ken Soter of the right of way land acquisition division of Fairfax County was interviewed relative to the feasibility of a parking lot perimeter fence being extended to include Lot 48 owned by Mr. Savage, thus crossing the sanitary sewer easement. Mr. Soter advised that the fence could cross the sanitary sewer easement either with or without a gate, therefore giving Mr. Savage protection from trespassers from Dunn Loring Swim Club.

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This answers the question, Mr. Smith said. The Board had a complaint about the Swim Club not constructing a fence and thus Mr. Savage's property was being trespassed upon. What's the pleasure of the Board?

Mr. Yeatman moved that the Board require the Dunn Loring Swim Club to put a fence in this location.

Mr. Smith suggested asking them to show cause why they should not provide a fence and give them an opportunity to be heard and at the same time give Mr. Savage an opportunity to be heard. The Board should not just require it. The resolution granting this did not require the fencing here and the complaint from Mr. Savage is what brought this about. The proper procedure would be to request the Dunn Loring Swim Club to show cause why they should not construct a fence.

Mr. Yeatman moved that they be requested to come in and show cause why they should not put a fence in this location. Seconded, Mr. Baker.

This would be Board action and would not require formal advertising, Mr. Smith noted. This would be on the 22nd of September. Mr. Savage should be notified of this action by the Board, so he can be present.

Carried unanimously.

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VIRGINIA DOCTORS PROPERTIES, INC. - Request for extension on nursing home addition.

Mr. Baker moved to grant an extension for six months. Seconded, Mr. Long. Carried unanimously.

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Letter from Fairfax Activity Center - 8922 Little River Turnpike - Request for out of turn hearing on special use permit. The Board agreed to hear this on September 15.

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The meeting adjourned at 5:20 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

Sept. 8, 1970 Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 8, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Joseph Baker, Mr. Clarence Yeatman, Mr. Richard Long, and Mr. George Barnes (who arrived late). The meeting was opened with a prayer by Mr. Long.

JAMES B. GILSTRAP, application under Section 30-6.6 of the Ordinance, to permit addition 8.6 ft. from side property line, 8440 Thames Street, Annandale District, (R-12.5) 70-3 ((4)) 116, V-138-70

Mr. Gilstrap stated that he and his wife entered into a contract with Mr. Anthony E. Skopac, General Contractor for the purpose of constructing a one room addition to their home. The room was to be 15'8" wide, this dimension selected by Mr. Skopac as being the maximum allowable to remain in conformance with zoning regulations. On July 6, 1970, Mr. Skopac applied for and received a building permit to construct the addition in conformance with provisions of the Ordinance. They expressed doubt to Mr. Skopac as to whether or not the dimensions of the room were within the zoning limitations, which at the time, they understood to be 10 ft. from the boundary line. They were assured by the builder that the dimensions were well within such limitations. The footings were poured and upon viewing the construction site on the 12th of July, it appeared that the footing was no more than 8 or 9 ft. from the property line. He communicated with the builder, Mr. Gilstrap continued, to express his doubts. In the conversation, Mr. Skopac indicated that he believed it was advisable to discontinue construction operations pending a resolution of the statutory requirements in the situation. Later it was discovered that the requirements were 12 ft.

Mr. Skopac was present and stated that he has a contractor's license from the County, #756, and this was an error on his part in laying out the site.

No opposition.

In application V-138-70, application by James B. Gilstrap, under Section 30-6.6 of the Zoning Ordinance, to permit addition 8.6 ft. from side property line, property located at 8440 Thames Street, also known as tax map 70-3 ((4)) 116, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,057 sq. ft. of land.
4. Required side yard setback is 12 ft.
5. A building permit was issued by Fairfax County for this addition with a plat showing the proper setback.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building, and,
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried 4-0, Mr. Barnes not yet present.

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ROBERT E. LOEHE, application under Section 30-6.6 of the Ordinance, to permit construction of utility shed closer to side property line than allowed, 5318 Pillow Lane, Annandale District, (R-12.5), 79-2 ((3)) (14) 13, V-139-70

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The lot is 80' x 120' and drops off sharply to the rear and to the left side, therefore this is the only place he can locate a shed without a great deal of fill and excavation, Mr. Loehe explained. He has owned the property since 1962.

(Mr. Barnes arrived.)

The shed will be enclosed and used for utility purposes only; the other part of the carport will remain open, Mr. Loehe said.

No opposition.

In the application V-138-70, Robert E. Loehe, under Section 30-6.6 of the Ordinance, to permit construction of utility shed closer to side property line than allowed by Zoning Ordinance, property located at 5318 Pillow Lane, also known as tax map 79-2 ((13)) (14) 13, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 10,800 sq. ft. of land.
4. Required side property line setback is 12 ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptional topographic problems of the land.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 5-0.

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ANNANDALE MARINE & SPORTS CENTER, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sales and servicing of boats and motors, campers, trailers, motorcycles, and other recreational equipment, 4313 Markham Street, Annandale District, (C-G) 71-1 ((1)) 9, S-140-70

ANNANDALE MARINE & SPORTS CENTER, INC., application under Section 30-6.6 of the Ordinance, to permit use of present garage located 3.9 ft. from rear property line as storage and repair building, 4313 Markham Street, Annandale District, (C-G) 71-1 ((1)) 9, V-141-70

Mr. Victor Harwich stated that about a year ago they received a use permit on property across the street, however, after the use permit was granted, they failed to get financing because the property was too large. They have now located this small piece of property and have entered into a contract with the owners of the property. The zoning is C-G. To be able to use that property they would need a variance to permit use of the garage located at the rear of the property. It was built years ago and is located about 4 ft. from the rear property line. They would like to use it until they can build a building which would be adequate.

What size lot are you now operating from, Mr. Smith asked?

It is 50 ft. wide and 150 ft. deep, Mr. Harwich replied. They do some repairs, but not extensive ones. They feel that the shed on the property would be adequate to start off with and they would expand as soon as they are allowed to use the property. Their plans call for a 30' x 60' building.

There is a need for this type of facility, Mr. Long commented, but on this small piece of property with this many uses, there would be too much congestion. There should be

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a better traffic pattern, Mr. Long said.

Mr. Harwich described the types of boats, motors and motorcycles that would be sold, and added that they are looking for additional property. There is a possibility of buying some property in back of them.

If there is any thought of additional property, it might be a good idea to defer this to see what the applicant can come up with, Mr. Smith suggested.

No opposition.

Mr. Long said he would like to see it deferred if the applicant will try to get a larger site. He is very familiar with the operation and it has a good reputation, he said. However, this is too many businesses for this one location.

Mr. Smith suggested moving the motorcycles to this location which could be done by right, and this would help the location in Annandale which is overcrowded.

Mr. Yeatman moved to defer to October 13 to see if the applicant can obtain additional land. Seconded, Mr. Long. Carried 5-0.

Mr. Smith noted that the applicant could sell motors and cycles and parts in C-G by right but not service them.

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AMERICAN OIL CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection of service station, N. E. corner Valley View Drive and Franconia Road, (C-N), Lee District, 81-3 ((1)) pt. 3, S-143-70

Mr. John T. Hazel, Jr. represented the applicant. He stated that the land belongs to Milton Alexander and is under lease to the applicant. This was rezoned as part of a larger tract for shopping center use and at the time of zoning it was his understanding that the site plan considered by the Board at the time the zoning case was heard showed a service station in this location. This will be a Colonial three bay station. There is no difficulty as far as the staff report is concerned.

Mr. York Phillips of the staff stated that the State is preparing to widen Franconia Road and the widening consists of a six lane divided section and a four lane section also at this point. The proposal in front of this property is a cross-section U4R and where the plat shows 32 ft. from the center line to the curb, it would have to be 35 ft. which might affect the location of the pumps.

With the rear setback they have, this could be accommodated without any difficulty, Mr. Hazel suggested. They would accept this as a revision and increase the distance from 32 ft. to 35 ft.

Mr. Smith asked for a copy of the lease to American Oil Company.

Mr. Hazel said the lease agreement has been recorded in the land records of the County and the Board could include in the motion the deed book reference. He said he did not know what basis the Board could have for requesting a copy of the lease.

The Board would be remiss in its duties if it did not ascertain whether the applicant is a bonafide applicant, Mr. Smith said.

After much discussion about filing a copy of the lease, the Board proceeded with the hearing.

Mr. Kenneth Siebert appeared in opposition. Approximately seventeen years ago the present Lee District supervisor approached him for signatures for commercial zoning of this property showing a large warehouse facility and last year an additional application was granted for C-N zoning and he did not recall seeing a gas station shown on the plan. There is already a bad situation in the area and they have four gas stations already. The original commercial application was granted for proposed enlargement and improvement of an existing hardware store. The zoning was granted for a specific purpose and it did not include a gas station. The hardware store already has gas pumps.

A zoning cannot be conditioned, Mr. Yeatman commented. The hardware store could not be considered a gas station - they do not service automobiles such as grease, oil, tires, etc. and that has been there probably for 40 years.

The whole complex is in its redevelopment as a shopping center and the hardware area will be removed, Mr. Hazel said, the building and the pumps, etc.

Will he keep the pumping of gas, Mr. Long asked?

As he understood it, Mr. Hazel said, that is all going out as part of the development of this whole site.

Mr. Hazel stated that the applicant has no station from Shirley Highway to Telegraph Road - they did have a location but that was condemned for Shirley Highway interchange. The proposed station will be a brick Colonial A roof three bay station.

The following motion, made by Mr. Long, seconded by Mr. Barnes, was passed by a vote of 5-0 by the Fairfax County Board of Zoning Appeals, at its meeting of September 8, 1970:

In application S-143-70, application by American Oil Company, under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection of service station, on property located at the northeast corner of Valley View Drive and Franconia Road, also known as tax map 81-3 ((1)) pt. 3, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is Milton Alexander. American Oil Company is the lessee.

2. Present zoning is C-N.

3. Area of the lot is 25,472 sq. ft. of land.

4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The road section and construction of Franconia Road and Valley View Drive shall conform with proposed road widening and construction by the Virginia Department of Highways.

5. The gasoline station shall be a three bay station of Colonial design, brick exterior.

6. The applicant will furnish the Zoning Administrator a copy of their lease prior to issuance of a use permit.

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AXEL & LARYSSA L. JEROME, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 22 ft. from Hitt Avenue, 35 ft. from Old Dominion Drive and 7 ft. from side property line to the east, 6439 Old Dominion Drive, Dranesville District, (R-12.5), 31-3 ((3)) (4) 2, V-145-70

This is an island of property surrounded by streets, Mr. Jerome stated. His house is on one lot and he wishes to construct a house on the adjacent lot. The lot in question contains 7,875 sq. ft. and he has owned the property for two years. He bought his house and the two lots at the same time.

Mr. Long was concerned that granting a variance for a house on this lot might prohibit any chance of widening the road. Old Dominion will eventually be an 80' or 110' right of way.

In order to build a house on this small lot, Mr. Smith noted, the applicant would need three variances on the setbacks and a variance on the area of the lot.

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Mr. Jerome stated that he purchased the property in October of 1968 and it has always been two lots. He paid more for the two lots than F.H.A. said he should pay. This is part of an old subdivision - El Nido.

Mr. Yeatman stated that Mr. Jerome should have been a knowledgeable purchaser - this was not a buildable lot because it needs too many variances.

F.H.A. would not finance it as two lots, Mr. Smith commented, and when the bank financed it, it was as a house and one parcel of land, one mortgage and one house. Many people in the County have an extra lot with their house.

Opposition: Mr. William Waugh appeared in opposition. He noted that the letter which Mr. Jerome sent the adjacent property owners did not mention the 7 ft. variance or the area variance.

Mr. Jerome said he did not know that he was supposed to ask for that variance.

In application V-145-70, application by Axel and Layrssa Jerome, under Section 30-6.6 of the Ordinance, to permit erection of dwelling 22 ft. from Hitt Avenue, 35 ft. from Old Dominion Drive and 7 ft. from east property line, also known as tax map 31-3 ((3)) (4) 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 7,875 sq. ft. of land.
4. The application requires three setback variances and an area variance.
5. Lots 1 and 2 were developed as one lot and purchased together.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Barnes. Carried unanimously.

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ROBERT A. PURDY, application under Section 30-6.6 of the Ordinance, to permit erection of garage 10.2 ft. from side property line, 8227 Keeler Street, Lee District (R-12.5) 101-3 ((16)) 6, V-146-70

Mr. Purdy described his plans for construction of the garage. He has owned the property for five years and the house was constructed about nine years ago, he said. It is a Cape Cod 1 1/2 story house, no basement. This will be a second garage - the other garage will stay as it is. This garage is for his family's use and this will be their permanent home. There is an unusual situation of two frontages, eliminating construction within 40 ft. of each road. This is a shallow lot and the variance would only be 1.8 ft.

No opposition.

In application V-146-70, application by Robert A. Purdy, under Section 30-6.6 of the Ordinance, to permit erection of garage 10.2 ft. from side property line, located at 8227 Keeler Street, also known as tax map 101-3 ((16)) 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

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1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 10,958 sq. ft. of land.
4. The lot has frontage on two streets, requiring two front setbacks.
5. This would be a minimum variance for a two car garage.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally shallow lot;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition shall be constructed with cedar shingles similar to the existing building.

Seconded, Mr. Barnes. Carried 5-0.

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MRS. CARLA L. ZIMMERMAN, application under Section 30-7.2.6.1.3 of the Ordinance, to permi operation of nursery school, 20 children, ages 2 1/2 to 5, 9 a.m. to 12:00, five days a week, 2100 Westmoreland Street, Dranesville District, 40-2 ((1)) 19, S-147-70

Mr. Zimmerman stated that the school is affiliated with the American Montessori Society and his wife is a certified teacher. Their lease begins on September 15 and runs through May 31 for a period of one year. There is no option in regard to that, as this is the first year of the school and the first year the temple will be in existence. It was by choice.

Mr. Smith asked for a copy of the by-laws and articles of incorporation.

Mr. Zimmerman said that would be provided. They will use two rooms of the temple. It has been inspected by the County Inspections Divisions. This is on 7 1/2 acres of land and the play area is not fenced; it is quite a distance from anyone else.

The nursery school ordinance requires fencing, Mr. Smith said.

The Board has always required fencing for the benefit of adjoining property owners, Mr. Long stated, and there would have to be fencing provided.

No opposition.

In application S-147-70, application by Richard E. and Carla L. Zimmerman, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, 20 children, ages 2 1/2 to 5, 9 a.m. to 12 noon, five days a week, property located at 2100 Westmoreland Street, also known as tax map 40-2 ((1)) 19, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has reached the following findings of fact:
1. Owner of the property is Temple Rodef Shalom; applicant is lessee.
2. Present zoning is RE-1.
3. Area of the lot is 321,388 sq. ft.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1. 1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of the Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. The applicant must furnish the Zoning Administrator a copy of the certification of incorporation prior to issuance of use permit.

5. The applicant must fence in the required play area in conformance with County and State laws.

6. This use permit is granted for a one year period.

Furthermore the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain certificates of occupancy and the like through established procedures.

Seconded, Mr. Baker. Carried 5-0.

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RICHARD SCHROEDER, application under Section 30-6.6 of the Ordinance, to permit addition closer to side property line than allowed, 3827 Barcroft Terrace, Mason District, (R-12.5) 61-3 ((9)) 72, V-148-70

About one and a half years ago they decided to build a structure to house his antique automobile, Mr. Schroeder explained. After the walls were up they found the carport was off a few inches. The required distance from the side property line is 7 ft. and he is 6' 5" from the property line. Mr. Schroeder said he did the stake-out himself and the footings were poured. They were very careful in designing the carport to match the house.

No opposition.

The following motion, made by Mr. Long, seconded by Mr. Barnes, was passed by a vote of 5-0 by the Fairfax County Board of Zoning Appeals at their meeting of September 8, 1970:

In application V-148-70, application by Richard Schroeder, under Section 30-6.6 of the Ordinance, to permit addition closer to side property line than allowed by Ordinance, located 3827 Barcroft Lane, also known as tax map 61-3 ((9)) 72, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,143 sq. ft. of land.
4. Required setback from side property line is 7 ft.
5. The seven inch variance would be a minimum variance.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non compliance was the result of an error in the location of the addition, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted.

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.2 of the Ordinance, to permit riding school and stable, located 1661 Beulah Road, Centreville District, (RE-1), 28-1 ((1)) 23, pt. 24, S-149-70

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Mr. H. A. Howell, attorney, 4818 A Lee Highway, Arlington, Virginia represented Mr. Hatcher.

Mr. Hatcher has a use permit now, Mr. Smith commented, for a similar operation. Does he intend to or has he made some arrangement to curtail that operation or resolve the situation at the other location? It is very unusual to have a special permit application and another operation in existence.

They are in the process of trying to resolve that, Mr. Howell stated. They would take steps to discontinue the operation at 8900 Leesburg Pike.

The property in this application contains five acres which Mr. Hatcher owns and fifteen acres being leased, Mr. Howell explained. He presented a copy of the lease.

In going over the lease, Mr. Smith noted that the lease is for grazing and haying purposes only.

The intent is to ride the horses on five acres which Mr. Hatcher owns, and use the fifteen acres for grazing, Mr. Howell said.

The lease is for a period of three years, Mr. Smith stated -- is there option to renew?

No, Mr. Howell stated. Mr. Hatcher has operated a riding school at 8900 Leesburg Pike since October of 1968. During this time he has also had contracts with the Fairfax County Recreation Department and he has provided classes and facilities for approximately 935 students. They feel that the location on Beulah Road would be better. It should be pointed out that the stable is under construction and there were some problems. The contractor somehow put the stable in the wrong location and it is 75 ft. from the road instead of the 100 ft. required.

Mr. Koneczny, Zoning Inspector, said he had viewed the property and it was difficult to establish the front property line. They estimated it at approximately 75 ft. but any stable, whether under use permit or not, would have to be 100 ft. from all property lines. The barn runs parallel to Beulah Road.

The plats are not proper, Mr. Smith said,as they do not show the location of the stable as it is actually being constructed. He expressed concern about the proposal to locate twenty horses on the five acres which is certainly not consistent with what the Board has permitted in the past, he said. Normally the Board would allow only one horse per acre.

Mr. Howell submitted a copy of a letter from the County Recreation Department indicating the type of services that have been provided. The property will be fenced, he said. Mr. Hatcher has owned the property approximately two months.

The plats do not indicate Mr. Hatcher as owner, Mr. Smith said. They are certainly not current plats. Will there be a riding ring?

The riding ring will be in back of the stable, Mr. Howell replied.

What is the size of the barn, Mr. Smith asked?

34' x 120', Mr. Hatcher said. They have provided adequate parking on the site. The only riding on the property will be in a ring for teaching - there will be no pleasure riding.

Who are the instructors, Mr. Barnes asked?

His daughter and Mrs. Passord and Mrs. Lincoln, Mr. Hatcher stated. His daughter would only teach when there is an adult present. They have plans to have a well drilled on the property and the perk tests have been approved. They will put in septic tank and drainfields.

Do you have a letter from the Health Department, Mr. Smith asked, indicating location and size of approval from the Health Department?

No, it has not been received, Mr. Hatcher said.

A lady representing the Wolftrap and Four Corners Citizens Association, stated that many of the residents in the area own horses, they are not anti-horse. However, they are asking that the hearing be continued until more facts can be established. Mr. Hatcher appeared before their Association three or four weeks ago and told of his plans for a barn to house 17 - 20 horses. He said that he planned a riding school and a rental operation. It is the rental operation the citizens are concerned about. The rental operation is a commercial operation not necessarily in character with the RE-1 zoning of the area. They are also concerned about horses on Beulah Road ridden by unskilled riders.

Mr. Smith assured her that the horses would not be allowed to be ridden off the property under use permit.

Mrs. Joan Thomas of 1617 White Pine Drive spoke in opposition, representing the citizens of White Pine Drive. They opposed the riding stable and the rental aspect of the operation. The roads are bad and they do not feel that it could handle 50 cars at once in this area. White Pine Drive was just bluestoned last year. Another thing the citizens are concerned about is that Mr. Hatcher might bring his K-9 dogs into this area and they would oppose that. They have very small children who catch the school buses where the stable is. She presented a petition in opposition.

Mr. Hugh McDiarmid stated that Parcel 23 is divided by the stream line which is a deep ravine. There has been no planning for this operation at all. Mr. Hatcher is talking about 50 parking spaces, a well, a septic tank operation, a deep ravine and twenty horses on this five acres and this is not reasonable nor rational and certainly does not in any way be in keeping with the requirement that it not be detrimental to adjacent properties and in harmony with the surrounding area. He said he was speaking for himself and all the people in Holly Hills, asking the Board to deny the application with prejudice.

Mr. Fremont Day, 1550 Beulah Road, stated that he farms 350 acres in this area and also owns five acres of ground directly across from White Pine Drive. There is no house on the five acres now, but there is a possibility that a house will be built there. He felt that twenty horses in this area would be hard to control and he felt that the applicant was trying to make a commercial use out of the land. The road is very narrow, winding and hazardous and the approach to his property is a blind hill.

Mrs. Gladys J. Handy stated that she rents the property at 8900 Leesburg Pike to Mr. Hatcher where he has his existing riding stable. Mr. Hatcher has a lease with her that runs until December 31, 1971. Mr. Hatcher owes her a great deal of money, she said.

Mr. Smith commented that the Board could not consider that.

Mrs. Handy said that she had sent word to Mr. Hatcher's lawyer saying that if he had the money to pay for the next sixteen months, the lease could be terminated, but under no other circumstances, so he will still have the lease on her property.

Mr. Howell stated that he had been negotiating with Mrs. Handy's lawyer, Mr. Alexander Wilson, and they are in the process of negotiating the lease. The use permit expires in October of this year.

Mr. Smith told Mr. Howellthat no use permit would be considered until the Board has been provided with a certificate of insurance coverage for this operation.

In application S-149-70, application by William H. N. Hatcher, application under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit riding school and stable on property located at 1661 Beulah Road, also known as tax map 28-1 ((1)) 23, pt. 24, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable state and county codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 5.059 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The applicant is leasing an additional 15 acres of land for grazing and hay cutting only.
6. The Board requires a minimum of one acre for one horse.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance and the use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman. Carried unanimously.

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September 8, 1970

ACCOTINK ACADEMY - MRS. W. H. McCONNELL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit special education school, 30 children, ages 6-16, 8 a.m. to 3 p.m. five days a week, 8726 Braddock Road, Parkwood Baptist Church, Annandale District, (RE-1), 70-3 ((1)) 6, S-150-70

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Mrs. McConnell explained that they have just gone into the field of learning difficulties. Because the County at this time is unable to provide an education for children with neurological handicaps, there is no place in the County school system for this type child. They would only take a ratio of 7 to 1 in a classroom so it requires a good deal of space. Their new building has twenty classrooms proposed. This is a relatively minor type of neurological damage in a most critical area so children are unable to read and write. They do not accept retarded children. They are hoping to have a research program to prove that this type of child is linked to crime at a very high rate in the nation.

Mr. Smith asked for a copy of the lease between the church and the applicant.

They will be using this property for one year, Mrs. McConnell said.

No opposition.

They will be using three rooms in the church, Mrs. McConnell added. If their building is not ready at the end of a year, could they come back to the Board?

If there is a lease or memo from the church, the Board of Zoning Appeals could grant an extension, Mr. Smith replied.

In application S-150-70, application by Mrs. W. H. McConnell, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit special education school for 30 children, ages 6-16, property located at 8726 Braddock Road, also known as tax map 70-3 ((1)) 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Parkwood Baptist Church; the applicant is lessee.
2. Present zoning is RE-1.
3. Area of the lot is 8.67819 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standares for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not tranferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The applicant is to furnish the Zoning Administrator a copy of the lease prior to issuance of a use permit.

5. The applicant must fence in the required play area in conformance with County and State laws.

Seconded, Mr. Barnes. Carried 4-0.

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September 8, 1970

DEFERRED CASES:

FRANCIS J. McCLOSKEY, application under Section 30-6.6 of the Ordinance, to permit erection of garage and storage space closer to street than allowed, 8504 Fort Hunt Rd., Mt. Vernon District, (R-12.5), 102-4 ((12)) (1) 2, V-72-70 (deferred from July 21)

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No one was present, therefore the case was removed from the agenda, with prejudice, as this was deferred several times and has not been pursued.

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PROGRESSIVE CARE, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation as a nursing home under new management, all operations to be as previously done, 7120 Braddock Rd., Annandale District, (RE-1), 71-3 ((8)) 10A, S-108-70 (deferred from July 21)

Attorney for the applicant requested deferral for 60 days while awaiting final inspection.

Mr. Yeatman moved that the application be deferred to October 13 rather than for the amount of time requested by the applicant. Seconded, Mr. Baker. Carried unanimously.

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PARK RUG & CARPET SHOP AND SHOWKE GEORGE, application under Section 30-6.6 of the Ordinance, to permit addition closer to property lines than allowed, 7732 Lee Highway, Providence District, (C-G), 49-2 ((11)) 12A, V-19-70 (deferred from April 21)

The additional land spoken of at the previous hearing has been purchased and rezoned, Mr. Russell Sherman stated.

Mr. Phillips noted that Mr. Chilton has gone over the plan and checked it and finds that it meets parking requirements of the County. Mr. Phillips recalled that at the previous discussion there was only one variance involved. The short frontage of the two streets was Lee Highway which meant the rear property line was the one abutting Yarger Associates property. Now the additional land has been added and the short side is Mary Street which means that what was formerly a side yard becomes a rear yard with no setback in this zone and the only variance being reqkested is to allow a building 35 ft. from Mary Street. The new plat shows the building in line with existing structures which would be 33.50 ft. from Mary Street.

In application V-19-70, application by Park Rug and Carpet Shop and Showke George, application under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to property line than allowed, property located at 7732 Lee Highway, also known as tax map 49-2 ((1)) 12A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals on the 21st day of April 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 31,350 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required, and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally shallow lot, (b) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed building shall not be constructed closer than 12 ft. to the existing two story building as shown on site plan prepared by Zoran Jovanovic and initialed by the applicant and his attorney.

Seconded, Mr. Yeatman. Carried unanimously.

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September 8, 1970

LAKE BARCROFT RECREATION CORP., INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit community recreation uses for private membership of 400 families, including indoor pool and outdoor pool, wading pool, service activities building, tennis courts, handball courts, putting greens, located east side of Whispering Lane, Mason District (R-17) 61-3 ((14)) A, S-142-69 (deferred from July 28)

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Mr. Smith recalled that a parcel of this was removed from the application by court action and it now contains 13.825 acres. The request is for a 400 family memberships with parking for 124 cars. It was his understanding that there would be no alcoholic beverages involved in this application.

There would be none sold on the premises, Mr. Waterval said.

Members would be able to bring in their own bottles, Mr. Smith asked?

Mr. Waterval said he would think so, yes. There would be no alcoholic beverages sold on the premises.

Are you going to put a six foot chain link fence around the property, Mr. Yeatman asked?

They would like to reserve that for the architect to give more study to, Mr. Waterval said. There is a serious question of whether to make a compound out of this.

It's been Board policy in the past to require a fence on this type operation, Mr. Smith pointed out. It does show on the plats submitted. It should be understood that no trees are to be removed other than required for parking and construction of the building.

TheBoard discussed possible relocation of tennis courts. Mr. Smith felt that the tennis courts should be 100 ft. from all property lines in view of possible future construction on the adjacent property. Although Mr. Waterval pointed out the difference in elevation, Mr. Smith said that elevation had never been taken into consideration in any other application. Noise does carry, he said.

The tennis courts are going to cost enough to build as proposed, Mr. Waterval said, and the tennis courts have to be north to south.

Would the tennis courts and outside activities be lighted, Mr. Smith asked?

Not at this time, Mr. Waterval replied.

Would the tennis courts be fenced with 12 ft. fence, Mr. Long asked?

That's pretty much standard procedure, Mr. Waterval said.

The trees should be left between the fence and the property line, Mr. Long said, as undisturbed area.

Mr. Smith questioned the lease arrangements for this application. When would the lease be available, he asked?

Probably 30 days, Mr. Waterval answered, but this has never been an issue before in the number of times they have been before the Board. It has been well known by this Board that the applicant was a lessee corporation.

The Commissioner's Report which was submitted, Mr. Waterval said, which was confirmed by the Circuit Court of Fairfax County in all respects, made specific reference to the right of his clients to buy the property, confirmed the existence of the contract. The applicant has a lease to the property through the landlord and lessee and the Board will be furnished a copy. The 134 parking spaces should be adequate and that's what they represented in a letter amending the application.

Mr. William Powell wanted to have the record show that he opposes the granting of this application, Mr. Smith noted. Colonel Collins requested five minutes to speak but this won't be possible unless he is planning to represent the group in opposition.

Colonel Collins spoke as a private citizen and member of the Board of Directors of the Lake Barcroft Community Association. The application before the Board does not represent the majority - it represents only about ten per cent of the approximately 1,050 families in Lake Barcroft. The people do not want the proposed facility, neither do the people in the adjacent communities desire the facility. Membership has been offered to approximately 750 families in the adjacent areas, and only one membership has been purchased. There are signatures of approximately 299 individuals out of 300 who live adjacent to Lake Barcroft to oppose this application. This was submitted last year. This is the fourth scheduled hearing before the Board which attests to the controversial nature before the Board. This property was not posted to advise interested citizens of today's hearing. Many more people would have been here in opposition had the signs been posted. The Community Association publishes a monthly newspaper to inform all of its citizens of important events - never once has there been a word of the hearing before the Board today and on previous occasions.

He is informed, Colonel Collins continued, by those who have resided in Lake Barcroft for a number of years that this is approximately the sixth attempt made to construct a recreation facility within Lake Barcroft, each has failed for lack of community support.

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The number of people in Lake Barcroft who contributed financially to the lawsuit to which Mr. Waterval made reference exceeded those who are members of the Recreation Corporation. During the latter part of 1968 a Lake Barcroft recreation committee decided that a minimum of 300 family membership must be attained to support the proposed facility, Colonel Collins continued, and in a paper which they circulated in the latter part of August 1968 "with the understanding that a $50.00 down payment less reasonable administrative costs will be returned by 1 January 1969 if sufficient subscriptions have not been attained." It was his understanding that as of this date the Recreation Corporation has approximately 100 members. He could categorically deny the fact that the people living adjacent to have in approximately 1 1/2 years seen a site plan. The last he saw showed a part of the facility within approximately 30 ft. of his property line. It might be interesting to note that only one person who lives contiguous to this parcel is a member of the recreation corporation. General Abrams was a member, when he learned the true facts he withdrew his membership. In summary, having been closely associated with this for a number of years, there is ample evidence to quote the following: The majority of people in Lake Barcroft do not want the facility; the people in adjacent areas do not want the facility; on behalf of the majority of the people in Lake Barcroft and surrounding communities, they ask that the Board not grant this use permit.

Why don't you want a recreation area, Mr. Long asked?

He believed that the fact that it was a B.Y.O.L. club changes the nature of the thing appreciably, Mr. Collins said.

How many people from Lake Barcroft belong to the recreation corporation, Mr. Long asked?

114, Mr. Waterval said.

What is the total membership at this time, Mr. Smith asked?

115, Mr. Waterval replied.

John Humphrey, President of Barcroft Hills-Belevedere Citizens Association, spoke in opposition. This proposal has been brought up in Lake Barcroft and rejected by those living there for the simple reason that they do not want the noise and congestion that such a facility would create. He felt that the facility could very well be sited in the north end of Parcel A and access provided from Lakeview Drive. If this were done and the causeway were opened the traffic would be internalized and there would be no objections. The residents have resisted opening of the causeway in the past, and when Barcroft Woods was built they not only opposed the opening of a road from Bay Tree Court to Whispering Lane, they had Oakwood Drive opened as a through street. The facility, if granted, will increase the traffic congestion and hazards that now exist.

There is an interesting set-up in relation to the construction and the ownership of this facility, Mr. Humphrey continued. There is a for-profit corporation owning the land; a non for profit group supposedly operating this facility but their own by laws makes it clear that the only people that can belong are the people who own land in Lake Barcroft itself, and that they automatically belong to the Lake Barcroft Recreation Center by virtue of their share of stock. Over the long run it is very clear that the ownership, the complete control and the membership of this facility would pass to Lake Barcroft itself. At the same time that Lake Barcroft would be expected to provide the streets for them to move back and forth in the use of this facility. Over a period of time, the control and membership will pass to Lake Barcroft. There are two corporations only for the nice formalities of law. This is something that goes beyond a simple use permit in a rather exclusive residential community - we are dealing with the quality of American life. The amount of noise and air pollution will be increased by cars over the streets and the diminishment of property values to those living adjacent, will be more important and over the long haul the quality of their life goes down.

Mr. Bernard Shepps said he values the woods he has, and the view of the woods. 100 ft. is little enough for an offset and he would like to see nothing down there but trees. This is why he bought his property and this is the way he'd like to keep it. He wanted no liquor this close to his property and certainly not without a fence. This is not consistent with recreation.

William Gooddell stated that twice during this year it was necessary for him to make a complaint to the Police Department about the loud operation of a recreation center near his home which kept his child awake. It was more than a mile away and they reported it to the Police Department. He felt that the noise from this operation would be heard in the entire Belvedere area. He bought here because of the quietness.

Robert Moore, 3610 Bent Branch Court, Barcroft Woods, Vice President of the Citizens Association, advised of results of a vote taken last fall by their Association -- against the granting of this permit. If the Lakeview Causeway is put through to alleviate the heavy traffic flow to Barcroft Woods, they would not oppose it but until that is approved, the Association will be opposed to the application.

Is there any possibility of this Causeway being opened, Mr. Smith asked Mr. Phillips?

Mr. Phillips did not know.

The Causeway is a dedicated recorded right of way from Lakeview Drive - why it has not been built Mr. Waterval said he did not know. His client had no control over it, he said.

Mrs. Walker, 5502 Oakwood Drive, abutting the parking lot, opposed the application as her five children have plenty of recreation. The noise factor from the other recreation center in the area is quite loud. It would be much worse from the tennis court abutting her property.

The public hearing was closed in 1969, Mr. Waterval reminded the Board, and it was stated that the record would remain open five days for the submission of additional material. Now it seems that the hearing has been reopened - nothing really new has been presented. Colonel Collins' remarks are unbelievable. To say that he has never seen a site plan when he was there everyday as an active participant in the court case. He does not make an official representation on behalf of the Lake Barcroft Community Association - that has got to be cleared - he is a Director but his views are private and not the views of the Association. The allusion to General Abrams - General Abrams was a stockholder of the corporation when he appeared here before a year ago and he is today. Mr. Humphreys people were not within the scope of defendents in the lawsuit. The arguments that Mr. Humphrey makes, he does add one new one, a recreation facility is analygous to the enemy in the war with ecology. He refers to decrease in property values - where is his expert testimony? One must be a member and lot owner in Lake Barcroft eligible to buy stock in the stock corporation. You can be a member of the Rec Center, non-stock membership only, under another series of qualifications superimposed on all of that, the limitation of 400 families. They are fortunate that 115 members are willing to put in money to see if this thing can come to fruit. That in itself is an exceptional situation based on the history of these other recreational facilities. Whatever traffic impact there would be would not be during peak hours. If Mr. Shepps likes the woods, he should buy the woods, then he would have control over them. Mr. Gooddell - unless he got the lot number wrong, Lot 161 does not bound that property. He was very curious of the sins of the other recreation area a mile and a half away being cast upon them, Mr. Waterval said. Mr. Moore reports to the Board what happened a year ago. Lakeview Causeway was the only new leverage they proposed and there's nothing anyone in this room can do about that. Mrs. Walker at 5502 Oakwood Drive - the parking lot he had some difficulty in finding the definitionof parking lot - they have moved the parking lot and the road.

Colonel Collins denied making a statement that he had not seen a copy of the site plan and as to the letter from General Abrams withdrawing from the Recreation Corporation, the letter was addressed to Mr. Waterval.

The following motion, made by Mr. Long, seconded, Mr. Yeatman, was carried by a vote of 4-1: (Mr. Smith voting against the motion.)

In application S-142-69, an application by Lake Barcroft Recreation Corp., Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit community recreation uses for private membership of 400 families, including indoor pool and outdoor pool, wading pool, service activities building, tennis courts, handball courts, putting greens, on property located on the east side of Whispering Lane, also known as tax map 61-3 ((14)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of September 1969, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the applicant is the contract lessee of the property;
2. Present zoning is R-17;
3. Area of the lot is 13+ acres of land;
4. Compliance with Article XI (Site Plan Ordinance) is required;
5. The streets that serve this property are extremely narrow;
6. The proposed facility only has one entrance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. The property shall be enclosed with a six foot chain link fence located one foot inside the property line.

5. Trees shall not be disturbed within the required 15 ft. setback area except where necessary. Where trees are removed or non-existing, two inch hardwood trees shall be planted 50 ft. on center.

6. Tennis courts shall be located at least 33 ft. from any property line. The tennis courts shall be enclosed with a 12 ft. chain link fence. Trees shall be undisturbed within the 33 ft. setback area. Where trees are non-existent or removed by necessity, two inch hardwood trees shall be planted 50 ft. on center.

7. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. 7 days a week.

8. All noise shall be confined to the site.

9. All lighting shall be directed onto the site.

10. There shall be an acceleration and deceleration lane at the entrance on Whispering Lane as approved by the Division of Land Use Administration.

11. There shall be a minimum of 134 parking spaces.

12. There shall not be any leasing or renting of these premises for outside activities.

13. There shall not be any sale or use of alcoholic beverages on these premises.

14. The 400 family memberships shall be limited to residents of Lake Barcroft and the immediately abutting subdivisions.

15. The applicant must furnish the Zoning Administrator a copy of the lease prior to issuance of a use permit.

Furthermore, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through established procedures.

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FRANCONIA GRAVEL CORP., application to permit gravel operation on 16.5 acres located in Lee District, 91-3 ((1)) 42, 44, 51, NR-21 (deferred from July 28 for additional information)

The applicant has furnished all of the information requested by the Board, Mr. Smith said, and at this point the Board is in a position to make a final decision on the application.

In application NR-21, an application by Franconia Gravel Corporation, under Section 30-7.2.1 of the Zoning Ordinance to permit gravel operation on property known as tax map 91-3 ((1)) parcels 42, 44 and 51, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County codes and in accordance with the by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertising in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of July, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. The area of the property is 16.57 acres of land.
4. The Planning Commission at its July 27, 1970 meeting recommended denial of this application.
5. The property is extremely narrow.
6. Gravel operation as proposed would average 110' to 200' in width.

AND WHEREAS, the Board has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and 2. The use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

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NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith noted a letter from Gerald J. Fitzgerald, Chief Engineer, Pinewood Development Corporation, regarding Pinewood Lake, Section I, Swimming Pool Site Plan 1154. "The special use permit for the above referenced pool specified that 98 parking places be provided. During construction of the pool parking lot, it became apparent that a large Oak tree located directly in the travel lane could be saved, greatly enhancing the natural setting surrounding the swim club. As shown on the attached map, the large tree was paved and header curb constructed around the ultimate loss of an area intended for parking (red shaded area). We respectfully request that the Board waive the original requirement of 98 parking places and accept the 92 parking spaces shown as adequate so that the as-built site plan can be approved."

Mr. Baker said he felt there was adequate parking and he would move that the request be granted - that the motion dated April 19, 1967 be amended to reduce the amount of required parking from 98 to 92 parking spaces. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Phillips passed out copies of the Staff Report on rezoning C-145 for the Board's information.

The meeting adjourned. (at 7:10 p.m.)
Betty Haines, Clerk

Daniel Smith, Chairman

10/27/70 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, September 15, 1970 in the Board Room of the County Administration Building. All members were present. Mr. Daniel Smith, Chairman; Messrs. Barnes, Long, Baker and Mr. Yeatman, who arrived late.

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Mr. Barnes led the Board in prayer.

ROBERT P. KLING, application under Section 30-7.2.5.1.1 of the Ordinance, to permit construction of a hospital for the care of patients with disorders of the visual system and related structures, 3200 Peace Valley Lane, Mason District, (R-12.5), Map 51-3, 61-1 ((18)) 18, S-144-70

Dr. Kling stated that he is contract owner and intends to form a corporation for the financing of the hospital. The proposed hospital would serve the metropolitan area and northern Virginia as there is no hospital of this type existing now. It would provide in-patient care, specifically designed for patients undergoing very delicate provedures, and in addition, there would be an out-patient facility for the performance of tests which currently cannot be performed in almost any facility in this area. In many cases, these patients have been transported to another city to have these tests done. The hospital is for eye patients, with ear, noise and throat patients included; maximum of 50 beds, two stories high on the south side and three stories high on the north side. The land slopes and the change in elevation from front to rear is equal to the height of one floor. Materials for the building have not been decided upon but it will be masonry, brick on the ends, and stone on the front.

(Mr. Yeatman arrived.)

Dr. Kling, in answer to a question by Mr. Smith, replied that he is familiar with the staff report and recommendations, and would abide by them if the use permit is approved, however, one part was vague. The action taken by the Commission was the result of a motion which alluded to the staff report and was inprecise in some features. There were no insurmountable problems with the written staff report.

Mr. Horace Jarrett, representing the First Christian Church of Falls Church, spoke in favor of the application.

Mrs. William A. Bolin, representing herself and several very close neighbors, also spoke in favor of the application.

Admiral Bartlett, adjacent property owner, said he did not appear in opposition, however, he wished to ask a question - they have a septic tank and someday he would have to request a sewer easement across that land to tie in with the sewer line.

Site plan would take care of that, Mr. Smith said.

What about Peace Valley Lane, Admiral Bartlett asked?

That would have to be brought up to State standards, Mr. Smith said.

Captain Peters, 3201 White Street, expressed concern about drainage. Since his property is below this, he feared that drainage would come onto his and his neighbors properties. They have had three floods in the past ten years and very heavy rains this season.

This should be brought to the attention of the Site Plan branch, Mr. Smith advised, and if the drainage is not sufficient, it would have to be increased to take care of it. There would not be any water draining from this facility to Captain Peters' property.

The smooth entrance and exit is necessary for the hospital, Dr. Kling stated, so it is not just in the interests of other people that this be done. The question of water disposal has been considered by the architect before the plans were evolved. Someone suggested moving the parking spaces from where they are now to the west side, however, they obviously did not know about the water disposal problem. A catch basin was proposed to blend in with the landscaping; instead of being an unsightly puddle, it was to be an attractive pool.

Mr. Long asked if the applicant would be agreeable to putting in hardwood trees in lieu of a fence.

There is a fence between the property in question and Admiral Bartlett's property, Dr. Kling said, but not between this property and Captain Peters' property. For security reasons, he felt they should have something more impervious than evergreen trees. The trees there now are beautiful trees and they don't wish to sacrifice them but would like to supplement them so that in the winter time the natural screening would be more adequate.

The Board discussed the proposed parking and felt that 96 parking spaces should be adequate. If this is granted and the parking is not adequate, the applicant would have to expand his parking area to take care of everyone working there, visitors, etc. There could not be parking on publicly owned land or on Leesburg Pike.

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Mr. Smith commented that the proposed cooling tower should be located away from the residential area and if it is properly baffled, it could not create a noise problem. The Board should also have a copy of the State Corporation certificate and when the corporation is formed, there should be a copy of the Articles of Incorporation and By-Laws given to the Board for the record. Also when the final site plan has been approved, the applicant should come back to the Board for finalization and a copy of the site plan should be submitted for the record. He noted the Planning Commission's recommendation for approval, with the recommendations of the staff included.

The following resolution was unanimously adopted by the Board:

In application S-144-70, an application by Dr. Robert P. Kling, to permit construction of a hospital for the care of patients with disorders of the visual system and related structures, on property located at 3200 Peace Valley Lane, also known as tax map 51-3 and 61-1 ((18)) 18, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The contract purchaser of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 4.649 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission at its meeting of September 10 recommended approval of this application.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional strkctures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. The architecture and facade of the proposed building shall be compatible with the adjoining properties and as approved by the Division of Land Use Administration.

5. Existing trees as shown on the site plan should be maintained within the limits of the setback area where practical, as determined by the Division of Land Use Administration. Where trees are non-existing within the setback area, or screening is inadequate, trees shall be planted in a manner, type and size as approved by the Division of Land Use Administration.

6. Provisions shall be made for improving the westerly side of Peace Valley Lane to state standards for the entire length of the property with a connection to Route 7.

7. A deceleration lane shall be provided at the entrance to Peace Valley Lane as approved bythe Division of Land Use Administration.

8. The cooling tower shall be located a minimum of 100 ft. from all property lines.

9. All parking in connection with this use shall be adequate and confined to the site and located in a manner approved by the Division of Land Use Administration.

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September 15, 1970

ACCA DAY CARE CENTER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, Monday - Friday, 7 a.m. to 7 p.m.; maximum 60 children; infant to 12 years of age, 6165 Leesburg Pike, (R-12.5), Mason District, Map 51-3 ((1)) 25, S-151-70

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Mr. Norman W. Laird represented the applicant. Mr. Laird stated that the administrative body has authorized the day care center and a copy of this could be obtained for the Board. This is an indefinite arrangement as far as the church is concerned. They have talked with at least one manager of a cafeteria in the area in making arrangements for meals. The church has been inspected and approved and this facility is very necessary in this area. They will use two classrooms.

No opposition.

Letter from the President of the Long Branch Citizens Association, and Betsy Manning, Principal of Willston School, endorsed the application.

Mrs. William Bolin asked about fencing the play area. Mr. Smith assured her that it was mandatory.

In application S-151-70, application by ACCA Day Care Center under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, Monday through Friday, 7 a.m. to 7 p.m.,maximum of 60 children, age - infant to 12 years of age; property located at 6165 Leesburg Pike, also known as tax map 51-3 ((1)) 25, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the First Christian Church; the applicant is lessee.
2. Present zoning is R-12.5.
3. Area of the lot is 6.825 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is for the location indicated in this application and is not transferable without further action by this Board.

2. The permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. An adequate play area shall be enclosed with a four foot chain link fence in conformance with State and County law.

5. The applicant shall furnish the zoning administrator a copy of the lease prior to issuance of use permit.

6. This use permit shall be for a three year period.

Seconded, Mr. Yeatman. Carried unanimously.

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September 15, 1970

ROBERT PLUTCHOK, application under Section 30-6.6 of the Ordinance, to permit erection of addition 40 ft. from Stafford Road, 7310 Stafford Road, Mount Vernon District, (R-17) Map 93-3 ((4)) 56, V-152-70

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Mr. Plutchok explained that he proposed to add a bedroom, laundry room and bathroom and it would be closer than the 45 ft. setback since this is the only area in which the shrubs would not have to be removed.

It has always been Board policy to be very careful on the front yard setback requirements, Mr. Smith noted.

The addition could not be placed in the rear, Mr. Plutchok said, because it would block off existing windows and obscure the use of the back yard. There would be plumbing problems also. A great number of houses in this subdivision are set at an angle on the lot, limiting places for additional construction. He has lived here since 1950 and plans to continue living there. The house to the right of him sets further forward and the road curves so that the house to the left is also slightly forward.

Mr. Smith suggested cutting down the size of the proposed addition, however, Mr. Plutchok said that this would preclude the bathroom and he would not like to do that. The major variance request is on the corner.

No opposition.

In application V-152-70, an application by Robert Plutchok, under Section 30-6.6 of the Zoning Ordinance, to permit erection of addition 40 ft. from Stafford Road, on property located at 7310 Stafford Road, also known as tax map 93-4 ((4)) 56, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 16,979 sq. ft. of land.
4. Required front setback in this zone is 45 feet.
5. This is a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented has presented testimony satisfying the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition shall be similar in architecture and material as the existing dwelling.

Seconded, Mr. Barnes. Carried 5-0.

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JAMES A. AUDI, application of Section 30-6.6 of the Ordinance, to permit completion of carport closer to street and property line than allowed, 6458 Eighth Street, Springfield District, (RE 0.5), 72-3 ((11)) 142, V-153-70

Mr. Audi stated that the topography on this lot is very severe. The structure is 9.2 ft. from the side property line and 27 ft. from Eighth Street which is a dead end street. He did have a building permit for construction of the garage but he built it in the wrong location.

This structure is completely in the front yard, Mr. Smith noted, and the Board cannot grant this kind of variance. The concrete pad that is there can be used for parking but the posts and roof will have to be removed.

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No opposition.

Mr. Long moved to defer for 30 days to view the property to determine whether there is another location for the carport. For decision only. Seconded, Mr. Yeatman. Carried unanimously.

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RUDOLF STEINER SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of primary school and kindergarten, ages 4 to 10, total 75 children; hours of operation 9 a.m. to 3 p.m. five days a week, 3241 Brush Drive (St. Patrick's Episcopal Church), Providence District, (R-10) 60-1 ((1)) 79, S-154-70

Mr. Hiram Bingham, member of the Board of Trustees and Executive Committee of the School, submitted a copy of the lease. There is a school which has been going for several years in Arlington and due to changes in the lease and due to the fact that plans to move this summer did not materialize, they are requesting a special use permit in the Church. This is a non- profit school and they feel this property is ideal for a temporary solution. They would probably be here for two or three years at the most. They plan to operate kindergarten and first grade, and this would be a non-sectarian, democratic school. This property has two accesses on Brush Drive. People in the community drive through the property although there are small bumps in the driveway to discourage people from driving through. They will use four rooms - one very large room for kindergarten and three medium size rooms. At the present time they would be willing to lower the age to eight years old.

Mrs. Patton, 3304 Brush Drive, resident there for approximately twelve years, stated that on this particular block there are nine houses and about thirteen children. In the past two years this property has been used for dances which have become a nuisance. They would be concerned about bus traffic in connection with this school.

Mr. Bingham stated that two vans would take care of all of the children - two trips in and two trips out. Their buses are light blue.

Mr. Smith suggested painting them the regular school bus color (yellow) and marking them as school buses, with proper lights installed.

They would be happy to do that, Mr. Bingham replied.

Mrs. Patton expressed concern that the Church might sell the property to this school, and if this is a non-profit organization, it surely sounds like profit to her, she said.

Mrs. Marie Clayborne, 3337 Brush Drive, stated that residents in the area have permission to use the road through the Church property. She asked to be assured that people would drive at reasonable speed to Annandale Road. Would they play yard be fenced, she asked?

The Health Department would require fencing, Mr. Smith said.

There will be no dancing at this school, Mr. Bingham assured the Board - this will be a very disciplined school.

In application S-154-70, application by Rudolph Steiner School, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of primary school and kindergarten, ages 4 to 10, total 75 children, 9 a.m. to 3 p.m., five days a week, property located at 3241 Brush Drive, also known as tax map 60-1 ((1)), 72, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is St. Patrick's Episcopal Church; the applicant is the lessee.
2. Present zoning is R-10.
3. Area of the lot is 5.59 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. No parking within 25 ft. of side property line.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.
2. The use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

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NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is granted for a one year period.

5. The maximum number of children shall be 60, ages 4 through 8, kindergarten thru second grade.

6. A play area shall be enclosed with a four foot chain link fence in conformance with State and County Codes.

7. All school buses shall be similar in color and lighting and meet the same safety requirements as Fairfax County school buses.

Seconded, Mr. Yeatman. Carried unanimously.

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FRANCONIA LODGE #646, LOYAL ORDER OF THE MOOSE, application under Section 30-7.2.5.1.4 of the Ordinance, to permit fraternal lodge, Loyal Order of the Moose, 7701 Beulah Rd., Lee District, (RE-1), 99-2, 100-1 ((1)) 50, 3, S-155-70

Mr. Walter Golden represented the Moose Lodge. This was formerly the Annandale Lodge and it has been in existence for sixteen years, he said, and they changed the name to Franconia Lodge simply because most of the members live in the Franconia area. They have been forced to move from their present location which was taken for high rise apartments. The present membership is 94 and they are meeting in the Woodbridge Lodge at this time. They are not proposing a swimming pool now - it was simply shown on the plat so the Board would know what was planned, same as the ballfield. There are 110 parking spaces shown.

Mr. Smith asked if there would be a bar in the building.

Yes, a bring your own bottle type of thing, Mr. Golden replied. The building would not be rented out to any other organizations. It might be used for Little League meetings or citizens association meetings, at no cost to them. Since this is a non-profit organization, they do not charge rent. They plan a PASCO metal building, stone front, one story in height. They have owned the property since March or April of this year and have been negotiating on it for some time.

Are there any plans of disposing of any of this property, Mr. Smith asked?

They cannot under the charter, Mr. Golden said.

Opposition: Mrs. Marjorie Clarke, co-owner with her brother of the Baggett property, was opposed mostly because of the use of alcoholic beverages which she felt would be a nuisance to them, and so many members driving in and out all hours of the night. She questioned their plans for water and sewer, as she understood the property would not perk. She also objected to noise from the dances. This is a bad place for getting in and out - the road is not equipped to handle so much traffic.

Mr. Peter Moran, engineer for the applicant, stated that there was room along the front to move the driveway, if necessary. The entrance will have to be on the curve to have adequate sight distance either way.

Mrs. Thelma Foley, owner of three properties adjacent, stated that she gets up every morning at 4:00 to go to work and the noise from this building would disturb her sleep. She agreed with Mrs. Clarke's remarks.

Mr. Pete Comeau, Governor of Lodge #646, 6726 S. Kings Highway, stated that he was disturbed to hear that the Moose Lodge has a reputation of being disruptive in the community. He has been a member of the Moose for fifteen years; he does not touch a drink of liquor or beer, and he is governor of the Lodge.

They do not sell whiskey, Mr. Comeau stated, that is not permitted. They can sell beer and it will be sold at the same price as on the outside. They are controlled by the A.B.C. Board. People can bring a bottle of whiskey and put their names on the labels.

Mr. Smith wondered whether there was enough natural barrier to prevent automobile lights from shining onto adjacent properties.

There is a 25 ft. buffer around the property with nothing but trees, Mr. Moran said.

But in the winter time these trees shed their leaves, Mr. Smith pointed out.

Mr. Moran stated that this would be 260 ft. from the Baggett's residence and they would not hear noise from the Moose building.

Mr. Long suggested putting in one way traffic going counter-clockwise and the lights would not shine onto the Baggett property.

Mr. Long moved to defer the application for thirty days to allow the engineer to meet with County officials to work out a septic tank location and the best location for entrance, exit and deceleration lane. He amended the motion to add that the applicant provide the Board information on how he was going to serve the property with water.

Seconded, Mr. Barnes. Carried unanimously.

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SMITH & FRANCIS, INC., application under Section 30-6.6 of the Ordinance, to permit construction of house 9 ft. from side property line, 3531 Gordon Street, Mason District, (R-12.5) 61-2 ((17)) (G) 15, V-156-70

The Board deferred this to October 13 at the request of the applicant.

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NORTHERN VIRGINIA ASSOCIATION FOR RETARDED CHILDREN, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit activity center for retarded adults; ages 16-54, 20 trainees, 3 staff and 3 aides, located 8922 Little River Turnpike (Bethlehem Lutheran Church), Providence District, (RE-1), 58-4 ((1)) 61, S-157-70

Mr. Leroy Aarons stated that he is member of the Board of Directors of Northern Virginia Association for Retarded Children. He presented a letter from the vestry of the church, offering the use of their facilities to the applicant, until such time as both parties agree to terminate the relationship. There would be no cost involved except the applicant would contribute to the cost of janitorial services.

Mrs. Mary Jane Billinger, Director of the Fairfax Activity Center for Retarded Adults, told the Board that they would intend to use two large activity rooms, a hallway, two restrooms, three classrooms, kitchen and the office. Perhaps as the program expands, they might need another classroom.

Mr. Smith noted a letter from Mr. Paul Daugherty, Executive Chairman of the Mental Retardation Services Board, in favor of the application.

Mrs. Billinger stated that they deal principally with moderately retarded adults, but there are a few who are severely retarded. She described their program for working with these people and stated that it has been successful wherever it has been tried. They have arrangements with Hot Shoppes to train people who can work under close supervision in the Hot Shoppes in the less skilled areas of work. This program is being tried all around the country. Tuition for this program is $30.00 a month, if the family can afford it. They don't even keep track of how many they have who do not pay.

Pastor Charles Mays spoke in favor of the application.

Mr. Raymond Spagnolo appeared, representing Mr. Troiano, asking that a fence be placed between the two properties.

Mr. Michael Troiano explained that he has a heart condition and wishes a fence to be put there for his own personal satisfaction as he has had experiences with two of the people using the school, and they scare him.

Mr. Long stated that he did not feel that a four foot fence would serve any useful purpose when dealing with people this age. However it would be good to have adult supervision for all outside activities at all times. This would be the first permit granted without a fence, if approved.

Mrs. Billinger stated that they did have two people off the property one time but assured the Board that this would not happen again. They do not have problems of control. The students are quite adult in other respects except their capability and motor dexterity is impaired. They are very receptive to attention.

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In application S-157-70, an application by Northern Virginia Association for Retarded Children, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit activity center for retarded adults, ages 16 through unlimited, 25 trainees; three staff and three aides, on property located at 8922 Little River Turnpike, also known as tax map 58-4 ((1)) 61, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The permit is for a three year period.

5. The members of the staff shall be qualified to be eligible for State certification as teachers.

6. The hours of operation shall be from 9:00 a.m. to 2:30 p.m. five days a week with a maximum of 25 students.

7. All outside activities shall be under the supervision of staff members, and confined to the premises.

Seconded, Mr. Barnes. Carried unanimously.

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GULF RESTON, INC. AND V.P.I., application under Section 30-7.2.6.1.3 of the Ordinance, to permit use of existing buildings and facilities as executive offices, classrooms and related school uses, located on Spring Street (extended),(RE-1)

Mr. Richard Hobson represented the applicant. V.P.I. is the lessee and has signed the statement of justification in accordance with Board practice in these matters. He presented a copy of the lease, a five year lease. This is an existing building, Mr. Hobson explained, formerly occupied by the Gulf Reston Executive Offices and there are no additional structures contemplated by the use permit. There will be interior partition changes within the building. The use contemplated is for day time and evening classes. Evening classes would be on five evenings a week with some classes during the day six days a week and the library for the use of students would be open on week ends -- Saturday from 9 a.m. to 7 p.m. and Sunday from 1 to 6 p.m.. The contemplated student enrollment would be sixty students plus four instructures in the evening and a maximum of ten staff personnel perhaps during the day time. The five year lease can be extended. This will be part of the extension service of V.P.I. and Associate Dean Heckle is present to answer questions. There are no houses in the vicinity of this property.

Dean Heckle described the classes to be offered, and stated that they would be taught by instructors from Virginia Tech. 10:00 p.m. would be the cutoff time. The official name is Virginia Polytechnic Institute and State University.

No opposition.

In application S-158-70, an application by Gulf Reston, Inc. and Virginia Polytechnic Institute and State University, application under Section 30-7.2.6.1.3 of the Ordinance, to permit classrooms and related school uses on property located at Spring Street extended, also known as tax map 17-3 ((1)) 1, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Gulf Reston, Inc. V.P.I. and State University is the lessee.

2. Present zoning is RE-1.

3. Area of the lot is 2.1677 acres of land.

4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is only for the location indicated in this application and not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This use permit is for a five year period.

5. Hours of operation shall be from 8 a.m. to 10 p.m. six days a week.

Seconded, Mr. Barnes. Carried unanimously.

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The Board granted an extension of 180 days to Richard Linthicum for a variance in Mill Creek Park, for enclosure of a porch.

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WAYNEWOOD RECREATION ASSOCIATION - Mr. James C. Wilkes, Jr., resident of Waynewood Subdivision and member of the Waynewood Recreation Association, appeared before the Board. The Association has been successful in obtaining from the State "no parking" signs along both sides of Dalebrook and Potomac Drive. Since this was accomplished in July of this year a careful and detailed survey was made by Colonel John Crompler. The average daily occupancy of the parking spaces in the existing lot, which was established when this facility was approved by the Board in 1960 and which contains 71 parking spaces, was 8, or approximately 11% occupancy. At no time except on special event dates did the occupancy exceed 12. The peak was 40 - 50 spaces occupied on 4th of July and Labor Day week ends.

Mr. Wilkes stated that they have obtained permission from the Fairfax County School Board (letter dated July 14, 1970) for them to utilize the existing parking facilities of the Waynewood Elementary School for overflow parking, provided it does not interfere with school or related activities.

Normally this would not be necessary except from May 31 until Labor Day when school is not in session, Mr. Smith commented.

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Mr. Wilkes added that the Plymouth Haven Baptist Church adjacent to Waynewood Elementary School has granted permission to use their parking lot facilities (letter dated July 1970 from Guy Moore). The Board limit on membership is 515. It has been ranging around 485 up close to 515. Membership is restricted to those who own lots within the subdivision - this was the initial planned community development by Clarence Gosnell, Inc., so membership is fixed and cannot be expanded beyond the lot owners in the subdivision. The lot ownership is approximately 750. This matter has been discussed in detail with Mr. Charles Harnett, representing Gosnell.

Mr. Smith felt that as long as they had parking on the church property all the time this would be sufficient. It would be more sufficient than the school property and it is closer, if he remembered correctly.

Mr. Chilton said he felt that the posting of "no parking" signs was significant and should cut down on what was creating the problem. The pool that he belongs to, Mr. Chilton continued, does not use, except maybe one or two peak days a year, significantly more than the ratio that they would have on the site now. The plat that he has for Waynewood shows 65 spaces rather than 71.

According to their statements, they did develop the 71 spaces, Mr. Smith said.

There was one plat with more spaces but they had tight aisles, Mr. Chilton stated. The office agreed to waive the site plan in connection with the pool and only wanted to be sure that if the Board wanted more spaces put in, that would be done.

They should be allowed to expand the pool facilities, Mr. Smith agreed, with the understanding that if the parking at any time is not adequate, the Association will come in and request permission for additional parking on site so there won't be any problem. The "no parking" signs are a good arrangement.

We have recommended site plan waiver on the pool itself, Mr. Chilton stated. The facilities normally required - if they were to expand the parking lot in some area, they would like to see a plat to make sure there would be no problem, but he felt sure that would be no problem and could probably be waived too. If the Zoning Administrator gets complaints about the parking, that the facilities off-site were not working, this Board could authorize him to request the pool membership to come back with a solution, for a re-evaluation at that time.

In application S-233-69, application by Waynewood Recreation Association, Mr. Long moved that the original applicationbe amended regarding parking, as follows: So long as there exists from either or both, the Fairfax County Public School, Waynewood Elementary School or Plymouth Haven Baptist Church, permission to use not less than 79 spaces for overflow parking, that the applicant be required to furnish 65 spaces, and that the Recreation Association have people to direct overflow parking toward these parking areas during swim metes and special events.

Seconded, Mr. Barnes. Carried unanimously.

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GARY M. McLEOD, application under Section 30-6.6 of the Ordinance, to permit enclosure of existing carport for double garage, 2428 Carey Lane, Centreville District, (RE 0.5) 38-3 ((28)) 4, V-159-70

We purchased the home at 2428 Carey Lane in May of 1969, Mr. McLeod said. Prior to that, they were verbally promised by the contractor and the real estate salesman that they could enclose the carport. They bought the home on the basis of being able to enclose it, but due to lack of funds at the time, he did not make the contract with the builder for enclosing it, until spring of this year. Then he found there was not sufficient room according to Zoning to enclose it. The storage in the carport is somewhat unsightly - there is a homemade trailer, lawn equipment, etc. They are not supposed to put metal sheds in their back yards, and it would be unsightly anyway, and by enclosing the carport it would add to the beauty of the house. There are only seven homes in this development. The builder owns the one on the corner and he would have no problem in meeting the setbacks for enclosing the garage. The one to the south of him is all right. Mr. Gibson is all right; Mr. Koelzer got a variance approved for enclosing his garage. The next house would be short, and there are only three other houses involved that are also short.

The Ordinance specifically prohibits the Board from changing the zoning and this amount to that, Mr. Smith said. However, the Board has granted Mr. Koelzer's request and these are the same conditions.

No opposition.

What will the carport be enclosed with, Mr. Long asked?

Same material as the house -- aluminum siding, Mr. McLeod stated.

In application V-159-70, application by Gary M. McLeod, application under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing carport for double garage, on property located at 2428 Carey Lane, also known as tax map 38-3 ((28)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 25,431 sq. ft. of land.
4. The proposed enclosed garage would be 16.3 ft. from the side property line.
5. The required setback is 20 ft. from side property line.
6. The applicant has a letter in writing from the developer stating that he could enclose the carport.
7. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved. (a) unusual condition of the location of the existing dwelling.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The garage shall be enclosed with material similar to the existing dwelling.

Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM L. WALDE, application under Section 30-6.6 of the Ordinance, to permit dwelling 30 ft. from access easement, located at end of Green Oak Drive, Providence District, (RE-1), 21-2 ((1)) 3, V-131-70 (deferred from August 4)

Letter from the applicant's representative stated that the applicant has solved his problems and no longer needs a variance.

Mr. Barnes moved that the application be allowed to be withdrawn. Seconded, Mr. Yeatman. Carried unanimously.

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NATIONAL MEMORIAL PARK, INC., application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed 6 ft. at corner of Lee Highway and Hollywood Road and Lee Highway and West Street, Providence District, (R-12.5), 50-1 ((1)) 30, V-66-70 (Rehearing)

This was not posted at the corners as the Board had requested, Mr. Smith said. The posting was done at the main entrance to the park.

Mark Sandground, attorney for the applicant, agreed to deferring the rehearing if the Board wished to repost the property.

To satisfy all the Board members, Mr. Yeatman moved that this be deferred to allow the property to be posted on the corners. Seconded, Mr. Barnes.

It will not be necessary to send certified mail to the adjacent property owners for the next hearing, Mr. Smith said - just plain mail or petition. October 13 would be the earliest possible date. Mrs. Haines will notify the applicant of the time.

Carried unanimously.

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September 15, 1970

WOODLAKE TOWERS, INC.

Mr. Smith noted a letter from Stephen L. Best, attorney for Woodlake Towers, Inc. which stated that on August 1, 1969 the Board approved their application to permit all commercial facilities listed in Column 2 for RM-2 districts. The approval stipulated that the applicant provide the Board with a plat showing the location of each use in the commercial area, and if a doctor or dentist used any space, that the applicant present a plan showing where x-ray rooms, etc. would be located. The applicant now proposes to execute lease agreements for medical service and beauty salon uses. A plat is enclosed for the Board showing location of these facilities.

Also enclosed is a proposed floor plan for the medical offices, Mr. Smith read. It is anticipated that these offices will have nurses on duty on a regular basis and doctors will be available by appointment. There will be no x-ray equipment or any equipment with similar hazards. Although the area outlined in yellow is located in the commercial area of the building, it will not be under commercial lease. This is space which will be available for the sole and exclusive use of the tenants or their guests.

Mr. Smith questioned whether the use was implemented within the time the use permit was in existence. It has now expired. When was the building constructed?

The building was completed within the past six weeks, Mr. Best said. There are still some things to be done. The swimming pool was in use during this summer.

Then this is still alive, Mr. Smith said, because the building has been under construction and was occupied prior to the expiration of this permit.

There will be no doctors here full time, Mr. Best said. They will be there by appointment. There will be two nurses on duty generally. Some examinations are performed by nurses but they are there for minor all-purpose lab testing and for purposes of scheduling appointments. This is for the general practice of medicine. The lease provides that it be used for medical office and for no other purpose. The name of the group is Medical Information Service, Inc. There will be no x-ray facilities whatsoever.

Will there be diathermic machines, ultraviolet ray machines, and so forth, Mr. Smith asked?

Mr. Best did not know.

Is separate electrical service provided for this use, Mr. Smith asked?

Mr. Best did not know.

The Board deferred this to September 22 for the answer to these questions.

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Mr. Smith referred to a letter from Mr. Waterval regarding the resolution granting the application for Lake Barcroft Recreation Center, Inc. The correct name of the applicant is Lake Barcroft Recreation Association, Inc.

Mr. Long moved that the motion be corrected to include the proper name of the applicant, as follows: "In application S-142-69, an application by Lake Barcroft Recreation Center, Inc., (Contract Lessee), I move that the original motion be amended to show the name of the applicant as being Lake Barcroft Recreation Center, Inc. (Contract Lessee) and the name of the owner of the property be Lake Barcroft Recreation Corporation (Contract Owner)." Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith read a letter from Oscar C. Harlowe regarding a gravel operation adjoining his property on Gayfields Road.

Mr. Covington explained to the Board why he felt that Mr. Keller's operation was a non-conforming gravel operation.

When was the tract under discussion purchased by them, Mr. Smith asked?

In 1948, Mr. Covington replied. This has been discussed with the County Attorney and he considers it a non-conforming situation.

The setback requirements would have to be adhered to under the existing Ordinance, Mr. Smith contended. He has to maintain the setbacks. If this is a new digging operation, he is not in conformity with the existing ordinance. If there was a question, Mr. Smith said, this organization could have come in. If they just started digging here and it's a separate parcel of land, this is not non-conforming. The way they talk the whole property in the area would be non-conforming. They continue to expand a non-conforming use and you can't expand a non-conforming use, Mr. Smith said.

The Board members agreed.

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September 15, 1970

MIKE M. BORICH - to permit operation of beauty salon in apartment building, 2703 Livingston Lane, Merrifield Village Apartments, (RM-2) 49-2 ((1)) 53, S-171-70

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There was a shop in the Merrifield Village Apartments before, Mr. Borich stated, and he would like to reopen this shop. The shop was operated by E.W.Maxwell previously.

Has Mr. Maxwell relinquished his use permit, Mr. Smith asked?

Mr. Borich did not know. He presented a copy of his lease and said the apartment had been vacant for over eight months. It is now being remodeled.

The lease gives permission to use this for dwelling and for no other purpose whatsoever, Mr. Smith noted, so there is no right to use this for a beauty shop. Also, this application was filed under the section of the ordinance dealing with home occupations. The applicant does not live there and does not plan to live there.

Mr. Borich said he would hire the operators. He has a beauty shop in Alexandria in an apartment building.

The lease should be amended to allow Mr. Borich to put in a limited commercial use as defined in 30-2.2.2 Column 2 of the Zoning Regulations of Fairfax County, Mr. Smith suggested.

Mr. Paul Clark, 2703 Livingstone Lane, appeared in opposition. The apartment has been occupied, most recently by one of the maintenance men who worked for Merrifield Village. He had occupied the apartment ever since Mr. Clark leased it on the 15th of May and at least a month before that. There was a beauty parlor there once. The tenants in the apartment building, a total of 13 apartments in the building, in addition to the one in question, and he presented 11 signatures opposed to the application (the twelfth person is also opposed but he is on vacation). Mr. Clark said his wife is an ex-beauty operator and is opposed to it too. She's probably more knowledgable about this than most people. No. 1 - beauty parlors smell. People in these apartments are young married couples who cannot afford a beauty parlor on a regular basis. There was no business for the other person who operated there. If the beauty parlor were there, women coming would bring the children and in the winter time when it's cold the children would be playing in the halls. The gentleman living in T-2 lived there when the last beauty shop was operating and complained about the trash and the smell. There are limited parking spaces outside the building and women are not going to walk from one end of the development to get their hair done. Parking will be at a minimum for people living there. This is a large development. This is a very nice place to live and with a beauty parlor, people coming and going, and the small, it would not be a very comfortable place to live. His insurance agent told him he would have to raise the rates if this beauty shop went in.

This application will have to be re-advertised under the proper section of the Ordinance, Mr. Smith stated. It is not a home occupation.

Deferred to October 13.

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Meeting adjourned at 6:25 P.M.
By Betty Haines, Clerk

Daniel Smith, Chairman

10/27/70 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 22, 1970 in the Board Room of the County Administration Building. The following members were present: Mr. Daniel Smith, Chairman, Mr. Clarence Yeatman, Mr. George P. Barnes, Mr. Joseph P. Baker and Mr. Richard Long.

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

HAZLETON LABORATORIES, application under Section 30-7.2.5.1.5 of the Ordinance, to permit erection of new building, located 9200 Leesburg Pike, Dranesville District, (RE-1), 19-4 ((1)) 16, 31, S-160-70

Mr. Richard Henninger stated that there are 125 acres involved in the use permit. They have a number of buildings which are old, most of them wooden, that are being used for the shop and maintenance. These are primarily older buildings that have been used by the applicant over a number of years that have been put together in the complex. They are proposing to construct a new building, to be 14,000 sq. ft., to house their maintenance and shipping and receiving.

They will then remove the old buildings that are being replaced by the new buildings, Mr. Hennänger stated. This would be a one story building, approximately 12 ft. heigh above grade. The building would be used for receiving or shipping and would house the maintenance force. It will be painted cinderblock.

Any new buildings would have to conform to the architectural design of the buildings already on the property, Mr. Smith noted.

The proposed building will be 140' x 100', Mr. Henninger said. No animals would be received in the proposed building. They do not maintain their vehicles as they are leased and maintained outside by contractors. There would be repair of cages and laboratory equipment, minor repairs on anything that might happen to break down, but no fabrication would be done in this building.

No opposition.

Mr. Smith asked that new plats be submitted showing dimensions of all the buildings and some indication as to what each building is being used for. Also the Board would like a copy of a lease showing Hazleton Laboratories being the lessee from the Karloid Corporation, the owner.

In application S-160-70, application by Hazleton Laboratories, under Section 30-7.2. 5.I.5 of the Zoning Ordinance, to permit erection of new building, located at 9200 Leesburg Pike, also known as tax map 19-4 ((1)) 16, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Karloid Corporation; the applicant is lessee.
2. Present zoning is RE-1.
3. Area of the lot is 125.215 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The proposed building shall be constructed with an architectural front compatible with existing buildings as approved by the Division of Land Use Administration.

5. The easterly side of Towlston Road shall be improved to State standards from the entrance to Route 7.

6. A deceleration and acceleration lane shall be constructed at the Towlston Road entrance for a length and width as approved by the Division of Land Use Administration.

7. The maintenance of equipment within this building shall be limited to minor repair and minor maintenance. The existing maintenance building is to be removed.

Mr. Smith noted that it is understood that this is in conformity with all the other resolutions pertaining to this piece of property.

Seconded, Mr. Barnes. Carried unanimously.

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BELLE HAVEN COUNTRY CLUB, INC. application under Section 30-7.2.5.1.4 of the Ordinance, to continue use of premises for private country club in new structure replacing old club house, 6023 Fort Hunt Road, Mt. Vernon District, (R-12.5), 83-4 ((1)) 5, S-161-70

Mr. Edward Holland represented the applicant. The original building was built in 1925, he said. That building was added to from time to time through 1949, but no major alterations since 1949. At this time they have prepared a site plan and have taken bids on a building to be built in the rear of the present building, farther from Fort Hunt Road, placing it on the higher site of ground. When the building is complete, the present building will be demolished. There will be 240 paved parking spaces with access to the two areas as shown on the plan. In addition, they are installing curb and gutter and widening the Fort Hunt Road and providing better turning movement.

Is the existing club under use permit, Mr. Smith asked?

Mr. Holland stated that the County office could not find the permit. There is a possibility that it might be a non-conforming use.

How many members, Mr. Smith asked?

525 members, Mr. Holland replied. The entire property contains 158 acres. The acreage will be verified and new plats will be submitted showing the entire layout.

Mr. Saunders, architect, presented a preliminary drawing proposal to build a new building toward the river, further back from Fort Hunt Road. The traffic circulation has been redesigned so there will be no necessity to go back out onto Fort Hunt Road to get back to the front of the building. They will put in two additional tennis courts at some future date. The building will be brick with white trim, approximately 200' x 140'. This is one of the oldest continually operated country clubs in the area.

Will the County approve size and location of the entrances, Mr. Smith asked?

This has been discussed at length with the Highway Department and County Development, Mr. Holland replied. The site plan was submitted some weeks ago and they have now received the check sheets with no major changes. Traffic will be limited to one way.

How long after the club house is completed will it be before you are able to demolish the existing building and complete parking in the front, Mr. Smith asked?

That is all included in the construction contract, Mr. Saunders said.

Opposition: Mr. Williams, representing himself and two neighbors, stated that they are concerned with the additional parking spaces provided south of the clubhouse. They feel that the asphalt parking lot directly opposite their houses will impinge on their present view of the river. This will do very little to help a dangerous parking problem on Fort Hunt Road. They are parking on both sides of Fort Hunt Road now and there have been over eight or nine cars demolished that were parked in frontof his house. People cannot get their cars out of the driveway at times for cars parked on the street. The view of oncoming cars is obscured by the brow of the hill and an oncoming car cannot be seen until it is on top of the car pulling out.

Perhaps the residents should request "no parking" signs along the street, Mr. Smith suggested.

They did, Mr. Williams said, but a club member gained clearance from the Highway Department to allow parking there. They feel it is almost futile to bring it up again.

Mr. Smith agreed that parking along Fort Hunt Road is not only hazardous but it does impede the entrance and he was amazed that the signs were removed.

Mr. Robert May, 507 Hillwood Avenue, Falls Church, member of the Board of Directors, stated that he was not familiar with the situation of no parking signs 10 years ago. In the last six months or so, because of the obstruction of the exit from the club house and cars coming over the hill, people could not see with cars parked there. It was dangerous and the Club requested that no parking signs be put along the street. Mr. May also said he wondered whether or not the Belle Haven Country Club, Inc. would let Mr. Holland agree that the club would join in a petition as part of the use permit to request Highway Department to post the road along the front of this property.

Mr. Holland stated that he was not in a position to say that the Board would go along with that; they have a meeting next Monday.

Mr. Smith advised Mr. Holland that the Club should join with the citizens to get the no parking signs to eliminate a problem in the area. Under use permit the club members would not be allowed to park on Fort Hunt Road.

The Club would accept a requirement in the use permit that the Club would aid and abet the posting of signs which Mr. Brett has told them they will have whether they want it or not, Mr. Holland agreed. If they are bound to enter into agreement to force no parking on the east side, it would not be consistent with their interests, but they won't oppose any petition to post the east side of the street, he said.

What is the limit to membership, Mr. Smith asked?

525 is the number set by the Board of Directors, Mr. Holland said.

Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

In application S-161-70, application by Belle Haven Country Club, Inc., under Section 30-7.2.5.1.4 of the Zoning Ordinance, to permit continued use of premises for private country club in new structure in new structure replacing old club house, property located at 6023 Fort Hunt Road, also known as tax map 83-4 ((1)) 5, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 158 acres.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

BELLE HAVEN COUNTRY CLUB, INC. - Ctd.

4. The use permit shall be limited to that portion of the property lying on the east side of Fort Hunt Road.

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5. The proposed building shall be constructed in accord with renderings filed with this application.

6. The easterly side of Fort Hunt Road shall be improved to State standards for the entire frontage of this property.

7. A deceleration and acceleration lane shall be constructed for a length and width at the entrances to the site as approved by the Division of Land Use Administration.

8. The location, size and type of entrances to the site shall be as approved by the Division of Land Use Administration.

9. All lighting shall be directed onto the site.

10. All noise shall be confined to the site.

11. The country club shall erect no parking signs along the easterly side of Fort Hunt Road for the entire length of the property.

12. All parking in connection with this use shall be confined to the site.

13. There shall be a minimum of 240 parking spaces.

14. The club membership shall be limited to 540 family memberships.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Holland questioned the requirement of road widening for the entire length of the property, however, Mr. Smith pointed out that this was in conformity with what is normally done in all of these cases.

Also, the membership in Mr. Long's motion was only for active memberships -- there are additional memberships.

If there are 1,000 members this would require additional parking spaces, Mr. Smith said. If this presents a problem, they should indicate this at a later date, and the Board could give further consideration.

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GIANT FOOD PROPERTIES, application under Section 30-6.6 of the Ordinance, to permit construction of Fairfax County standard 7 ft. retaining wall along Memorial Street, located on westerly side of Richmond Highway, south of Southgate Drive and north of Memorial Street, (C-D), 93-1 ((1)) 1A, Lee District, V-163-70

Mr. Ed Holland represented the applicant.

Mr. Smith asked for a copy of the lease. Mr. Holland replied that he did not have a copy of it.

Then the owner of the property should be listed as applicant, Mr. Smith suggested.

The listed property owners are the heirs, Mr. Holland stated, trustees of the Reid estate.

Mr. Smith again talked of the owner being listed as applicant, but Mr. Long felt that Giant Food in this case from a practical standpoint is really the owner of record.

How can you justify granting a variance to the lessee, Mr. Smith asked?

Mr. Yeatman said he felt that Giant Food Properties had complete control over the property.

Someone in the audience asked why do they have to build a wall for the residents to look at? It has not been necessary in past years to do so.

Mr. Bruce, 3118 Rosen Street, owner of property at 3127 Memorial Street, asked how far they are going to grade. His property is on top of the hill and they are building this in a ravine.

Mr. Smith again stated that the Board should not hear this application until they have received a copy of the lease.

Mr. Yeatman moved to defer until Mr. Holland could change the application to the name of the owners or bring in a copy of the lease, and in the meantime give the Board a chance to view the property. Seconded, Mr. Baker. Carried unanimously.

Deferred to October 20.

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September 22, 1970

WALTER F. BUGIN, application under Section 30-6.6 of the Ordinance, to permit addition 36.1 ft. from front property line, 4910 Bristow Drive, (R-12.5), Annandale District, 71-3 ((3)) 67, V-162-70

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About five years ago he had the upper level put on and it did not turn out architecturally like they expected, Mr. Bugin stated. Now he would like to add a covered walkway tying in with the carport which would improve the architectural appearance of the house and the neighborhood. With the walkway extending out 4 ft. from the house toward the front it would tie in with the neighborhood, particularly with the neighbor who has the split level home.

The variance section of the Ordinance is concerned with topography reasons and the basic reason the applicant gave was with respect to aesthetics, Mr. Smith noted. What is the setback from Bristow Drive to the right and left of this house, he asked?

One neighbor is back 45 ft. and the other is farther back, Mr. Bugin answered.

Mr. Woodson pointed out that a 3 ft. overhang would be allowed by right, but without posts.

No opposition.

Mr. Yeatman moved thatthe application be deferred to give the applicant a chance to come up with an architectural plan whereby he could build this without a variance. Deferred to October 20 for a drawing of how they can do this without a variance. Seconded, Mr. Baker. Carried 5-0.

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ARYNESS JOY WICKENS, application under Section 30-6.6 of the Ordinance, to permit less frontage than required by the Ordinance, 10609 Vickers Drive, Centreville District, (RE-2), 37-2 ((12)) 43, V-164-70

Mrs. Wickens stated that she is the owner of this property as the survivor of joint ownership. This is the remnant of a farm which they farmed until the end of the war. It is part of the Hunter Valley Subdivision which has long been a 2 acre plus subdivision with restrictive covenants running withthe land. The layout of these lots has been presented to the Planning Commission a few at a time and designed to make the best possible use of the land. This land is a rather odd shaped lot. She and her husband owned the property since 1935. There is no house on this lot and no house on the adjoining land owned by Mr. Carlson. She does not own any additional property contiguous to this.

Do you have any other lots in this subdivision similarly in need of a variance, Mr. Smith asked?

No, Mrs. Wickens replied.

This lot is almost three acres, far in excess of the land area requirement for this zone, Mr. Smith noted.

No opposition.

In application V-164-70, application by Aryness Joy Wickens under Section 30-6.6 of the Ordinance, to permit less frontage than required by the Ordinance, on property located at 10609 Vickers Drive, also known as tax map 37-2 ((12)) 43, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The Owner of the property is the applicant.
2. Present zoning is RE-2.
3. Area of the lot is 2.9 acres of land.
4. Minimum lot area is two acre.
5. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved (a) exceptionally irregular shape of the lot; (b) exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the lot indicated in the plats included with this application only and is not transferable to other land.

2. This variance shall expire one year from this date unless a plat has been recorded or unless renewed by action of this Board prior todate of expiration.

3. The dwelling is to be constructed a minimum of 225 ft. southerly of the right of way of Vickers Drive.

Seconded, Mr. Barnes. Carried unanimously.

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, kindergarten through sixth grade, hours 9:00 to 3:00 plus tutoring and special after-school classes in the arts, maximum 60 students, 2211 Wittington Drive (Blvd.), Mt. Vernon District, (R-12.5), 111-1 ((1)) 14, S-165-70

Mr. Smith noted a memorandum from the Health Department stating that they have no objection to the application if enrollment is restricted to thirty students. This application is for sixty.

Mrs. Frazer stated that she has a contract to lease the property. It is about 150 to 175 ft. to the nearest sewer line, and the Health Department has set that figure as an arbitrary figure.

If there is any question on that, it should be clarified by the Health Department, Mr. Smith advised.

If the Board says sixty and the Health Department says thirty, she would comply, Mrs. Frazer said.

The Board has no authority to go beyond the Health Department limit, Mr. Smith advised.

At the present time, Mrs. Frazer said, there is a license with the Health Department and the State for sixty students. She presently does not have any intention of having sixty but felt it would be good to ask for that number since the permit is for that number.

If the applicant wants to go with the sixty children, Mr. Long said, this should be deferred until this matter has been cleared with the Health Department.

At the time the original permit was granted to Mrs. Cain in 1962 for a school, no particular number of students was established, Mrs. Frazer contended. The present license from the state reads sixty. She did not have a copy of the lease in the room, but would obtain a copy if the Board would wait for her to go to the car, she said.

The Board recessed for five minutes.

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The next item, Dunn Loring Swim Club, 8328 Cottage Street, (R-12.5), Centreville District, 49-1 ((9)) (I) A, 12, 13 - show cause why fence should not be provided between the parking area of the swim club property and Lot 48 owned by Mr. Walter B. Savage - Mr. Smith told the Board that Mr. Walter Savage had called and said the Swim Club had agreed to put up a fence between the two properties so there would be no need to have a hearing on this matter.

Mr. Long moved that this matter be withdrawn without prejudice since the Swim Club has agreed to put up a fence between their property and Lot 48. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Frazer returned with a copy of her lease. The property is on City water, she said. She would operate five days a week, with tutoring after school hours. Regular classes would be from 9:00 a.m.to 3:00 p.m. Parents will transport children and some of them will walk. If there are some children who cannot get there by their parents or walking, she would provide transportation for them.

If you have a station wagon or bus, it should be painted the standard school bus color, Mr. Smith advised, with proper lighting for the safety of the children.

There would be two regular instructors plus an administrator for 25 or 30 students, Mrs. Frazer said. No one would be living in the house.

No opposition.

September 22, 1970
MILDRED W. FRAZER - Ctd.

In application S-165-70, an application by Mildred W. Frazer under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, kindergarten through sixth grade, hours 9 to 3, plus tutoring and special after school classes in the arts, maximum sixty students, on property located at 2211 Wittington Drive, also known as tax map 111-1 ((1)) 14, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Ruth Cain. The applicant is the lessee.
2. Present zoning is R-12.5.
3. Area of the lot is 62,570 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There is to be a maximum of 30 students enrolled in the school at any one time from 9:00 a.m. to 3:00 p.m. five days a week, with tutoring and special after school classes in the arts from 3:00 p.m. to 6:00 p.m. six days a week.

5. Any buses transporting children to and from the school shall meet Fairfax County School Board requirements for lighting and color.

6. There shall be seven standard parking spaces as approved by the Division of Land Use Administration.

Seconded, Mr. Yeatman. Carried unanimously.

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AMERICAN HOUSING GUILD-VIRGINIA, application under Section 30-6.6 of the Ordinance to permit resubdivision of outlot B and Lot 48 in accordance with plat, located E. of Larkspur Drive, Lee District, (R-12.5) 81-4 ((14)) outlot B and Lot 48, Section 3, Green Meadow, V-114-70 (deferred from August 4)

Mr. Robert Lawrence, attorney, requested deferral. They have submitted a subdivision plan which they believe will comply with the County Ordinance, and if this is so, this application may not be necessary.

Mr. Smith said he felt the Board has deferred this long enough. Have there been any complaints from people on the run-off?

There have been no complaints to his office, Mr. Chilton replied -- perhaps to some other office. His office received a preliminary plat in August, started review of it, and returned it to the engineer rejected, noting that lot width did not conform to R-12.5 requirements. Also, the average width of the open space does not conform to Ordinance requirements; the pipe stems are too long. There is a technical requirement that mathematically does not conform to cluster subdivisions as to lot width.

Mr. Smith felt that the applicant has had reasonable use of the land and was not entitled to a variance.

Mr. Smith stated that he was not going to vote in favor of this application.

Rather than deny it, they would prefer to withdraw without prejudice, Mr. Lawrence said.

Mr. Smith pointed out that the applicant could not come back with the same plat that is before the Board now.

Mr. Yeatman moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Baker. Carried unanimously.

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CLARENCE CANTOR, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Lyndale Drive than allowed by Ordinance, 7617 Admiral Drive, Mount Vernon District, (RE 0.5), 102-2 ((7)) 1, V-166-70

Mr. Cantor explained that he wished to have a variance in order to build a two car carport. Peculiarities of the lot and the present house location requires a variance. There is a location in the rear of the lot that would meet all of the County regulations, but this location would completely ruin the location of the patio and small rear back yard and block the view from the living room, dining room, kitchen and den. Locating it in the rear would destroy the aesthetic character of his house. The location of a carport on the right side of the house would require entrance through the bedroom area of the house and would require a new driveway directly to Admiral Drive. That would be a hazard because of a sharp bend in the road. The only reasonable site is the one shown on the plat. Only one of the trees in the proposed location would have to be cut down. The remaining trees would completely encircle the carport, and would also block the view of the carport from the owner on the other side. They are severely cramped for space (no basement) and need more working space. He has a boat and two trailers - he would keep the boat in the existing garage. He has owned the property for three years; the house was seventeen years old when they bought it.

Mr. Barry recalled a variance that was granted for a shed in the area which was too close to the front property line.

Mrs. Cantor described the steep hill on the property and invited the Board to take a look at it.

No opposition.

Mr. Yeatman moved that the Board defer this to October 20 to view. Seconded, Mr. Baker. Carried unanimously.

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GRACE BAPTIST CHURCH, application under Section 30-6.6 of the Ordinance, to permit construction with street setback from new Magarity Road of 30 ft. and street setback from old Magarity Road of 16.25 ft. located at the intersection of Magarity Rd. and Great Falls St., Dranesville District, (R-12.5), 30-3 ((1)) 15, V-167-70

Mr. Charles Runyon represented the applicant. This parcel is surrounded on all sides by streets, he said. They are informed that Magarity Road as it exists today will be vacated so that yard will be brought to the required amount. The letter from F.A.A. indicates that they are going to build an overpass over Dulles Access Road. This will put the church below grade. Actually, the street that the County wants is 80 ft. right of way so they have an additional 70 ft. right of way. This is a narrow strip of land left from the relocation of Magarity Road and the proposed new Dulles access road. In order to obtain a frontage setback from the new location of Magarity Road of 32 ft. which under R-12.5 zoning is a 10 ft. variance, and the side then to the old Magarity Road which will be relocated will be 16 ft., it was necessary to apply for variance. The property cannot be used without a variance. The church has owned this land since January of this year. They plan to purchase some additional land across Magarity Road when it is vacated, so they can add to this site and make it a more reasonable site. That will probably be 1973 or 1976 - who knows when construction will take place? The proposed building is 80'x40'. Twenty-four parking spaces are being provided, and this meets the County code. They have facilities for approximately 125 people based on the Ordinance.

Reverend Michaels stated that this would be a one story building "A" frame roof.

Great Falls Street has only a 15 ft. right of way -- is that proposed to be 80 ft. or greater, Mr. Long asked?

When they come through with the widening, there would be a possibility of widening there, yes, but under the Ordinance even the Site Plan Ordinance would allow them to come to this distance anyway, Mr. Runyon replied.

This would make the improvements within 15 ft. of the proposed right of way line, Mr. Long suggested.

Mr. Long stated that he was very familiar with the area and this is a dangerous intersection. Great Falls Street should be thought of as an 80 ft. right of way and not 30 ft.

Are they going to ask for a site plan waiver or improve the street, Mr. Long asked?

Mr. Runyon answered that he did not know what route they would take at this point.

Reverend Michaels elaborated on the widening of Great Falls Street. All of the houses on his side of the street are no more than 40 ft. back from the property line. Some of the houses on the one side of their property are closer than this so he was sure the road could not be widened the full 25 ft. on this side of the road as it would cut into all of the houses already built on this side of the street, so they would be setting at least in line with all of the other properties along that street. This church or congregation has been existence for about 3 1/2 years. This will be a one story building but they plan it in such a way that they can go up with a second story in the future as they acquire more land. If they can get the variances at this time, this would meet their needs in the foreseeable future. If their needs ever become greater, the building will be constructed in such a way that they can go up to a second story. Membership at this time is approximately seventy.

The building could not be cut down any smaller and the parking could not be reduced, Mr. Smith said. If Great Falls Street takes 25 ft. it's unfortunate, but still there would be not a setback the Board would like to see,but apparently it would have been caused by the taking of it for the highway, a community purpose.

Mr. Long hoped the Board would view the property before making a decision.

Mr. Runyon added that the Citizens Association met and unanimously voted to support the application.

Mr. Robert Reynolds stated that it had been some time since he received the letter from F.A.A.

You did receive the letter and it was in relation to a request from you, or a verbal inquiry regarding plans for extension of the Dulles Airport Access Highway, more specifically for the plans for relocation of Magarity Road in connection with the Access highway, Mr. Smith asked?

Yes, Mr. Reynolds replied.

Mr. Smith read the letter from F.A.A. stating that "we will when extending the Airport Road relocate Magarity Road for a distance of about 1,000 feet measured westward along the present Magarity alignment from its intersection of Great Falls Road. Magarity as a part of the project will be located to the south causing it to intersect Great Falls Road about 250 ft. south of the present intersection. Proposed relocation has previously been coordinated with the Virginia Department of Highways.The timing of the Access Road project with the Magarity Road work is largely dependent upon the State of Virginia's schedule for completion of the interstate Route 66."

At this time there is a traffic backup at the intersection, Mr. Reynolds agreed, but it will subside some because Anderson Road has been opened to Dolley Madison Boulevard.

If a use permit were being requested, the Board would require the road to be improved, and he knew of no worse intersection in the County, Mr. Long said. To allow any use on this property with a variance without requiring improvements would be poor planning on the part of the Board.

Mr. Yeatman stated that since he had not been in the area for a long time, he would move to defer to allow the Board to view the property. Seconded, Mr. Baker. Deferred to October 20. Carried unanimously.

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GEORGE C. LANDRITH, application under Section 30-6.6 of the Ordinance, to permit building setback of 38 ft. instead of 50 ft. from Belvoir Drive, 7517 Richmond Highway, Mt. Vernon District, (C-D), 93-3 ((1)) 9, V-172-70

Mr. Smith announced that the Planning Commission had requested deferral of this application in order to hold public hearing on it. Mr. Smith ruled that this be deferred until October 13 to allow the Planning Commission opportunity to discuss this.

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Mr. Thomas J. Cawley represented Woodlake Towers, Inc. (deferred from September 15). The additional information desired by the Board concerned the electrical requirements of the medical facilities and electrical capabilities of the building as it now stands. There are only going to be five machines in the facility - each one will use 110 volts. There appears to be no problem with the electrical requirements. The medical facility will be for minor testing and examinations. There would be no full time doctors in attendance - they would use this facility by appointment. There would be no x-rays.

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The Board agreed that the presentation made with regard to the medical facilities to be located in Woodlake Towers did meet the intent of the Special Use Permit granted by the Board on August 1, 1969. At the time there are occupants for the other areas the Board has talked about previously, they should come back to the Board.

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NATIONAL WILDLIFE ASSOCIATION - Discussion regarding parking spaces shown on site plan submitted for approval. The motion granting the use called for 265 spaces and the plan presented to Mr. Chilton shows 218. (Mr. Long disqualified himself.)

Why couldn't more parking spaces be provided, Mr. Smith asked?

The topography is very restrictive, Mr. James Heltna explained, and the wildlife goal is to disturb the property as little as possible.

Mr. Yeatman moved that the original motion on this application be amended to read "item 4: It is understood that there will be 218 parking spaces provided, meeting required setbacks." Seconded, Mr. Barnes. Carried 4-0, Mr. Long abstaining.

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COMPUTER AGE INDUSTRIES - Mr. Smith recalled that the Board had never received the information requested regarding the proposed use, the second application on this property. Now there is a letter from Mr. Charles Shumate indicating that facilities have been allocated to the Y.W.C.A. and a combination secretarial business school. These additional facilities would be contained completely within the structure and would not amount to an increase in the size of the school. Though they feel that it is not necessary to apply for an amended use permit in order to permit these activities on the subject premises, it is felt that the Board's opinion relative to this would be more desirable.

The time has come when the Board has to have some new information on this, Mr. Smith said. Since Computer Age Industries is not the true owner of this property, the pending application should be amended to read the secretarial business school. If the application that is pending now could be amended to include this use, the Board could schedule this for hearing on October 27.

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Mr. Smith read a letter from Colonel Collins regarding the application of Lake Barcroft Recreation Association hearing on September 8. The letter questioned the notification in connection with this application and contended that the opposition was placed at an unfair advantage. The Board discussed this with Mr. Waterval at length, but in view of the fact that Mrs. Haines was not present to answer some of the Board's questions in connection with the notification, this matter was deferred. Mr. Yeatman said he would object to a rehearing of this application as the Board had spent more time on this than any other case that he knew of. The request for rehearing will be taken under advisement until October 13 in order to get additional clarification from Mrs. Haines and to get the lease from the applicant pertaining to this application.

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MILDRED W. FRAZER - Mrs. Frazer appeared in reference to her application for special use permit for school purposes granted earlier in the day.

Mr. Smith noted receipt of a second memorandum from the Health Department: "The above named school has sewerage facilities for a full time use of 30 children or 300 gallons of sewage waste per day, and equivalent use be accepted as follows: 10 children 9 to 12 a.m., 20 children from 7 a.m. to 6 p.m. and 20 children for tutoring one hour's attendance daily, or any other combination so long as the water consumption does not exceed 300 gallons per day."

The Health Department said there would be 10 gallons of water per day per child, Mrs. Frazer said. It is on public water and they could check the water consumption.

If you could follow this formula, and not have more than the fifty enrolled, Mr. Smith said, this might be allowed.

Mrs. Frazer asked that rather than set a specific number, that the motion be amended to read "to comply with the Health Department requirements" and this could be worked out with them. If all of the students are all day students, there would not be more than 30. If some are half day students, then the enrollment would be greater than 30. There might be 30 in the morning and 20 in the afternoon.

How many students would there be on a tutoring basis, Mr. Smith asked?

She would have facilities for ten to twenty, Mrs. Frazer replied. This would be after regular school hours.

September 22, 1970
MILDRED W. FRAZER - Ctd.

The Board discussed this at length, trying to arrive at a number that would be acceptable to the Health Department.

Mr. Long moved that the resolution be amended to read as follows: "That a maximum of 30 children for regular school hours, 9 to 3, five days a week, be allowed, with an additional enrollment of 10 children for tutoring and special after school classes in the arts, 3 p.m. to 6 p.m. five days a week, and 9 to 1 on Saturdays." Seconded, Mr. Barnes. Carried unanimously.

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Mr. Knowlton stated that the State Code is very brief as to what notice is. There is nothing in the State Code which refers to posting. The County Code says nothing about posting. The only thing the staff has is the 1964 resolution ofthe Board of Supervisors. If this Board wanted to include in its by-laws some additional description of how, when and so forth for posting, this could be taken into consideration.. The Board felt this was a good idea.

Mr. Smith raised the question of whether the Board should hear an application if the applicant does not have a copy of the lease or option to purchase. The Board has to be specific.

Mr. Long felt the applications should be reviewed prior to advertising to see that all the information was in. If it is not, the application should not be advertised.

That's an excellent idea, Mr. Smith said, and he was in complete agreement with it. He said he was willing right now to take action on this particular part of it. The processing of the application will not take place until such time as all of the relevant information is in. The Board should make a resolution to this effect beginning in 30 days from now.

Mr. Knowlton said the staff has been reviewing the plats, pointing out to the applicant things that did not comply. It does require a great deal of staff time to do this.

Mr. Smith stated that a copy of lease or contract should be in the folder before the staff schedules the case. The staff should not schedule the case until all of the information is in the folder.

The Board adjourned at 6:07 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

10/27/70 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 13, 1970, at 10:00 o'clock, a.m., in the Board of Supervisors Room in the County Administration Building. All members were present. (Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. George Barnes, Mr. Joseph Baker, and Mr. Richard Long.

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

WILLIAM B. EURE, application under Section 30-6.6 of the Ordinance, to permit addition to dwelling closer to rear property line than allowed by Ordinance, 13220 Moss Ranch Lane, Centreville District, (R-12.5) cluster, 45-3 ((3)) 27, V-170-70

Mr. Eure described his plans for additional living and storage space. The variance is necessary because there is no other place on the lot to construct it and meet the setbacks. The majority of homes in this area have recreation or family rooms -- his does not. The lot is much wider than it is deep.

Since this situation is not peculiar to others in the subdivision, Mr. Smith suggested that the applicant check with the Zoning Administrator to see if his lot would come under the Ordinance dealing with twenty-five per cent allowance granted by him. However, Mr. Woodson said they do not check new subdivisions for twenty-five per cent because it is just not there.

Mr. Eure stated that he is the original purchaser of the house and plans to continue living there. This is an "L" shaped house which cuts down on buildable area on the lot.

No opposition.

Mr. Long suggested reducing the size of the addition but Mr. Eure said that a 10 ft. room is worth the money it would cost for construction. It would be too small.

Could the addition be moved toward the right rear corner, eliminating the variance on one side, Mr. Long asked?

Yes, but that would preclude the house from using the access that is already there, Mr. Eure replied. However, he would prefer to do that than cut the addition size to 10 ft.

In application V-170-70, an application by William B. Eure, under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to rear property line than allowed by Ordinance, on property located at 13220 Moss Ranch Lane, also known as tax map 45-3 ((3)) 27, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The oner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 9,762 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally irregular shape of the lot; (b) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

October 13, 1970

WILLIAM B. EURE - Ctd.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The addition shall be located so as not to be closer than 21 ft. to the rear property line.

4. The proposed addition shall conform in architecture and material as the existing dwelling.

Seconded, Mr. Yeatman. Carried unanimously.

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SANDRA R. AND CARROLL R. WARD, application under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit operation of riding stable, 6718 Clifton Road, (RE-1), Centreville District, 75 ((1)) 15, 15C, 6, S-168-70

Mr. William Hansbarger presented substitute plats which were more detailed, showing distances of the buildings from the property lines. This school has operated in this area for better than two years, he said. There is some question in the Zoning Ordinance as to whether or not the use was proper, although in his own mind, he felt that it was. The Zoning Ordinance at best is perhaps vague as to whether riding schools are permitted as a matter of right, and he has expressed those views to this Board before. Mrs. Ward and her husband have not operated without some semblance of advice regarding the matter. They are here without any disrespect to the Board, perhaps to try to placate those in the area and the County, who felt that his advice had been bad. Two of the uses permitted by right are agricultural uses, which among other things state that the keeping of livestock and defines livestock as horses among other things, permitted as a matter of right, and it permits accessory uses as a matter of right. The teaching is incidental to the keeping of horses.

The Board does not question the fact that horses can be kept on two acres or more of land, Mr. Smith said. The Ordinance is specific in the area of riding schools. It is indicated by the group under which this application was filed.

Will the applicant rent horses to people to ride on the 100 acres, Mr. Yeatman asked?

No, this is for instruction only, Mr. Hansbarger replied. He presented a letter of recommendation from Mrs. Jane Dillon of the Junior Equitation School, Vienna, Virginia, urging the County to encourage the operation.

Mr. Smith recalled that the applicant was denied a use permit on a smaller piece of land a couple of years ago.

Yes, at that time, Mr. Hansbarger stated, she had little over two acres of land which was not sufficient for the operation that she had and still has. Subsequent to that, however, these folks have acquired in their own right approximately five additional acres of ground, making a total of 7.89 acres, and have leased on a year to year basis a large parcel of approximately 109 acres. The current lease runs till the end of this year.

Mr. Smith felt that the Board should not grant this based on the 2 1/2 months left in this lease -- but wait until the lease has been renewed.

She has been promised another year's lease, Mr. Hansbarger said, but he did not have anything to that effect in writing. There are presently thirty-one animals on the property; fifteen of these are boarded and sixteen are Mrs. Ward's animals. During fall, winter and school months, teaching will be from 4 p.m. to 5 p.m. weekdays, and Saturdays from 9 a.m. to 4 p.m. During summer it would be on weekdays plus Saturdays. Approximately sixty youngsters and some adults take riding lessons from Mrs. Ward. She has facilities on the premises to park approximately twenty automobiles. She has six shows a year, normally on Saturdays. Cars coming to the show could park in the fields unless it is raining, in which event they would park adjacent to the easement running back to the rear property. On the front of this property at the intersection of the outlet easement and Clifton Road, there has been a paddock which was not used for any activity.

Mr. Hansbarger presented a letter from Mrs. Patricia Thomas, residing in White Rock Estates, in favor of the application.

Where is the riding ring, Mr. Smith asked? How far is the barn from the outlet road?

The riding ring is located at the top of the hill on Lot 15, Mr. Hansbarger replied. The barn is 100 ft. from all property lines. The applicant owns the outlet road which easement has been granted to the property owner behind to pass over. The easement was granted before the barn was constructed. This is a new barn. The character and development of this area as it now exists is predominantly large size lots with residences. Many of the residents have barns and facilities comparable to the building on this site. Some of the land is devoted to agriculture which permits livestock, cattle, etc. This use would not hinder development of the area. Development that has taken place has been division of farms into large lots.

October 13, 1970
SANDRA R. AND CARROLL R. WARD - Ctd.

Mr. Hansbarger introduced Mr. Curtis Prinz, 7643 Clifton Road, Fairfax Station, Virginia, President of the Fairfax Horsemen's Association, to speak in favor of the application.

(Mr. Prinz's remarks have been stricken from the record at his request.)

Mrs. Catherine Bray, 12019 Yate's Ford Road, spoke in favor of the application.

Mrs. Herbert Weaver, 6516 Stallion Road, described this as a well run school and agreed with other statements made in favor of the application.

Mrs. Barbara Gibbs described the difference between a riding school and a riding stable. A riding stable is where you pay money to rent horses - Mrs. Ward does not run this type of place. She charges people taking lessons, whether they own their own horse or use one of hers. She urged the Board to grant the application.

Mr. Hugh Heischner, 1210 Whitlow Drive, stated that he has just built his home and Mrs. Ward's operation did not have any effect which would limit him from doing that. He made a rather substantial financial investment in the area with the full knowledge of Mrs. Ward's operation. He spoke in favor of the application.

Opposition: Frederick N. Smith, 6627 Clifton Road, presented opposing petitions signed by 74 property owners and residents in the Clifton area. He said he would not contest the operation of the school since the applicant's lawyer had already admitted to this. His main point is that this is a commercial operation in a residential neighborhood. Riders ride in the ring or in the neighborhood - they do not ride on the 100 acres. That land has been held for speculation since he moved there and as soon as something comes along which is suitable for this land, Mrs. Ward will be left with her seven acres. In the summer time wind blows dust down onto his property. He has seen up to 50 cars, during horse shows, complete with loudspeakers. The other point he wished to make was with regard to the attitude of the applicant which he considered one of contempt -- Mr. Prinz exemplified this when he let the Board know what he thought of the conduct of the Board. The applicant does not care about the feeling of the neighbors. The Board has been showing contempt today and these people have been doing so for two years.

Mr. Yeatman and Mr. Barnes did not think there was anything unlawful about riding horses on the roads. As far as the statement as to the applicant not using the 100 acres, Mr. Barnes said the proper place for instruction is in the ring, not in the field.

Mr. Robert Colburn, 6505 Stallion Road, stated that he has no objection to Mrs. Ward nor to horses. A riding school is good but there are rules regulating them to see that they are done properly. The key to this is the lease on the additional acreage. Everyone agrees that 7 acres is not sufficient land for 30 plus horses. She has a lease which expires in about 2 1/2 months and if she does have a lease for the coming year on the 100 acres, that carries a 90 day cancellation clause. As for riding horses on the road, if he boarded his horse there, he was not going to be satisfied to ride it around in a circle. Riding schools and riding stables are different, he agreed, but the application was made for a riding stable.

Mr. Oscar Tinney, 13223 Springdale Road, asked -- are we talking about a riding school or a riding stable? The letter which Mr. Hansbarger sent out to the neighbors says riding stable -- this sounds commercial. If this is granted, it might lead to other commercial uses.

The basic complaint, Mr. Hansbarger said he understood was fear that this would be a commercial encroachment - this is not so. This is one of the uses allowed by special use permit in a residential district. Commercial zoning in this area would be within the province of the Board of Supervisors, and until public water and sewer come into this area, this would not happen. To allay any fears about the lease, the permit could be conditioned on having a written statement that the lease would be extended throughout 1971. This operation has been going on for two years, and if this were a bad operation, there would have been reports of injured horses or injuries caused by the traffic. No one cited any instance where this has happened.

Mr. Hansbarger said he did not know of any place in the Ordinance where the number of animals are limited.

This is the Board's position, Mr. Smith explained, that not more than one horse should be on one acre for these riding schools.

The Board is bound by the Ordinance, Mr. Hansbarger said, and the law does not set forth any limited number of horses. If it is the policy to have one horse per acre, and if the applicant does purchase or get the lease renewed on the 109 acres, then perhaps they should not talk about 30 or 31 horses -- they should be talking of perhaps 59 or 60. She only uses the 109 acres for grazing - she is keeping is green until the owners get ready to develop it and her rent is paying the taxes on that land.

Mr. Hansbarger referred to the traffic from this operation as compared to the traffic that could be expected if this were developed in half acre cluster lots. For each house there would be five trips per day. The biggest complaint from the people is that this is commercialization of a piece of property and this is just not so. A lot of other things would have to exist before the zoning could be changed and he would not take a rezoning case at this point in this area; it simply would not have a chance.

Mr. Smith hoped the application would be deferred until receipt of a lease for the coming year on the 100 acres.

A copy of the letter sent to Mr. Covington regarding this operation was given to the Board by one of the men who spoke in opposition.

Mr. Smith read a letter from Mr. Gerald Hennessy stating that unless the riding ring is moved back from the property line, is adequately screened, and its scale of operations reduced, its continued operation cannot be compatible with the adjacent residential zoning.

There was a message from a lady who telephoned in favor of the application, however, since there was no signature, Mr. Smith ruled that the Board could not accept it.

In application S-168-70, an application by Sandra R. and Carroll R. Ward, under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, located 6718 Clifton Road, also known as tax map 75 ((1)) 15, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is part owner and lessee of the subject property.
2. Present zoning is RE-1.
3. Area of the property is 7.89 acres owned by the applicant and 109.927 acres being leased by the applicant.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indciating compliance with Standards for Special Use Permits in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application a nd is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is granted for a three year period with a maximum of thirty-one horses in connection with the riding school.

5. The hours of operation shall be from 9 a.m. to 9 p.m. seven days a week.

6. All lighting shall be directed onto the site.

7. All noise shall be confined to the site.

8. There shall be a minimum of 20 parking spaces with all parking being confined to the site.

9. There shall not be any riding of horses on public rights of way in connection with this riding school.

10. There shall be an acceleration and deceleration lane constructed at the entrance of a length and width as approved by the Division of Land Use Administration.

11. There shall be separate public facilities for male and female restrooms as approved by the Fairfax County Health Department.

12. The riding ring shall be maintained in a dust free condition.

Mr. Barnes seconded the motion and stated that he felt this was a good use as long as the 109 acres is included. He did not feel that the horse shows would have a great impact on the area.

Mr. Yeatman proposed an amendment to the motion, which was accepted by Mr. Long and Mr. Barnes, that the applicant provide the Board with a copy of her liability insurance policy.

Is this a use permit on the entire tract or the eight acres, Mr. Smith asked?

The application is on both parcels, Mr. Long said, and both parcels were included in the motion.

The stipulation in the motion, Mr. Smith recalled, is for three years.

Yes, she should have a permit for three years, Mr. Long said, otherwise she would be in an unreasonable position.

If she loses control of the 100 acres, would this use permit be null and void, Mr. Smith asked?

If the area changes, if the lease is not renewed, this would have to be re-evaluated by the Board, Mr. Long agreed.

Motion carried 4-1, Mr. Smith voting against the motion, as he felt the conditions had not changed since the Board denied this previously and the applicant only has control of the large parcel of land for another 2 1/2 months or so. Normal procedure of the Board is not to grant an application until the applicant has furnished a lease covering the time of the use permit, he said.

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RAVENSWORTH BAPTIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Ravensworth Cooperative Mothers Day Out Program, located N. W. corner of Ravensworth and Braddock Roads, Annandale District, (R-12.5), 70-4 ((6)) A, S-169-70

E. Linwood Tipton, Chairman of the Board of Deacons of the Church, stated that this would be operated by the church itself. It is a cooperative mothers day out program which is similar in nature to a day care facility.

Mrs. Shirlene Gaddy, 7424 Chatham Street, Chairman of the Nursery Committee, stated that the purpose of the program is to provide suburban mothers an opportunity to pursue adult activities outside the home away from the children for a portion of one day each week. The mothers would participate in the program on a rotating basis, and this would not only be reassuring to the child but the mother would be able to see her child as an individual and observe him as a member of the group. There would be four salaried workers responsible for the welfare of the children, under the direction of the Director. The operation would be every Wednesday. Nominal fees would be charged to cover the cost of salaries and supplies. Their facilities would accommodate 84 children but they will limit this at the present time to 53. They have a waiting list of twelve children and more applications are arriving every week. Ages of the children would be from three months to five years of age. They would like to have a permit to operate more than one day a week since there seems to be a demand for this type of service. Hours of operation would be 9:30 a.m. to 2:30 p.m.

Memo from the Health Department indicated that they had no objection to approval of the application so long as a fenced play area is provided meeting requirements of Chapter 15(c).

There is a fenced play area now, Mr. Tipton said, in excess of 2,000 sq. ft.

Mrs. Priscilla Johnson, Director and President, stated that only one class at a time would be taken out to play. The baby class would not need to use the facilities at all. There would not be more than fifteen children in the play area at any one time.

No opposition.

In application S-169-70, an application by Ravensworth Baptist Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Ravensworth Cooperative Mothers Day Out Program on property located at N. W. corner of Ravensworth and Braddock Roads, also known as tax map 70-4 ((6)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 4.54256 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. This is an existing facility and the school would be an accessory use.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a three year period.

5. The maximum number of children shall be 84 children ages three months to five years of age, five days a week from 9 a.m. to 3 p.m.

6. A play area shall be enclosed with a 42" chain link fence as required by the County and State laws.

7. There will be one salaried teacher and two mother helpers with each 15 children.

Seconded, Mr. Yeatman. Carried 5-0.

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DR. B. A. MELANY, application under Section 30-6.6 of the Ordinance, to permit addition closer to Evergreen Lane than allowed, 6933 Alpine Drive, Annandale District, (COL) 71-2 ((4)) 4, V-174-70

Mr. Roy Swayze represented the applicant. The lot was recently rezoned to COL, Mr. Swayze explained. There is a small brick dwelling there now facing toward the point of the property. The lot is pie shaped. The dentist wants to remodel the house and add to it for his dental office.

Mr. Mitchell, architect, showed the design of the proposed building.

Mr. Swayze stated that this is only an interim use of the lot. The building would come within 39.9 ft. of Evergreen Lane instead of the required 50 feet. Dr. Melany would like to practice here with one assistant, two nurses and a hygienist. If the addition does not obtain a variance, it would be necessary to destroy the existing house and build a new office building.

Mr. Smith felt that the variance of five feet on the Alpine Drive side might have some justification, but he could not justify this large addition this close to Evergreen Lane. Site plan might require improvements being made to Evergreen Lane,

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such as widening and so forth, and then the addition would be closer yet.

There are no plans at this time for improvement of Alpine or Evergreen, Mr. Mitchell said. He had not talked with Mr. Chilton regarding the application, he said.

What type of construction would this be, Mr. Long asked?

The addition would be of frame construction; the existing dwelling is brick.

Opposition: William Sellers, resident of Alpine Drive, objected because he felt there were not enough parking spaces provided and people would be parking on the street. The doctor knew the size of this building when he bought the property, and the residents did not contest the rezoning because their impression was that he was going to use the existing structure for his office.

Mr. Swayze said that fourteen parking spaces are provided on the plat; more could be provided, if necessary.

The Board would be wrong to grant such a large variance, Mr. Yeatman said. The doctor should tear down this building if it is not large enough, and build an office building that would be more in keeping with the area.

In application V-174-70, an application by Dr. B. A. Melany, under Section 30-6.6 of the Ordinance, to permit addition closer to Evergreen Lane than allowed by the Ordinance, property located at 6933 Alpine Drive, also known as tax map 71-2 ((4)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is COL.
3. Area of the lot is 21,026 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The proposed building would encroach 20 ft. into the required setback on Evergreen Lane.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman. Carried unanimously.

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The Board adjourned for lunch.

Upon reconvening, the Board proceeded with the agenda:

MAGNA G. AUNON, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school of ballet in basement of premises, 3300 Glen Carlyn Road, Mason District, (R-12.5), 61-2 ((6)) 11, S-173-70

Mr. Frank Perry represented the applicant. He presented a letter from the priest at St. Anthony's Church, the owner of the house in which the applicant lives and the two adjacent properties on each side of her. Mrs. Aunon, a widow with a fifteen year old daughter, would like to have a ballet school in the basement of her home. There is an outside entrance leading into the basement. This would be an after school operation and one where students could come in on Saturdays. She would possibly have one or two pre-school classes during school hours on weekdays. Enrollment would possibly be 60 to 70 students, give or take 10 or 15 each way. Classes consist of approximately ten pupils. The basement facilities she would be using are set up with a small room to be used as a dressing room and a recreation room which is 25 ft. by 12 or 15 ft. There is a bath-room in the basement also and a driveway on the property which would accommodate two cars. In this type of operation most of the students would come directly from school or be dropped off in front of the school by their parents. There is also a letter in the file giving permission for the applicant to use the church parking.

The lease which the applicant has is renewable, Mr. Perry continued, and the commitment as to parking would be for as long as Mrs. Aunon occupies the premises.

Mr. Hudson Nagle, 3304 Glencarlyn Road, appeared in opposition. His main concern was the traffic problem.

Mr. Perry assured Mr. Nagle that the applicant did not propose to have parking on the street; that was the basis for getting the letter from the church giving permission to use their parking lot.

In application S-173-70, application by Magna G. Aunon, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit operation of school of ballet, 3300 Glen Carlyn Road also known as tax map 61-2 ((6)) 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following peoper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Bishop Ireton, Diocese of Richmond, Virginia.
2. Present zoning is R-12.5.
3. Area of the lot is 10,006 sq. ft.
4. The school is intended for local residents.
5. Compliance with Article XI, Site Plan Ordinance, is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacentland and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a three year period.

5. There will be a maximum of 12 students utilizing the school at any one time.

6. Hours of operation will be from 9 a.m. to 9 p.m. six days a week.

7. All parking, loading or unloading of students in connection with this use, shall be confined to the St. Anthony's Church parking lot directly across the street.

Seconded, Mr. Yeatman. Carried unanimously.

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WILLA ECKLES (PETER PIPER SCHOOL), application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school, maximum per session 36 children (2 sessions) ages 3 to 5 years; hours 8:55 to 11:45 a.m. and 12:30 to 3:20 p.m., 1351 Scotts Run Road, Dranesville District, (RE-1), 30-1 ((9)) 1, S-175-70

Mrs. Eckles stated that she has a use permit for 40 students issued in 1962 when the school was built. She would like to increase the number of students to 72. They are on septic facilities. Actual enrollment is 45. The original use permit in 1954 was for ten children and now they would like to have the school for pupils age 3 to 5, two sessions a day. There is parking for 25 cars. The children come in car pools or are brought by parents.

No opposition.

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In application S-175-70, application by Willa Eckles, Peter Piper School, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school, maximum per session 36 children (two sessions) ages 3 to 5; hours from 8:55 a.m. to 11:45 a.m. and 12:30 to 3:20 p.m., on property located at 1351 Scotts Run Road, also known as tax map 30-1 ((9)) 1, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Area of the lot is 2.3834 acres of land.
3. Present zoning is RE-1.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. This is an existing school in operation since 1962.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is issued for a three year period.

5. There shall be a minimum of fifteen standard parking spaces, with all parking and unloading of students confined to the site.

6. Any buses used to transport students shall conform to the Fairfax County School Board standards for lighting and color.

Seconded, Mr. Barnes. Carried unanimously.

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WEIHE, BLACK, KERR & JEFFRIES, FOR RICHARD A. BACAS, application under Section 30-6.6 of the Ordinance, to permit 7 ft. projection of canopy into building setback area, located at S.W. corner of Jefferson Avenue and Annandale Road, Providence District, (C-D), 50-4 ((13)) 43 and 44, V-176-70

Mr. William Hansbarger and Mr. Richard Bacas were present in support of the application. Mr. Hansbarger asked that the application be amended to delete the name of the architects. The applicant is asking for a variance with regard to a canopy, Mr. Hansbarger explained. It is an unusual situation which is two-fold; one is because of the angle of the intersection and there is none other like it at this intersection; unless you set the building parallel to the street, a variance would be necessary on a part of it. Pulling the canopy back to meet the requirements of the Ordinance would reduce the amount of traffic that could be stacked in here. These are automatic tellers. Thirteen parking spaces have been provided.

No opposition.

In application V-176-70, an application by Richard A. Bacas, under Section 30-6.6 of the Ordinance, to permit 7 ft. projection of canopy into building setback area on property located at southwest corner of Jefferson Avenue and Annandale Road, also known as tax

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tax map 50-4 ((13)) 43 and 44, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Compliance with Article XI (Site Plan Ordinance) is required.
4. This would be a minimum variance, only on a part of the canopy.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

a. irregular shape of the lot; b. unusual condition of the location of building.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The canopy is not to overhang the travel lane.

4. The drive-in window shall be located to prevent cars projecting into the 22 ft. travel lane.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

PROGRESSIVE CARE, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation as a nursing home under new management, all operations to be as previously done, 7120 Braddock Road, Annandale District, (RE-1), 71-3 ((8)) 10A, S-108-70 (deferred from 9-8-70)

This application was deferred for information on all final inspections. When all inspections have been completed, the Board will put this back on the agenda.

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ANNANDALE MARINE & SPORTS CENTER, application under Section 30-7.2.10.5.4 of the Ordinance, to permit sales and servicing of boats and motors, campers, trailers, motorcycles and other recreational equipment, 4313 Markham Street, Annandale District, (C-G), 71-1 ((1)) 9, S-140-70 (deferred from 9-8-70)

ANNANDALE MARINE & SPORTS CENTER, INC., application under Section 30-6.6 of the Ordinance, to permit use of present garage located 3.9 ft. from rear property line as storage and repair building, 4313 Markham Street, Annandale District, (C-G) 71-1 ((1)) 9, V-141-70 (deferred from 9-8-70)

Mr. John L. Hanson, attorney, requested deferral of 30 days to allow the applicant to complete the contract on the additional property to be included in the application. Mr. Myers, owner of the property in question, objected to deferral. However, the Board felt that as long as the applicant had been diligently pursuing the application, the Board should grant a deferral. The application was deferred to November 10 by a 4-0 vote, Mr. Smith abstaining in view of the owner's objection to deferral.

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JONES POINT APARTMENTS, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, located Huntington Avenue adjacent to Route 1 at dead end of Hunting Creek Road, Lee District, (CRMH) 83-1 ((1)) 58A, S-94-70 (deferred from 6/9/70)

Mr. John T. Hazel, Jr., represented the applicant.

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Essentially this is an execution of a commitment made at the time the property was rezoned to CRMH seven or eight years ago, Mr. Hazel explained. The Sanitation Division requested as part of the permanent plans for the area north of Huntington Avenue that a permanent pumping station be constructed in the vicinity shown and for which this use permit was applied. That pumping station is to combine the temporary facility at Margie's Restaurant and Huntington into one plant where the sewer is now in the ground and where gravity feed takes over. This is just a pumping station.

Most of the area north of Huntington Avenue is below the level of the sewer line that services Westgate, Mr. Hazel continued. In order to serve Huntington, all the C-G area and the apartment buildings, it's necessary to put it on a lift station. He is in the unique position that the building which his client is building can be serviced much more economically for him by a pump in the basement that takes care of just that sewer but the commitment was made at the time of zoning before his client purchased the property that a pumping station would be constructed on this site to combine the two existing County facilities. It's in furtherance of that commitment that they are asking for the permit to enable them to build the pump. They have a reimbursement agreement and a pro rata service agreement with the County under which about a third of this capacity would be utilized for the existing Huntington subdivision, about ten or fifteen per cent for the C-G area, about twenty nine per cent for the buildings of the Magazine development, and the rest which is about twenty per cent or so will be reserved for future development around that interchange.

In June when they were before the Board, or May, they were at the peak of the difficulties which resulted in the moratorium and things were a bit disorganized, Mr. Hazel continued, in the sewer situation. At that time the Water Control Board deferred approval of the plan because they weren't sure where it would end up. Since that time the WAter Control Board has approved this facility, the County Site Selection Committee has approved the facility, last night the Planning Commission approved the pumping station, and they are now asking for final action on the use permit.

Mr. Patterson, engineer, stated that proposed construction of the building would be brick and it would be about 15' x 20'. The only opening in the building would be the door access to the pumping station. The ventilation system will be forced air.

In application S-94-70, application by Jones Point Apartments, under Section 30-7.2.2.1.6 of the Zoning Ordinance, to permit erection and operation of sewage pumping station, on property located at Huntington Avenue, adjacent to Route 1, also known as tax map 83-1 ((1)) 58A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following r esolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Travelers Insurance Company.
2. Present zoning is C-RMH.
3. Area of the lot is 1.596 acres of land.
4. The Planning Commission approved this application at its regular meeting of October 12, 1970.
5. This installation has been approved by the State and County Health Departments and the State Water Control Board.

AND WHEREAS the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in he Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This approval shall expire one year from this date unless construction or operation has started or unless renewed by this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause

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for this use permit to be re-evaluated by the Board.

4. The building shall be constructed of brick material.

5. The site shall be screened with planting of a size, type and manner approved by the Division of Land Use Administration.

6. Compliance with Article XI (Site Plan Ordinance) will be required.

Seconded, Mr. Barnes. Carried unanimously.

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MIKE M. BORICH, application under Section 30-2.2.2, RM-2, Column 2 of the Ordinance, to permit operation of beauty salon in Merrifield Village Apartments, 2703 Livingstone Lane, Providence District, 49-2 ((1)) 53, S-171-70 (deferred from 9-15-70)

Mr. Smith noted receipt of a lease for one year from October 1, 1970 through October 1, 1971. The applicant also presented a letter from the resident manager stating that they were leasing to Mr. Borich for the beauty shop and it has not been used for beauty shop purposes since Mr. Maxwell had the beauty shop there. It also gives authority for him to make any alterations, Mr. Smith noted. He also read a letter from residents of 2703 Livingstone Lane in opposition to the application.

A request from Thomas . Wright, Supervisor of Providence District, asked that the application be deferred to allow several persons who could not appear today, an opportunity to be heard.

This application was readvertised, Mr. Smith noted, under the proper section of the Code.

Mr. Phillips said that as far as he knew, the only particular requirement which was not met by this application, was the fact that the Planning Commission did not receive thirty days advance notice on this application which was added after the agenda had been set up. The Planning Commission did receive notice, however, and as of today, the thirty days have elapsed. The staff readvertised the application because of an oversight in putting it in the wrong category in the Zoning Ordinance, but to his knowledge the notices, required letters and posting were done properly.

Primarily these uses are established to serve the people living in the apartments, Mr. Smith commented, and everybody in this building objects to the use. They have indicated this in the public hearing and now they are indicating again by a petition. There was a beauty shop there and it didn't last.

If the people don't want it, why put it in there, Mr. Yeatman asked?

Mr. Long said he would be opposed to postponing this further as a use like this should only be permitted in an area when it is for the benefit of the immediate neighbors. These people don't want the beauty shop.

In application S-171-70, an application by Mike M. Borich, under Section 30-2.2.2 of the Zoning Ordinance, to permit operation of beauty salon in Merrifield Village Apartments, on property located at 2703 Livingstone Lane, also known as tax map 49-2 ((1)) 53, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is lessee of the subject property.
2. The present zoning is RM-2.
3. The use would be conducted in an apartment.
4. There was a beauty shop in this location March 27, 1968 which was found obnoxious to the tenants of the apartment building.
5. The eleven occupants of the apartment building signed a petition opposing the use.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Long amended the motion by adding under findings of fact: "6. There is a commercial zone within one half mile of this location."

Seconded, Mr. Barnes. Carried unanimously.

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SMITH & FRANCIS, INC., application under Section 30-6.6 of the Ordinance, to permit construction of house 9 ft. from side property lines, located at 3531 Gordon St., Mason District, (R-12.5), 61-2 ((17)) (G) 15, V-156-70 (deferred from 9-15-70)

Mr. Carlton Smith, President of Smith & Francis, Inc., stated that this is a very small lot, a 50 ft. lot, which requires a 12 ft. side yard. To put up a house that is comparable to houses in the area, it would require a variance. The only thing he could construct without a variance would be a shotgun rambler which is not a good house. The one planned would have four bedrooms, three baths, large rec room and two fireplaces. This is the only lot owned by Smith & Francis in this area. The house would be a split foyer type.

Mr. Covington stated that had the applicant checked in the Zoning Office, he would have been allowed to construct a house 8 ft. from one side line and 10 ft. from the other as a matter of right.

No opposition.

In application V-153-70, application by Smith & Francis, Inc., under Section 30-6.6 of the Ordinance, to permit construction of dwelling 9 ft. from side property lines, property located at 3531 Gordon Street, also known as tax map 61-2 ((17)) (G)15, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 10,000 sq. ft. of land.
4. Public sewer and water are available to the site.
5. This is an older subdivision, subdivided prior to the Subdivision Control Ordinance.
6. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved: exceptionally narrow lot.

NOW, THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted in part, with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on plats submitted with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed building shall be located 10ft. from the right property line and 8 ft. from the left property line.

Seconded, Mr. Barnes. Carried unanimously.

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NATIONAL MEMORIAL PARK, application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed 6 ft. at corner of Lee Hwy. and Hollywood Road, and Lee Highway and West Street, located in Providence District, (R-12.5), 50-1 ((1)) 30, V-66-70 REHEARING (deferred from 9-15-70)

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Mr. Mark B. Sandground, 2523 Wilson Boulevard, Arlington, Virginia, representing the applicant, introduced Mr. Jack Rinker, engineer working on the project.

Mr. Sandground introduced photographs showing the hedge on the property in 1936 or 1937. Over a period of years the hedge grew to approximately 8 ft. in height, he said. Around 1966 there was a question of sight distance at the intersection and the Park voluntarily removed the hedge to improve it. They would like to place the subject fence on a concrete base. The height of the fence would vary according to topography changes, from a little over four feet to six feet. The ground is not level where the fence is to be located. The proposed fence would give privacy to the cemetery and not interfere with sight distance on the corners. This is not an ordinary fence; it is a fence that has been designed by artisans in England to match some of the very beautiful gates which are already in the park.

Mr. Yeatman felt the Board was authorized to grant a variance in a case like this due to topography.

Mr. Barnes commented that he felt differently about a variance for this applicant than he would on an ordinary dwelling - this is a lovely site and could do harm to no one. If they were restricted to a four foot fence, they might as well leave the corners bare.

No opposition.

In application No. V-66-70, application by National Memorial Park, application under Section 30-6.6 of the Ordinance, to permit erection of fence not to exceed 6 ft. at corner of Lee Highway and Hollywood Road and Lee Highway and West Street, located in Providence District, also known as tax map 50-1 ((1)) parcel 30, County of Fairfax, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 97 acres.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

That the applicant has satisfied the Board that the following physical conditions exist which under the strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land: exceptional shape of this lot and corner; exceptional topographic problems of the land. The grave sites are only 10 ft. from the property line. Maximum height of the fence itself at the corners will be 4 ft. but the finished height of the fence will be 6 ft. due to the topography of the land.

THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes.

There is no change in this application than from the original one, Mr. Smith noted.

Carried 3-1, Mr. Smith voting against the motion and Mr. Long abstaining as his firm prepared the plat.

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GEORGE C. LANDRITH, application under Section 30-6.6 of the Ordinance, to permit building closer to Belvoir Drive than allowed, 7517 Richmond Highway, 93-3 ((2)) (1) 9, Mt. Vernon District, (C-D), V-172-70

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Ralph Louk represented the applicant. The request is for a twelve foot variance for a Pizza Hut, Mr. Louk stated. The width of the lot is 75 feet. The Ordinance requires a 50 ft. front setback and because this is on the corner of Route 1 and Belvoir Drive, there would have to be two 50 ft. setbacks. The variance is not on the front but on the side, from Belvoir Drive. The surrounding property is zoned commercial. They could put a 25 ft. building on the lot without a roof overhang. They have a 30 ft. building. The roof on either side of the building has a 3 1/2 ft. overhang. The only variance involved in the application is a 12 ft. variance to be closer to Belvoir Drive. This is a dedicated lot and was dedicated prior to the Zoning Ordinance. If it were not for Belvoir Drive they could have a building 75 ft. in width. The lot is exceptionally narrow. Belvoir Drive dead ends and will not be a through street. One reason for the 50 ft. setback from a street is to allow for future widening - there will be no future widening of Belvoir Drive, that's the same with U. S. #1. This is a problem that is not generally shared with other properties in the vicinity. Belvoir Drive will be improved under site plan control. The character of the district will not be changed by this use. The entrance would be from both U. S. #1 and Belvoir Drive if they have to build the street.

How far will Belvoir Drive be extended beyond this property, Mr. Long asked?

It's a dirt road now, it's already a right of way, and it goes back a ways, he did not know the exact distance, Mr. Louk said. There is adequate parking for the proposed use. The existing house and garage on the property will be removed.

No opposition.

In application V-172-70, application by George C. Landrith, under Section 30-6.6 of the Ordinance, to permit building setback 38 ft. from property line, located 7517 Richmond Highway, also known as tax map 93-3 ((2)) (1) 9, County of Fairfax, Virginia Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The applicant is the contract purchaser.
2. Present zoning is C-D.
3. Area of the lot is 22,500 sq. ft. of land.
4. The Planning Commission recommended approval of this application at its meeting of October 1, 1970.
5. Compliance with Article XI (Site Plan Ordinance) is required.
6. This was a lot of record prior to the Subdivision Control Ordinance.
7. Belvoir Drive will not be widened in the future or be a through street.
8. This hardship is not generally shared by other properties in the area.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: exceptionally narrow lot; the proposed building is of minimum width - 30 ft. and this would be a minimum variance.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The building shall be 41.5 ft. from Belvoir Drive with a roof overhang of 3.5' and 3.8' from the property line of Belvoir Drive.

4. The entrances shall be as approved by the Division of Land Use Administration.

5. The building shall be constructed with a brick facade.

Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion, as he felt the contract purchaser is not an aggrieved party and is not entitled to a variance because of his knowledge of the need for a variance prior to purchase of the land.

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Lake Barcroft

At the last Board meeting, the request for a rehearing of the Lake Barcroft Recreation Center application came up, Mr. Phillips recalled, and basically the Board deferred it for the staff to get certain information. The staff sent out a memo to the Board members, copies of all the minutes on all the meetings on Lake Barcroft, but we did not send out the lease at that time because it had not been received. Each time the Board deferred a case, it was deferred to a time and date certain, and any posting and notification and advertising that the staff undertook beyond that which was undertaken for the very first hearing was extra and above and beyond the call of duty. The staff went through all the minutes and he could justify for each instance that it happened.

Mr. Smith noted receipt of the lease requested by the Board. He read the letter from Mr. Collins requesting rehearing into the record.

Mr. Waterval stated that the plat showing dimensions had been submitted to the Land Use Office.

As far as he was concerned, Mr. Smith said, the staff has followed all of the notification procedures. The information Mr. Collins presented in his request for rehearing was information which could have been presented - the only thing which could be in question would be whether ormot the majority of the people endorsed this.

In application S-142-69, a request for a rehearing by J. M. Collins under Section 30-6.11 of the Zoning Ordinance, to reconsider Lake Barcroft Recreation Center Special Use Permit, on property located on Whispering Lane, Lake Barcroft Subdivision, also known as tax map 61-3 ((14)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned request has been properly considered in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The original hearing was held July 22, 1969, following which the case was deferred to September 23, 1969 so that the Board might view the property. It was stated that the opposition would be given 10 minutes on September 23 to present additional testimony.

2. At the September 23 hearing additional evidence was presented by the applicant and by the opposition and the case was deferred until 15 days after the applicant has submitted a court decision to the Land Use office for the recommendation of the Board.

3. On July 14, 1970 the staff received a letter from Mr. Waterval containing documents concerning the court case. The staff, on the basis of this, scheduled the case for July 28 (14 days after receipt of the letter) and had the property posted which it was felt would not normally be required but it was felt that it would make all interested parties aware of the status of the case.

4. Mr. Smith announced on July 28 that the case would be heard on September 8. This had followed announcement the previous week that the intent was to hear the case in September.

5. On September 8 the Board took new evidence from both parties and granted the application. The opposition was given ample time and opportunity to introduce evidence.

6. There is no record of Mr. Brophy requesting special notification of hearings.

7. The lease has been furnished to the Zoning Administrator and has been found to be adequate.

8. A scaled site plan conforming to the original plan filed with the application has been filed with the Zoning Administrator.

9. The application did have substantial community support and this Board has determined that it would be of community benefit.

WHEREAS, THE Board of Zoning Appeals has reached the following conclusions of law:

1. The application was properly considered and no new evidence has been submitted to warrant reconsideration of this use permit.

NOW THEREFORE BE IT RESOLVED, that the subject request be and the same is hereby denied.

Seconded, Mr. Barnes. 5-0.

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TAMARACK STABLES, S-128-70, located 9801 Old Colchester Road - deferred for Mr. Barnes to review the insurance policy.

Mr. Smith stated that Mr. Barnes had reviewed the insurance policy and felt that it met with the requirements of the Board. This application now meets all requirements the Board requested earlier.

Mr. Smith questioned the part of the application dealing with sales of equipment, hay and grain.

Mr. Barnes did not object to selling some hay and grain occasionally. It would not be advertised.

This is a retail outlet in a residential zone, Mr. Smith warned, and the Ordinance would not condone this.

He has sold feed in the past, Mr. Majewski said.

He would be in trouble from the tax standpoint, Mr. Smith stated, if he sells it and does not collect sales tax.

In application S-128-70, application by Tamarack Stables, under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit riding school, 9801 Old Colchester Road, also known as tax map 114 ((1)) 1, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is L. F. Majewski.
2. Present zoning is RE-2.
3. Area of the lot is 23.48 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of landuse embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted withthis application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a three year period with an additional three one year extensions granted by the Zoning Administrator.

5. Hours of operation shall be from 9 a.m. to 9 p.m. seven days a week.

6. There shall be a maximum of 23 horses in connection with the riding school.

7. All ridding shall be confined to the premises unless special permission is obtained from the property owner.

8. There shall be a minimum of 15 parking spaces with all parking being confined to the site.

9. There shall be a deceleration and acceleration lane as approved by the Division of Land Use Administration.

10. All noise shall be confined to the site.

11. All lighting shall be confined to the site.

12. The riding ring shall be maintained in a dustfree condition.

13. There shall be separate public facilities for male and female as approved by the County Health Department.

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14. The applicant shall maintain the insurance policy furnished with this application.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith announced that the other two items scheduled for tonight would be postponed until the next meeting in view of the meeting that is to take place in this room in one minutes.

The meeting adjourned at 7:30 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

10/27/70 Date

October 20, 1970

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 20, 1970 at 10:00 a.m. in the Board of Supervisors Room of the County Administration Building. The following members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. George Barnes. Mr. Joseph P. Baker and Mr. Richard Long were absent.

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

AMERICAN HEALTH SERVICES, INCORPORATED, application under Section 30-7.2.5.1.2 of the Ordinance, to permit psychiatric facilities - an amendment to the existing Use Permit, retaining as a primary use the nursing home, located 2960 Sleepy Hollow Road, Providence District, (R-12.5), 51-3 ((1)) 9A, S-178-70

Mr. John T. Hazel, Jr. requested an amendment to the existing Use Permit to allow psychiatric services in the nursing home now known as Fort Buffalo Convalescent Residence and presented a copy of the lease option agreement under which the applicant has the right to file the application.

The original application was in the name of American Institutional Services, Mr. Smith recalled. They own the property and they operate the home. It is now under the agreement to be conveyed and will become owned and operated by the applicant.

The psychiatric unit would be subject to certain limitations which they have worked out with neighbors in the area and which were presented to the Planning Commission and contained in their unanimous motion recommending approval, Mr. Hazel stated. The need for the amendment to include specifically the permission to operate a psychiatric unit in this home is occasioned by the licensing and the technical services that are required in many health insurance programs before the benefits of the program may receive payment for care in this type of home.

Mr. Hazel said he first became aware of the need for this type of service when he was involved with the Juvenile and Domestic Relations Court in Fairfax County. Many persons had a need to be relieved from their environment for thirty days but the need was not severe enough to require hospitalization. This facility as proposed would allow a place for a person to go for a couple of weeks - for example, after delivery, in the post-natal period, mothers sometimes reach periods of depression and might need intensive treatment. There will be a staff of psychiatrists; most of the private psychiatrists in the area are participants on the staff. He outlined the four points of the Planning Commission recommendation: (1) that the use be granted only to this applicant and that the psychiatric services portion of it should not be transferable without reference to the Board of Zoning Appeals; (2) that only 100 beds out of the 222 beds in the home should be devoted to this specialized psychiatric service; (3) that there be no patients admitted under court commitment orders; and (4) that there be no violent patients allowed. There would be no external changes in the building and only minor internal changes. The landscaping of the property would be improved and increased, and the garden area would be improved.

Mrs. Marilyn Gothchild registered the concerns of the citizens of Sleepy Hollow, and described the existing nursing home as a "dismal failure". What would happen if this facility were sold -- would this be converted into a psychiatric hospital, she asked?

Before this could happen, there would have to be a new hearing on it, Mr. Smith said. The Ordinance does not allow a mental institution in this zoning category. This is for psychiatric care on a convalescent basis only.

Mrs. Gothchild asked what the age limit would be for patients?

There is no age limit on the convalescent home, Mr. Smith said.

There is no room for recreational area on this site, Mrs. Gothchild stated. This is on two acres which is filled up with the building and blacktopped parking space. Some of the patients from the home have gotten lost on the Lord and Taylor parking lot and they would be using the area for walking purposes. People are afraid of them.

These people are normal human beings who are convalescing, Mr. Smith said, and they have the right to visit a shopping facility. They should do it with the knowledge of the people at the nursing home.

These people would be cooped up, it would be almost a jail-like sentence, Mrs. Gothchild suggested.

This may be a concern of the people, Mr. Smith agreed, but without this facility they have nothing. The facility has not been fenced and there would be no reason to fence it now, however, if there is any encroachment or trespassing by people from the facility onto adjacent areas, it should be brought to the Board's attention and the fencing might be required.

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In application S-178-70, an application by American Health Services, Inc. under Section 30-7.2.5.1.2 of the Ordinance, to permit psychiatric facilities as part of the care given in a nursing home and to permit a new owner of the use, on property located at 2960 Sleepy Hollow Road, also known as tax map 51-3 ((1)) 9A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Fort Buffalo Convalescent Residence; American Health Services, Inc. is the contract owner.
2. Present zoning is R-12.5.
3. Area of the lot is 2.5450 acres.
4. The Planning Commission heard the case on 10-19-70 and recommended approval.
5. Special Use Permit was issued for a nursing home on this property May 10, 1966.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless transfer has taken place or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes in ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

4. The permit will exclude anybody being committed by court commitment.

5. No patient shall be admitted for any holding period while pending admission to a State institution.

6. No violent patients shall be admitted.

7. The amendment for inclusion of psychiatric care shall run only with the present proposed operator and will not be transferable without review.

8. Collection of garbage shall be during reasonable daylight hours only.

9. There shall be no treatment of out-patients.

10. There shall be no drug patients admitted.

11. This facility for psychiatric care shall be for not more than 100 beds.

12. No patient shall be allowed to walk in the area of Sleepy Hollow unattended.

Seconded, Mr. Barnes.

Mr. Hazel questioned the second limitation regarding the normal one year validity.

Mr. Yeatman said this permit shall expire one year from this date unless transfer has taken place - transfer of ownership. Not more than 100 beds out of the 222 beds shall be devoted to this psychiatric care.

Carried 3-0.

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October 20, 1970

OWEN F. THOMAS, application under Section 30-6.6 of the Ordinance, to permit enclosure of screen porch 11 ft. from side property line, located 7102 Sea Cliff Rd., Dranesville District, (R-12.5), 30-3 ((10)) 43, V-177-70

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Mr. Owen Thomas stated that he has been a resident at this address since 1959, the first person in the entire neighborhood. They have used the open porch over the years but they no longer have use for it now. His daughter is a school teacher and does a lot of work in the recreation room. His two youngsters in Northern Virginia College need a place to study and when he brings work home from the office he needs a place to work -- therefore he would like to enclose the porch, to make an additional room. The neighbors have no objection. The variance would be only on one corner of the porch. The porch would be enclosed with the same material as the house.

No opposition.

In application V-177-70, application by Owen F. Thomas under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of screen porch 11 ft. from side property line, property located at 7102 Sea Cliff Road, also known as tax map 30-3 ((10)) 43, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of October, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,855 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) exceptionally irregular shape of the lot and (b) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed room shall be of brick construction to conform to present residence.

Seconded, Mr. Barnes. Carried 3-0.

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WILLIAM R. AND LEONA M. DURLAND, application under Section 30-6.6 of the Ordinance, to permit construction of addition 0.2 ft. from side property line, 4705 Briar Patch Lane, Annandale District, (R-17) 69-2 ((13)) 24, V-179-70

Mr. Smith read a letter from the Park Authority, adjacent property owner, stating that they have no objections to the request.

Mr. Durland read his statement of justification for the variance: "Approximately 15 ft. separates the nearest point of our house and the property line of Parcel D, a piece of land dedicated by the Builder to the Fairfax County Park Authority. Parcel D constitutes one of the main entrances to the Rutherford Community Park. The plan for the park called for a path to be formed through the middle part of the Parcel as an entrance to the park. It was never constructed. However, the Builder, after dedication of the land, used the parcel as a dumping ground and in so doing destroyed several trees and formed an opening through the parcel to the park which was used as an entrance for buldozers to complete the building site. Subsequently, several paths have formed without plan, by users of the park and the tennis courts thereon.

"Because no formal entrance was constructed, persons, particularly teenagers use any means available to enter the park. One such means is to enter between our house and the border of the parcel where open space now exists. A variance, for the construction of

an appendage to our house will act to block this unauthorized entrance way and require persons to use legal means to enter the park. This is one reason for its request.

Secondly, the drainage from the park enters our property during rain storms and travels downhill washing our grass and soil with it to the park land to the south side at a lower level. This variance will permit the construction requested which will end such damage to the land and soil south of it. For these reasons, among others, the applicant justifies the request. The Fairfax County Park Authority has written the applicant and stated that it does not oppose the request. A copy of the same is enclosed along with photographs of the area."

Mr. Durland added that he has owned the house since December 1967 - he is the original owner.

One of the most unusual features of this case is the fact that the lot is contiguous to Park Authority land where no construction would take place, Mr. Smith commented; this puts the applicant in a unique position.

No opposition.

In application V-179-70, application by William R. and Leona M. Durland, under Section 30-6.6 of the Ordinance, to permit addition 0.2 ft. from property line, property located at 4705 Briar Patch Lane, also known as tax map 69-2 ((13)) 24, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 11,162 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpetation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems of the land; (b) because of the unusual feature where the applicant's land adjoins land owned by the Park Authority where no permanent structures would ever be constructed;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 3-0.

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DEFERRED CASES:

JAMES A. AUDI, application under Section 30-6.6 of the Ordinance, to permit completion of carport closer to street and property line, 6458 Eighth St., Springfield District, (RE 0.5), 72-3 ((11)) 142, V-153-70 (deferred from Sept. 15)

Mr. Zebriskie, attorney, represented the applicant. He reviewed the events leading up to construction of the carport as described by Mr. Audi at the hearing on September 15.

Mr. Smith said he knew of no instance where the Board has given a variance for construction in front of a house. He suggested deferring decision until a full Board could be present. Mr. Zabriskie agreed - therefore it was deferred for a full Board.

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FRANCONIA LODGE #646, LOYAL ORDER OF THE MOOSE, application under Section 30-7.2.5.1.4 of the Ordinance, to permit fraternal lodge, Loyal Order of Moose, 7701 Beulah Rd., Lee District, (RE-1), 99-2, 100-1 ((1)) 50 and 3, S-155-70 (deferred from Sept. 22)

Mr. Golden, representing the applicant, stated that Mr. Moran, the engineer, had injured his shoulder and had not been able to get the plats done that the Board wished. They did not have anything in writing from the Highway Department regarding the entrance to the proposed Lodge, but the engineer had stated that he felt this was the best location so far as the line of sight goes.

Mr. Yeatman moved to defer to November 10 and that the applicant come back with all the information requested by the Board. Mr. Moran should present a plan for taking off some of the curve in the road by deceleration lane, and the location of the well should be 100 ft. from the septic field, etc.

Seconded, Mr. Barnes. Carried 3-0.

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GIANT FOOD PROPERTIES, application under Section 30-6.6 of the Ordinance, to permit construction of Fairfax County standard 7 ft. retaining wall along Memorial St., 3100Block Memorial St., Lee District, (C-D), 93-1 ((1)) 1A, V-163-70 (deferred from Sept. 22)

Mr. Smith noted receipt of the lease to the applicant and added that 30 years would make them the same as owner in seeking the variance. Could a 4 ft. retaining wall be constructed here, he suggested, then a variance would not be necessary?

At the time the storm sewer was installed, there was no requirement to widen Memorial Street. Now the County wants to widen it and put in sidewalk, Mr. Holland explained. To do that, and support the sewer, they want to put in the wall which reaches a maximum height at one point of 7 ft. If Memorial Street were not being widened and improved, the wall would not be necessary. This will be a brick wall. The only part that will be 7 ft. high is in the center. They need it for the buttressing effect to support the storm sewer.

Mr. Smith said he could not be convinced that this wall was absolutely necessary and asked that a letter be obtained from Public Works stating why the property could not be developed to its best advantage without the retaining wall.

Mr. Yeatman moved to defer to the next meeting. Seconded, Mr.Barnes. Carried 3-0.

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WALTER F. BUGIN, application under Section 30-6.6 of the Ordinance, to permit addition 36.1 ft. from front property line, 4910 Bristow Drive, (R-12.5), Annandale District, 71-3 ((3)) 67, V-162-70 (deferred from Sept. 22)

Letter from the applicant requested that his hearing be canceled.

Mr. Yeatman moved to allow the application to be withdrawn with prejudice. Seconded, Mr. Barnes. Carried 3-0.

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CLARENCE CANTOR, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Lyndale Drive than allowed by Ordinance, 7617 Admiral Dr., Mt. Vernon District, (RE 0.5), 102-2 ((7)) 1, V-166-70 (deferred from Sept. 22)

Mr. Barnes said he felt there was an alternate location for the carport and the Board could not grant a variance if he can put it some place else.

Mr. Cantor said if he put it in that location, it would destroy many of his trees and that was the reason for his buying the place in the beginning.

To his knowledge, Mr. Smith said, the Board has never granted a variance for a carport in a front yard. The houses which Mr. Cantor spoke of as being closer to the street than allowed, apparently were built in 1957 prior to today's Ordinance, and without a variance. This is a tremendous request.

Mr. Smith suggested that perhaps it would be to the applicant's advantage to defer the application until a full Board could be present to vote.

Mr. Yeatman moved to defer for full Board; seconded, Mr. Barnes. Carried 3-0.

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GRACE BAPTIST CHURCH, application under Section 30-6.6 of the Ordinance, to permit construction with street setback from new Magarity Road of 30 ft. and street setback from Old Magarity Rd. of 16.25 ft. located at the intersection of Magarity Rd. and Great Falls St., Dranesville District (R-12.5), 30-3 ((1)) 15, V-167-70 (deferred from Sept. 22 to view)

Mr. Smith suggested moving the building back and placing parking in front so if there is need to widen Great Falls Street it would not interfere with the building itself.

Mr. Runyon said he could move it back 50 ft. and that would make the adjoining side line 13.4 ft. instead of 16.25 ft.

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In application V-167-70, application by Grace Baptist Church, under Section 30-6.6 of the Ordinance, to permit construction of building closer to Magarity Road and Old Magarity Road than allowed, on property located at Magarity Rd. and Great Falls St., also known as tax map 30-3 ((1)) 15, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 24,640 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) irregular shape of the lot; (b) narrow lot; (c) shallow lot;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The building will be located 50 ft. from Great Falls Street instead of 40 ft. a s shown on plats submitted with the application, and 13.67 ft. from Old Magarity Road.

Seconded, Mr. Barnes. Carried 3-0.

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MICHIKO K. BENTON - Request to grant an indefinite extension and delete the requirement for parking in garage in connection with beauty shop operation.

In application S-182-69, an application by Michiko K. Benton, under Section 30-7.2 6.1.5 of the Zoning Ordinance, to permit one chair beauty shop, on property located a t 2316 Tanglevale Drive, also known as tax map 38-3 ((1)) 4B, County of Fairfax, Virginia, Mr. Yeatman moved that in accordance with the resolution of the Board 10/28/69 that the Board grant an extension of the use permit for a period of three years from this date and allow three additional extensions to be made by the Zoning Administrator each for one year. All other provisions of the original granting would still pertain. Seconded, Mr. Barnes. Carried 3-0.

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ENGLESIDE CHRISTIAN SCHOOL - Request to amend the resolution granting the application to increase the hours of operation and ages of the children. Board will take this under advisement until the next meeting. This might require re-advertising and re-posting and reconsideration by the Health Department.

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WILLIAM H. N. HATCHER - Request for rehearing of Special Use Permit Application for riding stable on Beulah Road. Mr. A. A. Giangreco, attorney, represented Mr. Hatcher. The matter was deferred for a full Board to be present, to November 10.

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LANGLEY CLUB, INC. - Request for extension. Mr. Barnes moved that an extension of 180 days be granted; no further extensions will be allowed. Seconded, Mr. Yeatman. Carried 3-0.

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October 20, 1970

PROGRESSIVE CARE, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation as a nursing home under new management, all operations of home are to be as previously done, 7120 Braddock Rd., Annandale District, (RE-1), 71-3 S-108-70 (Deferred for final inspections)

Mr. Smith noted that all final inspections had been approved.

In application S-108-70, application by Progressive Care, Inc. under Section 30-7.2.6.1.8 of the Zoning Ordinance, to permit new management for nursing home, 7120 Braddock Road, also known as tax map 71-3 ((8)) 10A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 4.367 acres.
4. Compliance with Article XI is required.
5. A use permit exists for this use operated by the Leewood Nursing Home.
6. All inspections have been properly complied with.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The nursing home shall serve not more than 75 people at any one time.

5. The property shall be fenced along all property lines.

Seconded, Mr. Barnes. Carried 3-0.

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Mr. Smith stated that the Board of Supervisors last Wednesday rezoned the land where the BZA granted a use permit to City Engineering and Development for a service station. He has requested a copy of the motion.

The meeting adjourned at 4:25 P.M.

By Betty Haines, Clerk

K. Smith Chairman

Date

October 27, 1970

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 27, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman, Mr. George Barnes, Mr. Joseph P. Baker and Mr. Richard W. Long.

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

The Board scheduled meetings for December 1, 8 and 15 in view of the Christmas holidays.

GILLS AUTO SERVICE, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of used automobiles, located 5700 Leesburg Pike, Mason District, (C-G), 61-2 ((1)) B-1, S-180-70

This application was deferred to November 24, 1970 at the applicant's request.

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AVON ROAD CORPORATION AND DISTRICT THEATRES CORP., application under Section 30-7.2.10.3.4 of the Ordinance, to permit enclosed theatre in Mt. Vernon Plaza Shopping Center, located W. side of Richmond Hwy. opposite Abingdon Ave., Lee District, (C-D), 101-2 ((1)) pt. 12A, S-181-70

In the absence of Mr. Bernard Fagelson, Mr. Victor Kerpaso represented the applicant. The location of the theatre would be above the Zayre and Spa designations in the corner of the "L" shaped configuration of the shopping center, he said. Avon Road Corporation is the owner of the property; the tenant is District Theatres Corporation. The lease is for twenty-five years beginning the first day following completion of the property. The County Code would require 1645 parking spaces for the shopping center; 1790 spaces are provided. Seating capacity would be approximately 930 people, which would require 243 parking spaces. Parking for the theatre would be during off-hours in the shopping center.

Mr. Smith requested a copy of the corporate certificate.

No opposition.

Mr. Long moved that the application be deferred to November 10 for a recommendation from the staff as to the adequacy of parking for the proposed use. Carried 3-2, Mr. Smith and Mr. Baker voting against the motion as this has never been done on any other theatre application.

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SAMUEL AND BARBARA WAGNER, application under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop, 4100 Olley Lane, Springfield District, (RE-1), 58-4 ((12)) 2, S-182-70

On behalf of Mr. Fagelson, Mr. Victor Kerpaso represented the applicants.

Mrs. Wagner would like to operate an antique shop in the basement of her home, Mr. Kerpaso explained. One parking space in addition to the private parking spaces for residential use should be sufficient for this particular use. It is not anticipated that there would be a great number of people coming at any given time. The parking anticipated would be on the south side of the driveway and not as shown on the plat. There would be an additional space provided in an area that would be more than 25 ft. from the property line. The applicant will conduct a limited operation - basically, china, porcelain and glass products.

Mrs. Wagner stated that she would rather not operate by appointment only and would like to be open on Saturday, Sunday, Thursday and Friday, from 9 a.m. to 5 p.m.

Mr. William Barry, Zoning Administrator, told of having occasion to be at the Wagner home several months ago in reference to buying something which had been advertised in the paper. Mrs. Wagner at that time told him that her husband bought hampers full of post office materials to sell, Mr. Barry said.

Mrs. Wagner said that most of the equipment which Mr. Barry saw was donated to the Northern Virginia Community College. The proposed antique shop would be for sale of antiques only. The size of the room is approximately 26' x 26'.

Mrs. Patricia Dingwald spoke in favor of the application.

A neighbor, living at 4209 Olley Lane, about a block away, stated opposition to any type of commercial operation in a residential area.

If it is felt that this is not a proper use in a residential area, perhaps this should be deleted from the Ordinance as a proper use, Mr. Smith advised.

SAMUEL AND BARBARA WAGNER - Ctd.

In application S-182-70, application by Samuel and Barbara Wagner, under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop at 4100 Olley Lane, also known as tax map 58-4 ((12)) 2, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. The present zoning is RE-1.
3. Area of the lot is 21,784 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a three year period and for the sale of genuine antiques only.

5. All parking in connection with this use must be contained on the premises.

6. Operations on Sunday must be confined to the hours of 1:00 p.m. to 6:00 p.m. and 9:00 a.m. to 6:00 p.m. on Monday through Saturday.

Seconded, Mr. Yeatman.

Mr. Yeatman amended the motion to say that all lighting should be confined to the property itself, and not shine onto adjacent properties, and that there be no outside display of goods or merchandise, and no signs permitted on the premises which exceed two square feet in area.

Mr. Long accepted this - the motion granting the application would include compliance with the sign ordinance, he said.

Carried 5-0.

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JAMES E. KNUDSON and MARILYN N. KNUDSON, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care center, 7500 Box Elder Court, Dranesville District, (RE 0.5), 30-1 ((10)) 3, S-184-70

Mr. Knudson told of the conception of this idea which started as many as ten years ago with his wife's degree in child education, child development, etc. His wife has taught in public and private schools in the County and was President of the Children's Primary Association administering a program up to 200 children, twenty five teachers and staff members. In anticipating the establishment of such a facility, they have designed and built a home that has the necessary space to properly house such an undertaking. There is adequate window space, the proper height for small children to enjoy the view.

October 27, 1970

JAMES E. KNUDSON AND MARILYN N. KNUDSON - Ctd.

In the center of his home, Mr. Knudson continued, is a small gym (40' x 20' and 20' high) making a splendid play area for small children. This was designed specifically with day care facilities in mind. They chose this neighborhood specifically with this in mind. This is adjacent to a church and people use this building from early in the morning till late at night seven days a week.

Ages of the children, Mr. Knudson continued would be from three to six years of age. The State regulations for care of two year old children precludes operation of that type facility. The Church has given permission for them to use their parking facilities, Mr. Knudson added.

Mr. Smith read a letter from Peter Piper School stating that they had no objection.

Mr. Knudson stated that there would not be more than twenty-five children at a time at the school. Parents would bring the children.

Mr. Cecil Jacobson, 7505 Box Elder Court, strongly endorsed the proposal.

Mr. Edwin Bliss, III, 1343 Scotts Run Road, urged the Board to deny the application as certain development work has not been completed on the original cul-de-sac and the seven houses that have been erected there - namely, the ditch and bank in front of his house which has been rather unsightly to him and his neighbors.

Who is the developer, Mr. Smith asked?

Mr. Conklin is Building Supervisor for Priority Homes Corporation, Mr.Knudsons said. In the subsequent building and splitting up of the property, he became owner of two of the homes in the community. In becoming owner of these homes and since he was continuing as a builder, he took over the responsibility to finish the project in its entirety and get State inspection on the cul-de-sac. He has sold his interest in the development to Mr. Conklin and no longer has interest in any part of that development.

Mr. Bliss stated that a performance bond was posted. The developers have not conformed and complied with the work to be done for the cul-de-sac. Box Elder Court has not been accepted into the highway system.

Mr. Smith said he was concerned about granting a use permit on this cul-de-sac until such time as it has been accepted into the State system.

Mr. Bliss asked that the application be deferred until the work required to finish this has been done. He said he was not opposed to the project as such - he is only opposed to any change until the development has been completed.

When Mr. Conklin took over the houses, he also took over the bond and legal responsibility. Probably the reason the work has not been completed is due to the fact that Mr. Conklin has not sold the houses - one of them was rented for a while, Mr. Knudson said.

Until this agreement has been carried out, in view of the fact that there appears to be financial difficulty involved, Mr. Smith said, this Board should not allow additional uses of the land. The Board does not have enough information to make a final decision. The applicant should submit a copy of the agreement between the school and the church regarding parking.

Mr. Long moved that the application be deferred to November 10 for further information. Seconded, Mr. Barnes. Carried unanimously.

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VILLAGE BUTCHERS, INC., application under Section 30-6.6 of the Ordinance, to permit setback from rear line of 20 ft., 2800 Beacon Hill Road, Mt. Vernon District, (C-G), 93-1 ((1)) 78, V-185-70

Mr. Dave Feldman, attorney, represented the applicant. The rear setback in a C-G zone is 20 ft., he said however, in this particular location, the property in the rear is residential so there is a requirement of 25 ft. The property is presently being used as a 7-Eleven store; this is an additional building. The building will be lined up with the Seven-Eleven Store, and will be a quick service type of thing like the Seven-Eleven. This is not an abbatoir, namely, it is just packaging.

Would parking requirements be met for both buildings, Mr. Smith asked?

Mr. Knowlton said it was his understanding that it does.

Mr. Feldman said they propose to erect a brick wall from the westerly property line of the tract to the easterly property line and then come forward on the easterly line to the road.

Mr. Smith suggested that the variance should be granted to Quik Chek and Village Butchers, Inc.

No opposition.

Mr. Feldman stated that the architecture had not been firmed up yet, but it will be brick.

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QUICK CHECK REALTY CO., INC. AND VILLAGE BUTCHERS, INC. - Ctd.

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In application V-185-70, an application by Quik Chek Realty Company, Inc. and Village Butchers, Inc. under Section 30-6.6 of the Ordinance, to permit setback from rear property line of 20 ft. on property located at 2300 Beacon Hill Road, also known as tax map 93-1 ((1)) 78, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 0.568 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The adjoining 7-Eleven building has been constructed within 20 ft. of the rear property line.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonsble use ofthe land and buildings involved:

condition of the
(a) unusual/location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. A six foot brick wall shall be constructed along the property line as shown on site plans filed with the application.

Seconded, Mr. Barnes. Carried unanimously.

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MRS. JANE HARDING & MRS. JACQUELINE HARDING, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori Day School, 3335 Annandale Rd., Mason District, (R-10), 60-1 ((14)) A, S-186-70

Mr. Bruce Harding, 6129 Leesburg Pike, son of Jane Harding and husband of Jacqueline Harding, stated that a Use Permit was granted to Miss Barbara Harvey to operate the school, however, she could not meet the financing requirements. He presented a letter from Mrs. Wallingford, owner of the school, to this effect. When they originally signed the contract to purchase the school, they planned a partnership, but they wer informed by their legal people that it would be better to incorporate and this is the reason for the name Childrens House of Montessori, Inc.. This will be a private family corporation with he and his wife and his mother and father as the Board of Directors. Mrs. Jane Harding will be Director of the school. There is a great need for day care by the community but the kitchen requirements are not met regarding State regulations. Mrs. Wallingford had the school set up for two sessions for kindergarten and first grade. They would like hours from 8:00 to 5:00 and eventually might go to day care. They plan to start in January with the school. At present there would be no all day students because of kitchen regulations. They do not plan to bus the children unless it is necessary.

No opposition.

When they do have day care, will it be necessary to come back to the Board, Mr. Harding asked?

You would have to come back, Mr. Smith advised, and this might be done by addressing a letter to the Board as long as no additional buildings are being constructed

In application S-186-70, an application by Mrs. Jane Harding and Mrs. Jacqueline Harding and Falls Church Children's House of Montessori, Inc., under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori day school, on property located at 3335 Annandale Road, also known as tax map 60-1 ((14)) A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Mrs. Grace Wallingford. The applicant is contract purchaser.
2. Present zoning is R-10.
3. Area of the lot is 37,742 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. A use permit for a school (Application S-41-70) was granted on this property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1.b of the Zoning Ordinance,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan for land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a three year period with a maximum of 100 students at any one time, ages 2 thru 6, Monday thru Friday, 8:00 a.m. to 5:00 p.m. - a morning session from 8:00 a.m. to 12:00 p.m. and afternoon session 1:00 p.m. to 5:00 p.m.

5. There will be a teacher and an aide for each 25 students.

6. Any vehicle used for the transporting of children must comply with the Fairfax County School Board requirements for lighting and color.

7. The rear of the property is to be enclosed with a four foot chain link fence as shown on plat.

8. There will be 16 parking spaces required for this use.

Seconded, Mr. Barnes.

Carried 5-0.

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E. CIOLFI, application under Section 30-6.6 of the Ordinance, to permit carport posts 4 ft. from side property line, 7424 Marc Drive, Providence District, (R-10), 50-3 ((2)), 78, V-187-70

Mr. Ciolfi stated that he could build a carport within five feet of the property line by right but an extra foot would be just enough to park a large size car between the posts.

The two houses next to this one have the same problem, Mr. Smith stated. The posts could be set at five feet from the side property line with an overhang. Everyone else in the area has similar problems.

Mr. Yeatman suggested that Mr. Ciolfi see the Supervisor of his district about having the Ordinance changed for subdivisions like this.

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E. CIOLFI - Ctd.

No opposition.

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In application V-187-70, application by E. Ciolfi, under Section 30-6.6 of the Ordinance, to permit carport posts 4 ft. from side property line, located 7424 Marc Drive, also known as tax map 50-3 ((2)) 78, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance sith the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 22nd day of September, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 10,091 sq. ft.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Yeatman. Carried 5-0.

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JOHN W. THOMPSON, application under Section 30-6.6 of the Ordinance, to permit utility shed closer to property line than allowed, 4741 Springbrook Drive, Annandale District, (R-17), 69-4 ((5)) 13A, V-188-70

Mr. Thompson stated that his lot is pie-shaped slanting inward toward the rear. There is a 4' x 12' storage shed on the back of the carport already and he would like to extend it straight back by 7 ft. This would be storage space for bicycles, garden tools, paint, etc. He bought the house eight years ago and plans to continue to live there.

No opposition.

In application V-188-70, an application by John W. Thompson, application under Section 30-6.6 of the Ordinance, to permit shed closer to property line than allowed by Ordinance, property located at 4741 Springbrook Drive, also known as tax map 69-4 ((5)) 13A, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 15,093 sq. ft.
4. The required setback is 15 ft.; the shed will be 14 ft. from the property line.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally irregular shape of the lot;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats presented with this application only and is not transferable to other land or to other structures on the same land.

JOHN W. THOMPSON - Ctd.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition is to be constructed with similar material as the existing dwelling and shed.

Seconded, Mr. Yeatman. Carried 5-0.

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KEEN HOMES, INC. application under Section 30-6.6 of the Ordinance, to permit variance of side yard setback from 8 ft. to 3.1 ft., 8718 Linton Lane, Mt. Vernon District, (R-12.5), 111-1 ((14)) 527, V-190-70

Mr. John T. Hazel, Jr. represented the applicant.

This is a simple matter that arose in discussions of the difference of interpretation of a slatted 2' x 6' deck over an entranceway, Mr. Hazel explained. The house involved is a two level model with entranceway from the family room on the second floor and a basement door on the lower level. The entranceway is comprised of a 2' x 6' decking with 1" spacing between it. The builder used a design which he was using last year in this development. When he constructed the dwelling with this design, it was his understanding from the inspectors as well as the architect, that this type of decking was not considered to be a covered structure. It was built that way.

The house was constructed and when the as-built site plan came in, question was raised as to whether this was a covered area or not and rather than quarrel with the interpretation, they are asking a variance. This is the only house in this development this way and it was not discovered until final house location plat was submitted, Mr. Hazel said.

No opposition.

Mr. Smith asked to see the building permit application and while waiting for that to be obtained from the Zoning Office, the Board proceeded to the next item:

POTOMAC OIL, INC. AND BERNARD STEINBERG, application under Section 30-6.6 of the Ordinance, to permit variance on setback line from existing right of way from required 25 ft. to 16 ft., located intersection Port Royal Road and Braddock Road, Annandale District, (I-L), 70-4 ((10)) 12, V-189-70

Mr. Hazel represented Potomac Oil who have a twenty year lease on the property owned by Mr. Steinberg. The purpose of this application is to allow the installation of a third pump island within the existing service station area; the need for this pump island is essential and is based on the tremendous demand for service at this station. This is a four bay station and recently in an effort to accommodate the d emand, all of the bays were closed up in the front and installed as rear bays. There is an attractive Dutch siding front on these bays which was put on six months ago. There is still a demand for the other pump island. This will not increase the asphalt pavement and there will be no appurtenances. Braddock Road is fully developed. Intent of the Ordinance is to have 25 ft. between the right of way and the proposed improvements and unless there is more widening contemplated, he did not see how the variance would be a hardship on the public or the road.

There are many similar situations in the County, Mr. Smith commented.

This is the only gas station in this area, Mr. Yeatman said. There is a 60 ft. space between this and Braddock Road.

No opposition.

In application V-189-70, application by Potomac Oil, Inc. and Bernard Steinberg, Trustee, under Section 30-6.6 of the Ordinance, to permit gas pump island closer to right of way line than allowed by the Ordinance, on property located at the intersection of Port Royal Road and Braddock Road, also known as tax map 70-4 ((10)) 12, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearbyproperty owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant,
2. Present zoning is I-L.
3. This is an existing station with a strip of land 60 ft. wide between the property line and road improvements which was required for sloping the ground at the time and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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POTOMAC OIL, INC. - Ctd.

That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of existing buildings and improvements.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion.

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COUNTY OF FAIRFAX, application under Section 30-7.2.2.1.6 of the Ordinance, to permit expansion of sewage treatment facility, 6801 Fort Hunt Road, Mt. Vernon District, (R-12.5), 93-2 ((1)) 6, S-202-70

Mr. Smith noted that the Board had received the building permit application regarding the application of KEEN HOMES heard prior to Potomac Oil. He noted that the application did not show the porch.

Mr. Woodson stated that his interpretation was that this was not an entryway - it is a porch. The size has changed.

In the application of Keen Homes, Inc., application V-190-70, under Section 30-6.6 of the Ordinance, to permit variance of side yard setback from 8 ft. to 3.1 ft., on property located at 8718 Linton Lane, also known as tax map 111-1 ((14)) 527, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. The area of the lot is 8,400 sq. ft. of land.
4. The dwelling is completed, and located in an unusual condition due to a large sewer easement through the property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non compliance was the result of an error in the location of the building, and,

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

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The Board continued with the application of COUNTY OF FAIRFAX (see above)

Mr. J. Lambert represented the applicant.

Mr. Smith announced that this application was granted an out of turn hearing by the Chairman in view of the necessity for getting on with this expansion, thinking that it would be in the interest of general health and welfare of a great number of people in the County. The Planning Commission, in view of the fact that these facilities are in place has by-passed the State Code section and have no intent of hearing this.

On June 23, Mr. Lambert explained, the Board of Supervisors prepared a document, forwarded it to the State Water Control Board, in which items were outlined for the upgrading of

of the sanitary sewer system in the southeastern portion of Fairfax County. At that time additions, if you will, or actually the upgrading the Westgate facility which is in question today, was included. The State Water Control Board accepted this report and on July 28 the County, by circuit court ruling, was told to proceed with all haste and have these improvements made prior to March 1. In order to comply with all County regulations, they immediately began to see just what was involved to make the necessary improvements. Mr. Lambert said he had a discussion with Mr. Knowlton and found that it was necessary to appear before the Board of Zoning Appeals and the Planning Commission for the addition of secondary clarifiers and chemical feed equipment at the Westgate facility. As a point of interest, Mr. Lambert continued, he has talked with several citizens in the area and also wrote a letter to the Wake Forest Civic Association who requested them to explain what they were attempting to do. He introduced Mr. Gary Nickerson of Engineering Science, Inc.

Mr. Nickerson stated that the major improvements to the facility will be two 100 ft. diameter secondary clarifiers. These are sedimentation basins and they are part of the activating sludge process. The second largest item would be the flotation thickener - this is to handle the waste activated sludge generated by the process. This is a sludge pumping station. There will be a tank for the storage of ferride chloride - 35 ft. in height, capacity approximately 20,000 gallons liquid. They also plan to build a carbon slurry pond for use in upgrading the treatment until the activated sludge process gets in.

No opposition.

In application S-202-70, an application by County of Fairfax under Section 30-7.2.2.1.6 of the Zoning Ordinance, to permit expansion of sewage treatment facility, located 6801 Fort Hunt Road, also known as tax map 93-2 ((1)) 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 20.3 ac. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whetheror not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

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DR. ARGERSON - variance - N. Chambliss & Beauregard St. - request for extension: The Board granted an extension of 180 days. No more extensions will be granted.

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October 27, 1970

WESTMINSTER SCHOOL - Request for extension. It was noted that this permit had expired in March of 1970 therefore the Board could not grant any extensions. The applicant must file a new application.

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In view of the fact that the Board had had no correspondence regarding the application of Schrott, Whitaker & Douglas, the application was dismissed with prejudice.

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GIANT FOOD PROPERTIES - Deferred from October 20 for full Board.

Mr. Long stated that he was familiar with the situation and was ready to make a motion.

In application V-163-70, an application by Giant Food Properties under Section 30-6.6 of the Zoning Ordinance, to permit construction of Fairfax County 7 ft. retaining wall along Memorial Street, property located westerly side of Richmond Hwy. and north side of Memorial Street, also known as tax map 93-1 ((1)) 1A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of September 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is W. F. P. Reid and M. L. Lehman. The applicant is the lessee.
2. Present zoning is C-D.
3. Area of the lot is 33.641 ac.
4. Article XI(Site Plan Ordinance) must be complied with.
5. The retaining wall is required because of the grade of the site.
6. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict inter pretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Barnes. Carried 4-0, Mr. Smith abstaining as he was not sure of the need for this variance.

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JAMES AUDI - variance to allow carport to remain closer to front property line than allowed - deferred from October 20 to view the property. Mr. Long said he had visited the property and was very surprised. The applicant has exceptional topographic problems and one of the most difficult conditions to overcome that he has seen. A person can almost look down on the house when he stands in the road. If the carport had been built down where the house is located, he could never get the car out.

Mr. Smith still was not convinced of the problems involved and suggested that the Board have a topographic map of the property. Mr. Knowlton asked if 10 ft. intervals would be all right. The Board agreed. Deferred to the next meeting.

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ENGLESIDE CHRISTIAN SCHOOL - Deferred for full Board and to ask the applicant to clarify the request.

Mr. Carlos Hayes, Chairman of the School Board, stated that they now have a permit to operate the school from 8 to 4 and they want to change it from 7 to 6, and start a nursery for working parents who might need it. The neighbors have been notified and have no objections to the change.

Mr. Yeatman moved to amend the original resolution to read a maximum of 300 students, ages 2 thru 18 years of age, hours of operation 7 a.m. to 6 p.m. All other provisions of the Resolution dated April 21, 1970 will remain in effect and in force. Seconded, Mr. Baker. Carried unanimously.

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Mr. Yeatman moved that the BZA Minutes of October 13, 1970 be approved as written. Seconded, Mr. Baker. Carried unanimously.

The meeting adjourned at 4:30 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 10, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph Baker and Mr. Clarence Yeatman.

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

FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional 20,000 gallon water storage tank and approve existing 20,000 gallon water storage tank, Riverside Manor, 323 Chesapeake Drive, (RE-2), 8 ((6)) A, S-194-70

Mr. Harry J. Bicksler, Jr. represented the applicant. In 1966 they received permission to put in a well and a 5,000 gallon storage tank, he explained. They did not get a very good yield from the well and as a result of that, they put in the 20,000 gallon storage tank. This tank has been providing enough water until this past summer and with the growth of the subdivision and the additional well on parcel E granted by the Board this year, they feel that the additional 20,000 gallon tank will be necessary to provide enough water to the subdivision. The two wells together will produce about thirty-three gallons per minute. These are circular above-ground storage tanks.

Mr. Arthur Smith, 337 Chesapeake Drive, spoke in favor of the application.

Mr. Knowlton reported that the Planning Commission had considered this and approved it under Section 15.1-456.

No opposition.

Mr. Bicksler added that the proposed tank will be placed behind the existing tank.

In application S-194-70, an application by Fairfax County Water Authority, under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of additional 20,000 gallon water storage tank and approve existing 20,000 gallon water storage tank, located 323 Chesapeake Drive, also known as tax map 8 ((6)) pt. A, County of Fairfax, Virginia, Mr. Yeatman moved that the Board approve the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th of November, 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-2.
3. Area of the lot is 10,000 sq. ft.
4. The new tank will be on the same site as the existing tanks.
5. The 20,000 gallon tank is to improve the water distribution in this area, which according to testimony has been found to be inadequate.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of the Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated in plats submitted. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this permit to be re-evaluated by this Board. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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November 10, 1970

LYNNFIELD DEVELOPMENT CORP., application under Section 30-6.6 of the Ordinance, to permit post and portion of roof of open porch to remain with less than required setback, 3430 Holly Road, Camelot Square, Annandale District, (R-12.5), 59-2 ((1)) pt. 17, V-183-70

Mr. Carl Hellwig of Springfield Associates represented the applicant.

Why was this house set at an angle on the lot, Mr. Yeatman asked?

This was requested by the builder, Mr. Hellwig replied. This is a model house and he wanted it set at an angle at the entrance. This is a four post porch with the high type roof. The mistake was made by Springfield Associates. The porch is open entirely. When the first wall check was made, the building was in compliance but when they went back for the final wall check they discovered the problem with the porch. Only a corner of the porch is in violation.

No opposition.

In application V-183-70, application by Lynnfield Development Corporation, an application under Section 30-6.6 of the Ordinance, to permit post and portion of roof of open porch to remain with less than required setback, property located at 3430 Holly Road, also known as tax map 59-2 ((1)) pt. 17, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th of November, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning of the lot is R-12.5.
3. Area of the lot is 12,597 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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DEVONSHIRE PROPERTIES PARTNERSHIP, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain .92 ft. too close to side property line, 4109 Duvawn St., Ridgeview, Sec. 3, Lee District, (R-12.5), 82-4 ((17)) 16, V-191-70

Agent for the applicant did not have the required notices and requested deferral.

The application was deferred to November 24.

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Mr. Knowlton requested the Board's concurrence in the administrative dismissal of six applications that have been in the files for between two and four years with no interest indicated on the part of the applicant.

In compliance with the staff request concerning these cases that have been on file for two to four years, Mr. Yeatman moved that the application of S.C.H. Associates, filed on April 26, 1968, to permit access to shopping facilities through residentially zoned property, located at U. S. Route 1 and Mt. Vernon Highway, be dismissed with prejudice. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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Mr. Yeatman moved that the application of Alexandria Water Company, application filed April 26, 1967, to permit erection and operation of water relay pumping station, located in Lee District, be dismissed with prejudice for lack of interest on the part of the applicant. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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November 10, 1970

In the application of Robert Paul and Margaret Peachey, application filed June 27, 1967, to permit use of roads and sewers to finish mobile home park, located Ladson Lane adjacent to Audobon Estates Mobile Homes, Mr. Yeatman moved that the application be dismissed with prejudice, due to lack of interest on the part of the applicant. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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Mr. Yeatman moved that the application of Helicopter Enterprises, Inc., application filed August 2, 1966, to permit operation of heliport, south side of #1 Highway (Mt. Vee Motel Property), be dismissed with prejudice, due to lack of interest on the part of the applicant. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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Mr. Yeatman moved that the application of John Magyar, application filed April 18, 1967, to permit erection of garage 13.6 ft. from side property line, located 9516 4th Place, be dismissed with prejudice, due to lack of interest on the part of the applicant. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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Mr. Yeatman moved that the application of Peter C. Piraneo, application under Section 30-6.6 of the Ordinance, to permit erection of garage 6 ft. from side line, 4417 Medford Lane, filed December 19, 1966 be dismissed with prejudice due to lack of interest on the part of the applicant. Seconded, Mr. Baker. Carried 4-0 (Mr. Long out of the room).

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Mr. Long returned.

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STANLEY G. AND WINIFRED L. WATTS, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8 ft. from side property line, 9100 Patton Blvd., Woodlawn Manor, (RE 0.5), Mt. Vernon District, 110-1 ((5)) 94, V-192-70

Mr. Watts stated that there is a concrete driveway all the way back to the end of the house. The property slopes down in the rear and a garage in the back would mean that he could not get cars out in bad weather. In the proposed location, there is a stoop from the back door which sticks out about four feet and this would leave only 10 ft. from the driveway to the property line. The carport would be 14 ft. and the driveway is 10 ft., and the stoop is four feet.

A carport could be built fifteen feet from the side property line by right, Mr. Smith pointed out; the Ordinance was amended to allow applicants the privilege of constructing 5 ft. into the side yard. The fact that the driveway is there does not justify the Board granting a variance. There must be a hardship to justify the variance.

The lot is 400 ft. deep and 100 ft. wide, backing up to the Woodlawn Country Club, Mr. Watts said. The house was built in 1967 and he is the original owner.

With a 15 ft. carport, this would give 11 ft. beyond the 4 ft. steps which seems to be minimum relief, Mr. Smith suggested.

With a 15 ft. carport 10 ft. from the property line, the car could be driven past the 4 ft. stoop to open the doors, and this would give plenty of room, Mr. Long agreed.

No opposition.

In application V-192-70, application by Stanley G. and Winifred L. Watts, application under Section 30-6.6 of the Zoning Ordinance, to permit erection of carport 8 ft. from side property line, 9100 Patton Boulevard also known as tax map 110-1 ((5)) 94, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 10th day of November, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 42,562 sq. ft. of land.
4. Required side line setback for an open carport is 15 ft.
5. The carport would not extend into the side yard more than 10 ft. and this would be a minimum variance.

STANLEY G. AND WINIFRED L. WATTS - Ctd.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally narrow lot, (b) exceptionally narrow lot; (c) exceptional topographic problems of the land,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the seme land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The carport must be an open type with similar materials and construction as the existing dwelling.

4. The carport must be a minimum of 10 ft. from the property line.

Seconded, Mr. Yeatman. Carried 5-0.

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WANONA H. BARBOUR AND MABEL F. HARRIS, application under Section 30-6.6 of the Ordinance, to permit lot with less area and frontage than required, 8333 Wolftrap Road, Providence District, (RE-1), 39-1 ((1)) 28, V-196-70

Mr. Robert Hurst, attorney, represented the applicant. The tract of land has an area of 0.3675 ac. and has frontage of 88.1 ft. on Wolftrap Road. This tract of land and two others adjacent have been in the family since 1906. Mrs. Hurley, Mrs. Barbour's grandmother, died in the mid-1930's and left the property to her three children. It was divided into three pieces in 1946. In 1963 the Board granted a variance to Alonzo Hurley, one of Mrs. Hurley's children, to build a house on the lot which did not have enough frontage or area. There is a house on that lot now.

Since the original application on this lot was only in the name of Wanona H. Barbour, Mr. Smith felt that the name of the owner, Mrs. Mabel F. Harris should be included as applicant.

Mr. Hurst agreed. The third parcel of land already has a house on it, He said, and this is the last lot of the three.

No opposition.

In application V-196-70, application by Wanona H. Barbour and Mbel F. Harris, application under Section 30-6.6 of the Ordinance, to permit lot with less area and frontage than allowed, 8333 Wolftrap Road, Providence District, also known as tax map 39-1 ((1)) 28, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordsnce with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10thday of November, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 0.3675 ac. of land.
4. Minimum area is 40,000 sq. ft. of land.
5. Minimum lot frontage is 150 ft.
6. This is an existing sub-standard lot of record since 1946.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved: (a) exceptionally narrow lot;

November 10, 1970

WANONA H. BARBOUR AND MABEL F. HARRIS - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. The 25 ft. shown on the plat across the front of the property as an easement is to be dedicated to public street purposes.

2. The front setback for the dwelling should be measured from the 25 ft. dedication line. Seconded, Mr. Baker.

Mr. Smith said it should be stated that this land has been under the same family ownership since 1906 and was subdivided prior to 1946 to allow the division of the property for the heirs.

Mr. Long and Mr. Baker accepted the amendment.

Carried unanimously.

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THOMAS A. CARY, INC., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, located intersection of Galesbury Lane and Route 50, Centreville District (C-D) 44-2 ((1)) pt. 9, S-195-70

Mr. John T. Hazel, Jr. represented the applicant. He pointed out the proposed location of the Outer Beltway across Route 50 in approximately the location between Greenbriar and Brookside. This will be a part of the shopping center and was shown in the drawing of the shopping center presented to the Board of Supervisors at the time of rezoning. This will be a Colonial type service station, three bay. They do not know at this time who the oil company will be.

No opposition.

In application S-195-70, an application by Thomas A. Cary, Inc. under Section 30-7.2 10.2.1 of the Zoning Ordinance, to permit erection and operation of service station, located at Galesbury Lane and Route 50, also known as tax map 44-2 ((1)) pt. 9, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, held on the 10th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 28,900 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance is required.
5. A gasoline station was shown at this location at the rezoning hearing before the Board of Supervisors.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether ornot these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The gasoline station will be a three bay colonial brick design as shown on rendering filed with the zoning application. Seconded, Mr. Yeatman. Carried unanimously.

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November 10, 1970

Mr. Knowlton noted a letter from Mr. Fagelson asking that the application of Avon Road Corporation, for theatre be deferred to November 24.

This was deferred to check the parking, Mr. Smith recalled.

The staff has checked this, Mr. Knowlton replied, and has found that this was excess above the required parking spaces.

Mr. Long said that since he made the motion to defer originally, and since the staff has answered the important questions regarding parking, he was prepared to make a motion today.

In application S-181-70, an application by Avon Road Corporation under Section 30-7.2.10.3.4 of the Zoning Ordinance, to permit enclosed theatre, on property located on the west side of Richmond Highway opposite Abingdon Avenue, also known as tax map 101-2 ((1)) pt. 12A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public byadvertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of October, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the building is 12,500 sq.ft.
4. This is an existing shopping center.
5. Compliance with Article XI, Site Plan Ordinance, is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with the application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. Seconded, Mr. Barnes.

Mr. Knowlton pointed out that this shopping center is not complete. Does this mean that each addition would have to come before this Board for approval?

Mr. Smith said the Board should not review anything unless it pertains to the theatres themselves. Any use that can go in by right should not come under the jurisdiction of this Board.

Mr. Woodson could bring in each item, Mr. Long said, and the Board could make a determination. He was concerned about a use which might affect parking for the theatre. He did not wish to change the motion,he said.

This is a new approach, Mr. Smith contended, which the Board has never taken and it is setting a precedent.

Mr. Baker moved to amend the motion to delete the requirement that would require them to come back to the Board for any construction in the shopping center. Seconded, Mr. Yeatman. Carried 4-1, Mr. Long voting against the amendment.

Voting on the use itself: Carried 5-0.

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November 10, 1970

CAROLYN R. CHABO, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 3343 Annandale Rd., Mason District, (R-10) 60-1 ((14)) B, S-197-70

Mrs. Chabo stated that she is a licensed beautician and she has worked for about three years in Annandale. She has been married twice and has three children, two from a former marriage and she knows the cost of baby-sitting and the hours of a beauty operator. She would like a permit to operate in her home part time so that she can be home with her children. She had a small shop in her basement and did not know that it was in violation until an inspector came out. The proposed operation would be in her garage which is a part of the house.

Some of the requirements of the Inspections Division might prohibit this operation in the garage, Mr. Barnes suggested, in regard to cost.

Mr. Richard LePair, 3449 Annandale Road, Falls Church, appeared in opposition. His remarks were general in that he objected to this use being allowed in a residential zone by the Ordinance. (Mr. Yeatman advised him to talk to the Supervisor of his district about having the Ordinance changed.) Mr. LePair said he moved to this area in June and is about a block away from this location. He discussed the traffic hazards on Annandale Road at present.

Mr. Smith explained that a home occupation is limited to one customer at a time, and no help. This would not establish a traffic hazard in his opinion.

Mr. Smith suggested deferring the application to find out whether Mrs. Chabo's plans would be approved by the Inspection Division.

Mrs. Chabo stated that she would like permission to operate from 10 a.m. to 6 p.m. six days a week, although she probably would not operate that many hours.

Deferred to December 1 to see whether the applicant can meet the inspections requirements.

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ALBERT S. HOLLAND, application under Section 30-6.6 of the Ordinance, to permit additions to house closer to property lines than allowed, 3806 Rugby Rd., Centreville District, (RE-1), 45-2 ((2)) 20, V-198-70

Mr. Holland stated that there is a creek on the north side of his house which prohibits him from building there; the septic tank and field in the rear of the house prevents building there; and there are only two places left to build - the other side of the house and in front. This house was a hunter's lodge years ago and was not placed very strategically on the lot. He plans to build two bedrooms and bath on the front of the house which would be 46.2 ft. from the front property line, and a rec room on the side, 13.6 ft. from the property line. He has lived here for five years and plans to continue living here. He has two children with him and two who visit quite frequently.

What type of construction will this be, Mr. Long asked?

He will put aluminum siding on the new part and the old part too, Mr. Holland said.

No opposition.

In application V-198-70, application by Albert S. Holland, application under Section 30-6.6 of the Ordinance, to permit additions to house closer to property lines than allowed, 3806 Rugby Road, also known as tax map 45-2 ((2)) 20, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of November, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 1.9250 ac.
4. The creek floods to within 8 ft. of the northwesterly side of the dwelling.
5. There is a septic field to the rear of the dwelling.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and dwelling involved: (a) exceptional topographic problems ofthe land; (b) unusual condition of the location of existing dwelling.

ALBERT S. HOLLAND - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 5-0.

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DEFERRED CASES

ANNANDALE MARINE & SPORTS CENTER, INC., application under Section 30-7.2.10,5.4 of the Ordinance, to permit sales and servicing of boats, motors, campers, trailers, motorcycles and other recreational equipment, located 4313 Markham St., Annandale District (C-G and C-D), 71-1 ((1)) 9, S-140-70 (deferred from Oct. 13)

ANNANDALE MARINE & SPORTS CENTER, application under Section 30-6.6 of the Ordinance to permit use of present garage located 3.9 ft. from rear property line as storage and repair building, 4313 Markham St., Annandale District, (C-G), 71-1 ((1)) 9, V-141-70 (deferred from Oct. 13)

Mr. John Hanson, attorney, stated that they were dropping the variance application and the building would not be used for garage purposes.

Mr. Baker moved to allow the variance application to be withdrawn with prejudice.

Mr. Hanson presented new plats. Since the last hearing they have settled on the property and Annandale Marine and Sports Center, Inc. is the owner. Mr. Myers is the President.

Col. Myers presented a copy of the State Corporation Commission certificate for the domestic corporation.

Mr. Hanson recalled that the application was deferred from the last hearing to allow the applicant to obtain additional land. They have tried to do this and have not been able to. As an alternative for obtaining more property, they have completely redesigned the proposed facility wo what they feel would be better utilization of the property, as well as being more attractive and more efficient.

Mr. Smith stated that he assumed that if this is granted the shed would be removed.

They do not need a variance to use the shed strictly for storage, Col. Myers stated. They were told this by the Zoning Office.

This would require a variance, Mr. Smith contended. If there is going to be storage in this building, it would still be a part of the use involved.

Mr. Hanson explained that they would eliminate the frame building and replace it with a clean cut modern building with a pleasing appearance. Underneath the building would be parking and storage. On top, as the land slopes, it will be partially on stilts. They would excavate under that. The highest part of the storage racks would be 24 ft. at the top of the peak, 16' x 60' running the entire length of the building. The building would be 60' x 40', a two level building.

What is the largest boat you would handle, Mr. Smith asked?

They normally would not store anything longer than 19 ft., Col. Myers replied. 21 ft. is the largest the manufacturer makes. They normally stock nine boats.

No opposition.

Will the old location be abandoned, Mr. Yeatman asked?

They have a lease on it for another four months, Col. Myers stated. He did not know. According to estimates they hope to be able to be out of there by May or June.

Mr. Smith stated that the building close to the rear line would have to be removed. The statement was made that this operation would meet all setback requirements.

The Board discussed the types and sizes of motors, boats and motorcycles to be sold.

November 10, 1970

ANNANDALE MARINE & SPORTS CENTER, INC. - Ctd.

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In application S-140-70, an application by Annandale Marine and Sports Center, Inc. under Section 30-7.2.10.5.4 of the Zoning Ordinance, to permit sales and servicing of boats, motors, campers, trailers, motorcycles and other recreational equipment, on property located at 4313 Markham St., also known as tax map 71-1 ((1)) 8, 9 and pt. of 11, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 13th day of October, 1970

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 14,743 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The existing storage building in the rear of the property is to be removed.

5. All setback requirements are to be complied with.

6. Maximum size boat to be sold or serviced is 19 ft.; in-board-outboard 165 hp; out-board 125 hp;

7. Maximum length camper is 27 ft., non-motorized.

8. Maximum length trailer is 16 ft.

9. Maximum size motorcycle to be sold or serviced is 500 cc.

10. There shall be 17 standard parking spaces without any storage of boats, trailers, etc. in these spaces.

Seconded, Mr. Yeatman. Carried unanimously.

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CLARENCE CANTOR, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Lyndale Drive than allowed by Ordinance, 7617 Admiral Drive, Mt. Vernon District, (RE 0.5), 102-2 ((7)) 1, V-166-70 (deferred from Oct. 20 for decision only)

In application V-166-70, an application by Clarence Cantor, under Section 30-6.6 of the Zoning Ordinance, to permit carport closer to Lyndale Drive than allowed by Ordinance, on property located at 7617 Admiral Drive, also known as tax map 102-2 ((7)) 1, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

November 10, 1970

CLARENCE CANTOR - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of November, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 24,649 sq. ft.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved. There is an alternate location.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman. Carried 4-0 (Mr. Long out of the room).

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FRANCONIA LODGE #646, LOYAL ORDER OF THE MOOSE, application under Section 30-7.2.5.1.4 of the Ordinance, to permit fraternal lodge, 7701 Beulah Road, Lee District, (RE-1) 99-2, 100-1 ((1)) 50 and 3, S-155-70 (deferred from Oct. 20)

Mr. Walter B. Golden III represented the applicant.

Mr. Golden stated that Mr. Moran had shown a deceleration on the new plats leading into the property and an acceleration lane leading out of it. This was one of the concerns of the Board at the last hearing. Another requirement was a somewhat ambiguous letter from the Sanitation Department stating that perk tests were all right but subject to various requirements. It is not a septic field - it is a seepage pit. They plan to dig a well 200 ft. away. The membership of the Lodge is 100 at this time. They will provide 114 parking spaces. The building is 50' x 80'. It will be a metal building with stone facade.

Mr. Smith questioned the location of proposed swimming pool on the plat; the requirement under this Section of the Ordinance is 100 ft. from all property lines, he said.

This was shown as future proposed use and is not part of this application, Mr. Moran said.

They have already stipulated that when they wanted to make any other use of the property they would come back for a use permit, Mr. Golden said. This was merely to indicate what is planned in the future.

Do you still plan to put in a stockade fence along the property line where the people who opposed the application live, to protect them from lights, Mr. Long asked?

No, they have never made any statement that this would have to be done, Mr. Golden said. The trees provide screening now.

Mr. Smith felt that anywhere there was parking there should be a six foot fence. This would keep headlights from shining onto other people's property.

In application S-155-70, application by Franconia Lodge #646, Loyal Order of the Moose, under Section 30-7.2.5.1.4 of the Ordinance, to permit fraternal lodge, on property located at 7701 Beulah Road, also known as tax map 99-2 and 100-1, ((1)) 50 and 3, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970 and

November 10, 1970

FRANCONIA LODGE #646 - Ctd.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 6.461359 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The building shall be constructed with a metal exterior and a stone front.

5. The hours of operation shall be from 4:30 p.m. to 12:00 a.m. Monday thru Thursday and 12:00 p.m. to 1:00 a.m. Friday and Saturday and 12:00 p.m. to 12:00 a.m. Sunday.

6. The lodge facilities shall not be leased or used for any outside activities other than Little League and local civic activities.

7. All noise and lighting shall be confined to the premises.

8. Where natural screening is non-existing or is removed, 2" hardwood trees shall be planted 40' on center completely around the property within the setback area. A standard Fairfax County stockade fence shall be erected 12 ft. inside the property line to protect adjacent dwellings from car lights.

9. A deceleration and acceleration lane shall be located and constructed at the entrance in a manner as approved by the Division of Land Use Administration.

10. The membership shall not exceed 200 family members with 114 parking spaces.

11. The pool and bath house and Little League ball field are not part of this use permit.

12. A 25 ft. strip along Beulah Road shall be dedicated to public street purposes.

Seconded, Mr. Barnes.

Mr. Smith asked Mr. Long to clarify the fencing requirement.

Mr. Long stated that there should be fencing along the Foley and Baggett properties but this would be left up to Land Use Administration.

Motion carried 4-1, Mr. Smith voting against the motion as he felt the wording on the fencing was not specific. The adjacent residents should be protected from lighting.

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.2 of the Ordinance, to permit riding school and stable, 1661 Beulah Rd., Centreville District, (RE-1), 28-1 ((1)) 23, pt. 24, S-149-70 - Request for rehearing

Mr. A. A. Giangreco represented Mr. Hatcher. Mr. Giangreco stated that in going through the record of the hearing, there are a number of comments to the effect that the evidence presented at the time was not sufficient to really warrant the making of a finding. One of the difficulties which the applicant encountered was

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WILLIAM H. N. HATCHER - Ctd.

that he did not have the recorded deed for the five acres of ground. He did not have a location survey which would indicate setback lines of his barn. He did not have an indication as to where the well and septic tank was going. There was a lengthy discussion as to the 15 acres of leased ground and the Board took the position that the lease called for haying and grazing and nothing more. They are now prepared to furnish the Board with a recorded deed for five acres of ground and a survey plat indicating the relocation of the barn; the location of parking areas; location of the well and septic field and perhaps an in-depth opinion of the lease relating to the 15 acres of ground. Mr. Hoag the owner of the property, was in a serious auto accident and they have not been able to change the lease.

These are facts which could have been presented at the original hearing, Mr. Smith said.

They have tried to secure a lease on the contiguous property, Mr. Giangreco continued -- the Minnie Walker ground - but that land is tied up into an estate. Would the Board consider an operation for a school with five horses on five acres of ground?

Mr. Barnes objected to that - it would work five horses to death, he said.

After considerable discussion, Mr. Long moved that the Board adopt the following Resolution:

In application S-149-70, an application by William H. N. Hatcher, under Section 30-7.2.8.1.2 of the Zoning Ordinance, request for rehearing to permit riding school and stable, on property located at 1661 Beulah Road, also known as tax map 2801 ((1)), 23, pt. 24, County of Fairfax, Virginia, that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The request for only five horses is not an adequate reason for a rehearing in that the Board often grants use permits in part. Therefore this is always a consideration during any hearing.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The evidence submitted today was insufficient to warrant a new hearing.

NOW THEREFORE BE IT RESOLVED that the subject request be and the same is hereby denied.

Seconded, Mr. Barnes. Carried unanimously.

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THE MADEIRA SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit construction of pool 75' x 42' for use of Madeira School, 8328 Georgetown Pike, Dranesville District, (RE-2), 20-1 ((1)) 14, S-208-70

William O. Snead, Business Manager and Treasurer of the School, represented the applicant. This project is designed to afford a swimming pool for the use of the students. It will be constructed as an outdoor pool adjacent to the gymnasium. They will make use of the gymnasium dressing facilities. There are 175 resident students, 114 day students, giving a total of 289 students this year. They are looking to increase to approximately 300 at some future date of which about 200 would be residents.

No opposition.

In application S-208-70, an application by Madeira School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit construction of 75' x 42' pool for use of Madeira School, on property located at 8328 Georgetown Pike, also known as tax map 20-1 ((1)) 14, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

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THE MADEIRA SCHOOL - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-2.
3. Area of the lot is 376 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Yeatman. Carried unanimously.

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JAMES E. KNUDSON, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care center, ages 2-6, maximum of 25 children at any one time, 7 a.m. to 6 p.m. six days a week, 7500 Box Elder Court (RE 0.5) 30-1 ((10)) 3, S-184-70 (deferred from Oct. 27)

Mr. Smith recalled that at the last hearing a question came up with relation to completion of the roadway. Is there additional information available on this?

Mr. Knudson stated that he has furnished the Board a copy of the letter from the Church granting the use of their parking facilities. Also, he provided the Board with an agreement dated over six months ago in which his former associate, Mr. Conklin, in consideration of deeding certain houses in the subdivision to him, agreed to have the street accepted into the highway system, among other things. Mr. Conklin was one of those sending a letter of complaint regarding this application.

This agreement is between Mr. Knudson and Mr. Conklin, Mr. Smith stated, and conveys the responsibility of the remainder of the subdivision to him, but the Board also has some additional information here that the bond is still in Mr. Knudson's name and has not been complied with.

The original subdivision was in his name, Mr. Knudson said; the land was in his name.

The Board's information is that Mr. Knudson was notified February 1970 that the time limit on the bond was expired, Mr. Smith said.

They formulated the agreement dated April 6 which put this responsibility on Mr. Conklin, Mr. Knudson said.

Do you have evidence to show that you have been released from the bond, Mr. Smith asked?

No, Mr. Knudson replied.

The fact that you have an agreement with Mr. Conklin does not release you from the responsibility; Mr. Smith pointed out.

Mr. Knudson said that he has received repeated assurances that the road work will be done and done soon.

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JAMES E. KNUDSON - Ctd.

Mr. Smith stated that until this road work is completed and the street accepted by the State Highway Department, it would not be in order to grant a use permit for a use such as a school. Do you have a temporary occupancy permit on the structure itself?

No, they have a permanent occupancy permit, Mr. Knudson replied. It would work a great delay now if they do not gain approval pending the road work because the State does not accept streets into the system between November 15 and April 1.

Mr. Yeatman moved that this be deferred until such time as the proof of performance under the performance bond (that the streets be accepted into the State system) is affirmed. Seconded, Mr. Baker. Carried unanimously.

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GEORGE N. SUMMERS - Request for second extension of time on a variance.

The Board granted an extension of 180 days in accordance with the Board's recently adopted policy. No further extensions will be granted.

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JAMES AUDI, application under Section 30-6.6 of the Ordinance, to permit carport closer to street and property line than allowed, 6458 Eighth Street, also known as tax map 72-3 ((10)) 142, V-153-70 (deferred from Oct. 27)

The particular lot goes back to the stream, Mr. Knowlton stated, and on the topography map which he presented, it indicates a drop of 10 ft.

This was deferred for decision, Mr. Smith recalled.

In application V-153-70, application by James A. Audi, application under Section 30-6.6 of the Ordinance, to permit carport closer to street and property line than allowed, on property located at 6458 Eighth Street, also known as tax map 72-3 ((10)) 142, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals,

AND WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of September, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 36,587 sq. ft. of land.
4. Required front setback is 50 ft.
5. Required side setback is 20 ft.
6. There is no other place on the property to construct a carport.
7. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law: The applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved. (a) topographic conditions of the land; (b) this complies with Sec. 30-3.2.2.2. NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location of the specific structure indicated in plats with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the application as he did not feel it was a minimum variance.

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REQUEST FOR OUT OF TURN HEARING - December 1 - Mr. George Simpson, attorney, representing Gabriel Plaza Corporation requested out of turn hearing for December 1.

Mr. Covington stated that Mr. Woodson had ruled that they did not need a variance.

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GABRIEL PLAZA CORP. - Ctd.

The Board will address itself to the request for out of turn hearing, Mr. Smith said, and not go into that.

Mr. Yeatman moved to grant the out of turn hearing for December 1. Seconded, Mr. Baker. Carried unanimously.

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The meeting adjourned at 6:07 p.m.
Betty Haines, Clerk

Chairman Date

November 17, 1970

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. in the Board Room of the County Administration Building on Tuesday, November 17, 1970. All members were present: Mr. Daniel Smith, Chairman; Mr. Clarence Yeatman; Mr. Richard Long, Mr. Joseph Baker and Mr. George P. Barnes.

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

KENT GARDENS RECREATION CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of two tennis courts, 1906 Westmoreland St., Dranesville District, (R-12.5), 40-2 ((1)) 43A, 44A, 35A, S-193-70

Mr. Charles Krause represented the applicant. The Club has been in existence for twelve years, he stated. The tennis courts would be operated at the same time as the swimming pool, during summer months. At the present time they have more than adequate parking - the have 24 spaces in the lower lot and 30 in the upper lot. Club membership is 325 families of which approximately 275 are active at any one given time. The fact that they have the courts would add no new members to the club.

Mr. Smith noted that the file on this application was one of the best he had seen. Is this still a non-profit corporation, he asked?

Yes, and their status has not changed, Mr. Krause stated.

No opposition.

In application S-193-70, application by Kent Gardens Recreation Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of two tennis courts, located at 1906 Westmoreland St., Dranesville District, also known as tax map 40-2 ((1)) 43A, 44A, 35A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable state and county codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Compliance with Article XI (Site Plan Ordinance) is required.
4. There is an existing use permit on this property granted November 13, 1956 for a recreational use.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

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WALTER C. ARRINGTON, application under Section 30-6.6 of the Ordinance, to permit swimming pool closer to side and rear lot lines than allowed, 5802 Wessex Lane, Lee District, (R-12.5), 82-1 ((12)) 37, V-199-70

Mr. Bud Campbell represented the applicant. The only place they have to put a swimming pool is on that side, he stated. The other side of the property is straight downhill. The proposed pool would be 33 1/2 ' x 16'. Mr. Arrington has owned the property for two years and plans to continue to live here, Mr. Campbell stated. He represented Anthony Swimming Pools.

Could the shape of the pool be changed or could it be located 12 ft. behind the house, Mr. Smith suggested?

No, it would have an unsafe diving well and they could not get the depth, otherwise, Mr. Campbell stated. There is already a six foot stockade fence around the yard.

No opposition.

In application V-199-70, application by Walter C. Arrington, application under Section 30-6.6 of the Ordinance, to permit swimming pool closer to side and rear lot lines than allowed, property located at 5802 Wessex Lane, also known as tax map 82-1 ((12)) 37, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 17th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,080 sq. ft.
4. The required setback from the property line is 4 ft. when the pool is 12 ft.
5. behind the dwelling.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally irregular shape of the lot; (b) exceptionally shallow lot;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated on the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. The pool area shall be enclosed with a fence inconformance with the Fairfax County Ordinance.

Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit construction and operation of service station, 9414 Burke Lake Road, Springfield District, (C-N), 78-1 ((1)) 18, S-200-70

Mr. John Aylor represented the applicant.

There is an existing garage and Gulf service station on the property now, Mr. Aylor stated, which is used more so as a garage than a service station. They propose to replace a Citgo station on this property similar to the one at Tysons Corner but it will be different on the northwest side. They will have three bays and the bay in the rear will go all the way through. Two pump islands will be built in the beginning with a canopy, with a location for a future pump island and canopy. Robert J. and Anne C. Brown are the owners of the property. The applicant feels that this will upgrade the area. There is no variance needed in connection with the new service station.

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CITIES SERVICE OIL COMPANY - Ctd.

No opposition.

In application S-200-70, application by Cities Service Oil Company, application under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit construction and operation of service station, located at 9414 Burke Lake Road, also known as tax map 78-1 ((1)) 18, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, held on the 17th day of November, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owners of the property are Robert C. and Ann C. Brown.
2. Present zoning is C-N.
3. Area of the lot is .84 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. There is an existing Gulf gasoline station on this property.

AND WHEREAS, THE Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats and photographs presented with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this permit to be re-evaluated by this Board.

4. There will not be any rental or storage of trucks, trailers, etc. on these premises.

Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM D. COVEY, application under Section 30-6.6 of the Ordinance, to permit garage building to remain where located, 6528 Cavalier Drive, Mt. Vernon District, (R-10) 93-1 ((23)) (E) 22, V-201-70

When he bought the property three years ago, he was under the impression that the fence and hedge line was on his property, Mr. Covey explained. In October of last year he got a building permit for a garage and proceeded with construction. In September of this year he was notified that the garage did not appear to be 4 ft. from the property line so he applied for a variance from the Board of Zoning Appeals. He measured from the fence and did the construction himself. It is a prefab building of aluminum siding.

Mr. Smith read a letter from Bucknell Manor Citizens Association in opposition.

Mr. Smith also questioned the distance between the house and garage - it is not shown on the plat, he said, and he would like to make certain that it is actually 12 ft. meeting the requirements of the Ordinance.

Mr. Yeatman moved to defer until Mr. Covey can bring in a plat certified by Mr. Jarrett showing the distance between the house and garage, and also the distance from the corners of the garage to the property line. Seconded, Mr. Baker. Carried unanimously.

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November 17, 1970

VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit steel transmission poles and transmission lines, located existing right of way adj. to existing transmission line running from Ox sub-station to Occoquan sub-station, Springfield District, (RE-1), 106 ((1)) 1, 10, 11, 11A, 12, 12A, 13, 16 and ((3)) 4, 5, 13, 9A and 14, S-203-70

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Mr. Randolph W. Church, Jr. represented the applicant. He explained the need for facilities and stated that the distance of the line would be 1.3 miles. Six steel poles would be required. Average height would be 115 ft.

Mr. R. W. Carroll, District Manager of the Potomac District of VEPCO stated that the extreme eastern section of Fairfax and Arlington Counties and the City of Alexandria are served by six major substations. Hayfield, Van Dorn, and Gum Spring Sub-stations located in eastern Fairfax County will be reinforced by this proposed construction as will Jefferson Street substation in Alexandria and Glebe substation in Arlington. Crystal substation, which will be the largest distribution substation in this country is now under construction in Arlington and will be reinforced by the same transmission lines which supply the power for the other stations. (These substations were pointed out on the system map on the wall.) The electrical demand on these stations, Mr. Carroll continued, has doubled in the last five years and load studies indicate that the demand will reach one and a half million kilowatts by 1978, which is three times the present load in this area.

Mr. Carroll stated that these stations receive power primarily through one 230,000 volt circuit from Possum Point generating station and from one 230,000 volt circuit fed from their 500,000 volt source at Ox substation. With the anticipated increase in demand, an additional double circuit 230,000 volt line is needed to provide additional capacity and reliability for the area served by the six substations.

As a first step in meeting the need, they propose to construct the new line as indicated in their exhibit to the Board (No. 2). This line will be built on existing right of way and will bring two more 230,000 volt circuits from the 500,000 volt Ox substation to the existing north-south transmission lines at Occoquan substation, Mr. Carroll continued. At a later date they will request approval of a plan to extend one circuit of this line northward and connect it to their existing transmission line along the RF & P Railroad near Van Dorn. Until this plan is developed and approved, they will rearrange the conductors on an existing tower line to complete the new path into Hayfield area where the additional power is needed. The line which they plan to build now will be located between two other transmission lines on an existing 400 ft. wide right of way. The structures will be ornamental steel poles, similar to some that are already in service in Northern Virginia. They will be of 230,000 volt construction and will have upswept arms with gray insulators. Distance between poles will average 900 ft. and the average height will be 115 ft.

When the new line is placed in service, the entire eastern section of Fairfax and Arlington counties and the City of Alexandria will benefit from the increased supply of electric power which will be available, Mr. Carroll told the Board. Service will be improved through greater reliability and allowance for growth.

For the reasons stated, they submit that the construction of this transmission line is necessary for the continuance of dependable electric service to this portion of Northern Virginia, Mr. Carroll said. The line will be designed and constructed in compliance with accepted engineering standards and will meet or exceed the requirements of the National Electrical Safety Code. It will create no new traffic which might be hazardous or inconvenient to the neighborhood. They believe that utilization of the existing right of way and the new steel pole construction will make it possible to accomplish this much needed increase in electric supply in Fairfax County without any adverse impact upon Fairfax County or its citizens. They feel that their proposal represents by far the best way of taking this necessary step to keep abreast of the electric requirements of this area, Mr. Carroll concluded.

There was much discussion of the possibility of placing this 1.3 miles underground, however, Mr. Church pointed out that this would cost approximately $1,655,800 as opposed to $210,000 to do it as planned. He submitted a copy of the detailed breakdown for the record (see folder for this case) and stated that the cost would have to be borne by VEPCO's customers in one way or another. There are certain operating problems in connection with high voltage underground because of the heat that is caused by putting these conductors close together and they each have to be placed in a pipe that is kept under pressure at all times because of the heat.

Mr. N. McK. Downs, real estate appraiser and broker, presented a lengthy report dealing with his studies of the surrounding area for the purposes of determining the effect on adjacent property of the proposed transmission line. (See folder for this case.) Mr. Downs' report concluded that the proposed route was an excellent one since it would be in its entirety within an existing high line right of way. Also, the line as proposed would not have an adverse effect on either existing or proposed development; moreover, that the project would be constructed in a manner which would not generate any additional traffic or have an adverse effect on public safety.

Mrs. Edward J. Bierly, 8833 Lake Hills Drive, Lorton, Virginia, appeared in opposition. They realize the need for increased power supply will continue. What they are not resigned to is that the past pattern of development in this corridor be allowed to continue. They have been given no evidence that any projection for power needs for ten years has evern been drawn up. Mr. Church admits only that proposed power lines will be adequate for no longer than 1974. VEPCO can be back any time within the next three years and will positively be back three years from now. Mrs. Bierly submitted that this was not good planning at all, but merely reacting to events that threaten to overrun us. She requested denial until VEPCO can re-submit it with a comprehensive plan for the next ten years. Mrs. Bierly described the drone-like hum which is present at all times and which will become more exaggerated when the new lines are up.

Mr. Carroll agreed that VEPCO would look into this matter as it was mentioned at the Planning Commission meeting last night.

Mrs. Thomas J. Fisher stated that the house mentioned by Mr. Downs which sold for $44,500 two years ago, with five acres of land, a stable and a lake, completely enclosed with white fencing, is her house. They have put some $8,000 worth of improvements into it and the house has been on the market for six months without one person coming in. Quite a few people drive by, see the towers and lines running through the fields, and they cannot get their money out of the house. If they wanted to get into specifics, she could tell the Board why a $50,000 house was built on Lot 4 with a tower not 10 ft. from the home; these people had seven children,and bought the lot, and you cannot build a house to accommodate seven children for anything less than $50,000. As for the other home that was spoke of that was beside the right of way, the real estate people told them that had the towers not been next to the home, they could have gotten $2,000 more for it.

Mr. Smith stated that the Board has never been able to establish any pattern of depreciation along these high lines, and is still looking for concrete information as to whether or not they really affect the adjacent properties. It might have some effect if the homes were built before the lines but where the lines were built prior to the homes, they have been unable to verify any adverse effect on the residential area.

Mrs. Fisher stated that it was true, they bought their home two years ago, knowing that the lines were there - but it is the continual addition of more lines in a haphazard manner that concerns them. If there seemed to be long range plans for doing away with the wooden poles and converting the Occoquan station to 230, it would not be as objectionable. They asked Mr. Carroll earlier about the possibility of dismantling one particular tower which is 10 ft. off Lake Hill Drive and substituting a new esthetically pleasing pole in its place. Why couldn't this be done? She also mentioned having to pay taxes on the VEPCO easement across her property.

Mr. Church stated that the value of the easement should be deducted from the assessed value of the land. Whether or not the assessor does that is something each individual lot owner should take up with the assessor.

Mr. Wayman R. Diehl, registered engineer, living on Lot 8 stated that no high lines go across his property, however, he was very concerned with the ecology of the neighborhood for many reasons. It was very apparent to him, he said, that very piece-meal engineering is going on. In view of the obsolescent nature of the Occoquan substation, it would appear to be more economic to combine the facilities and real estate, say at Ox substation, however, this is not their contention. The only point he is making is that in view of the factor of ten, in additional load carrying capacity, a factor in 1978 of only three, why isn't there a better solution? It seems that one solution has been picked out and that's it. Why can't there be other alternatives. The engineering detail and load factors and possible routing information has not been made available to him, but the alternative he would suggest, Mr. Diehl continued, would be to put in the new line giving 10 times the capacity of the 115 volt line, then do the transformation at Occoquan, putting in new facilities to make it 230.

Mr. Carroll stated that the proposed 230,000 volt lines that they are talking about have no direct connection with Occoquan. Their intended use is to turn on the right of way and go north to provide additional capacity for the six substations outlined in testimony. They could tap one of the 230 lines and replace the existing transformers at Occoquan with 230,000 to serve the local distribution. This is what eventually will happen but at the present time there is no real need to do that. The equipment and capacity at Occoquan is satisfactory and we are talking about an expenditure of over a quarter of a million dollars to do this now. If this can be delayed, there would be no need to make this expenditure at this time.

Mr. Diehl did not feel that they were saving money by doing this - he felt it would be more economical to take this long range step now.

VIRGINIA ELECTRIC & POWER CO. - Ctd.

Mr. Lowe stated that the Planning Commission last night approved this under 15.1-456, Code of Virginia, as to the general location, character and extent of this request, and further recommended that the Board of Zoning Appeals take a hard look at esthetics over this particular corridor.

Mr. Smith asked how much it would cost to construct one pole or tower which they are using today.

Mr. Keever stated that it would be around $10,000 to $12,000.

The Board moved to recess the case until after lunch, for decision only.

In application S-203-70, application by Virginia Electric and Power Company, under Section 30-7.2.2.1.2 of the Ordinance, to permit steel transmission poles and transmission lines, located existing right of way adjacent to existing transmission line running from Ox substation to Occoquan substation, also known as tax map 106 ((1)) 1, 10, 11, 11A, 12, 12A, 13, 16 and ((3)) 4, 5, 13, 9 Aand 14, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of November, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject right of way is the applicant.
2. The proposed line will be located in an existing right of way.
3. Length of the line is 1.3 miles and is a 400 ft. right of way.
4. The Planning Commission recommended approval of this application at its meeting of November 16, 1970.
5. Compliance with Article XI, Site Plan Ordinance, is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and,

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on plats and photographs submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by the Board.

Seconded, Mr. Barnes. Carried unanimously.

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FORTHWAY CENTER FOR ADVANCED STUDIES, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit school for adults offering instruction in literature, the arts, sciences, craftwork, physical exercise and related subjects, 1624 Trap Road, Centreville District, (RE-1), 28-2 ((1)) 36, S-204-70

Mr. Richard Hobson represented the applicant. He presented a copy of the Articles of Incorporation from Washington, D. C. and stated that if this application is granted, they would file for certificate from Virginia. This school would be for a maximum of fifty adults with classes in literature, sciences, the arts, gardening and handicrafts. It is a non-profit and charitable corporation. The corporation has been in existance since May 1969. They have been operating the school in leased quarters and in residential homes in Northern Virginia. The school desired a semi-rural or rustic location in which they could work with shrubs and flowers and preferred a location in Northern Virginia.

FORTHWAY CENTER FOR ADVANCED STUDIES, INC. - Ctd.

Mr. Hobson stated that the operation of the school is in terms of class lectures and discussion classes primarily. The school is for adult men and women interested in studying psyschology, philosophy, literature, science and art, and the purpose is to apply such learning to their own growth and development. There would be lecture and discussion groups, classes in craft work, physical exercise classes, conducted on a regularly weekly basis. At present there are five lecture and discussion classes, three craftwork classes, two physical exercise classes, conducted each week during the school year. At present there are two weekday craftwork classes, one day per week, attended by five to ten students. Regularly enrolled student body now consists of 105 students, some of whom attend only lecture and discussion classes, some who attend both such classes, and craftwork and physical exercise classes. As part of its program, the school faculty members and advanced students carry on research, psychology, philosophy, and allied subjects. Results of such projects are preserved in written form for use by faculty members and students and will form part of the school's library which is planned as a part of the school facility. For the present it is planned that only lectures and discussions and craftwork classes, and research and library activities, but it is hoped to expand this facility to include physical exercise classes at a later date. All classes will be held between 8 a.m. and 10 p.m. and maximum attendance at any one hour will be 50 persons maximum. They will comply with all conditions specified in the letter from the Inspections Division.

One of the objectives to moving to this location, Mr. Hobson continued, is open space and a rural setting. Consequently the Corporation does not desire to have an abundance of asphalt and any more parking spaces than they feel would be reasonably required.

Mr. Bob Eifler, attorney at 815 Connecticut Avenue, N. W. (Hogan & Hartson), and student at this school, stated that the Directors of this Corporation are William H. Chalfee, a well-known sculptor and member of the Arts faculty of American University; William Newitt, Chemist with the Bureau of Engraving; Mr. Hugh R. Ripman, Director of Administration of the World Bank; Alexander Porter, lawyer; and Mrs. Jane G. Collins, realtor from Baltimore, Maryland.

Mr. Eifler stated that the school is an outgrowth of a cooperative school which for sixteen years has operated in rented premises at 2111 Florida Avenue, N. W. in Washington, D. C. The school has applied for and has been granted tax exemption status by both the Federal government and by the District of Columbia government; they contemplate complying with all prerequisite procedures in this respect in Virginia. The school was organized and is operated to provide evening and weekend classes for adults interested in studying psychology, philosophy, literature, science and arts, etc. for the purpose of applying such learning to their individual growth and development. The school's ten month operating period running from September through June has lecture and discussion groups, classes in craft work and physical exercise classes.

Mr. Long asked what is the minimum age of a student in this school?

Eighteen years of age at the present time, Mr. Eifler stated.

Mr. Alexander Porter, 1755 Brookside Lane, Vienna, Virginia stated that some classes had been held at his home and the largest number that came to his house on a single day was 40, approximately 1/3 of them from Maryland, 1/3 from D. C. and the rest from Virginia. Because they came from a distance, most people car pooled.

Mrs. Briggs, a neighbor of Mr. Porter, stated that she lived across the street and had never found the school activities to be disruptive in any way. Perhaps ten or eleven cars parked in the driveway or on the edge of the road, but there was never any noise.

Mr. Hobson pointed out that the proposed location has two septic fields, which are more than adequate. The parking had to be shown in the front and the rear as the septic field could not be blacktopped and they wished to leave the level lot for the garden. The applicants would provide adequate screening.

Mr. Smith stated that the Board is not authorized to vary the parking requirements. The specific wording is that parking should be 25 ft. from all property lines and no parking would be allowed in the front setback.

Opposition: Mr. Bernard Wood, adjoining on the southwest side, (Lot 20) stated that he has lived here over six years. This is a residential area and he would oppose such a use next door. The road is a narrow secondary road with no room for roadside parking. Any size of enrollment would increase traffic. The people living in the house before had septic problems and the woman who lived there threw her wash water into the yard through the rear basement window.

Mrs. Dorn Watson, 13 Hix Drive, adjoining this property on the northwest side (Lot 13) stated that she has lived in this area for 10 years. She objected because of the road situation. She described a bad bend in the road where traffic is held up in the winter time. There is no place to park on the road and additional traffic would mean additional hazards.

Parking would have to be provided on the property itself, Mr. Smith stated. They could not park on the street.

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Mrs. Dorothy Wiley, 1616 Trap Road, also a contiguous property owner, agreed with statements made by Mr. Wood and Mrs. Watson, adding that she felt this would depreciate property values adjoining the school. She has lived here for 28 years.

Virginia Thomas, 1640 Trap Road, stated that the school is not needed in this area - there are not enough people who would be interested in it.

Arlin Carney, 1600 Trap Road, discussed the traffic situation and the narrow road and objected on that basis.

Dorothy J. Wiley, 1610 Trap Road, stated that her reasons for objection are the same as those of the other neighbors.

In rebuttal, Mr. Hobson stated that there are many uses - nursery schools, recreation clubs, etc. - allowed in a residential zone by special permit. As to the parking, the Chairman has negated this - it would have to be on site. Obviously, the septic system would have to be adequate; if the present system is not adequate the Health Department would require that it be replaced. As to noise, there are provisions in the Code which they must comply with. As to safety - these are responsible people. There will be an attendant living in the house. As to precedent - this is not a rezoning application and this Board considers every application on its own merits. Noise - there will be no noise which would be detrimental to the neighbors. The only use of music would be a phonograph that is inside the dwelling. There would be no noise problem involved in this application. The only point that is germaine is the traffic situation. All they can say is that they are talking about 20 cars over a weekend and that is incidental in any neighborhood.

Mr. Smith said the applicant had not established the fact that this use would serve the immediate community.

It would serve anyone who wanted to apply, Mr. Hobson said, within the age limits. One-third of the people come from Virginia.

Primarily a community use is one meant to serve the area in which it is placed, Mr. Smith said. He read the definition of community use from the Ordinance.

Mr. Smith added that he was concerned about traffic.

Mr. Long stated that he was concerned about fifty people in the dwelling at any one time. Has the Fire Marshal approved this?

Mr. Smith said he felt the plat that was submitted was not a good one. If there are a total of 50 people involved, in order to be assured that there would be no parking problems, there should be at least 25 spaces provided on the property, meeting all setback requirements.

In application S-204-70, an application by Forthway Center for Advanced Studies, Inc., application under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit school for adults offering instructions in literature, the arts, science, craftwork, physical exercises, related subjects, on property located at 1624 Trap Road, also known as tax map 28-2 ((1)) 36, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is David K. Eller, et ux. The applicant is contract purchaser.
2. Present zoning is RE-1.
3. Area of the lot is 1.0365 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The applicant has not established this would be a community use.
6. There is presently a traffic problem on Trap Road.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1. 1 of the Zoning Ordinance.

2. The use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

FORTHWAY CENTER FOR ADVANCED STUDIES, INC. - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Yeatman. Carried unanimously.

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TED A. HALEY, D. D. S., application under Section 30-7.2.6.1.10 of the Ordinance, to permit dental office, 3908 Sleepy Hollow Road, Annandale District, (RE 0.5), 60-4 ((11)) 4, S-205-70

Dr. Haley stated that he lives in the house at the present time. He proposes to move out and use the house solely as a dental office. He has lived here for two years. When he bought the house, he was finishing his dental schooling and there were no commercial medical facilities available close to this area. He bought the house with the idea of having his practice there. Now they have three children and they occupy the upper level of the small ranch type dwelling with 2 1/2 bedrooms upstairs and one bathroom and a half bath off the bedroom. The practice is in the lower level. It has presented quite a hardship from the point of view of living as we just don't have the room for the family, Dr. Haley continued. They were brought to this conclusion that in order to have a fairly normal family life they would have to move to a larger house. Rather than move the dental office, being that they had already established the practice there and had considerable money tied up in the remodeling of the house and purchase of equipment for the dental office, they would prefer to move to another location, retaining the present location for the practice. His mother is retiring and would occupy the house which his family now presently occupies. There is no intention of altering the external appearance of the property at all. The dental office faces Columbia Pike and not the Overlook Knolls or Sleepy Hollow area. Parking facilities are available off the service road adjacent to the house and this was approved by the State of Virginia.

Mr. Smith pointed out that under this section of the Ordinance, there is a specific requirement for off-street parking. He read this section from the Ordinance which states that there shall not be any parking in a required front yard and not within 25 ft. of any other property line. The parking arrangement as it is now is all right as long as the dental office is being operated in the manner that it has operated, but bringing it under a Special Use Permit puts it under a different section of the Ordinance which has different requirements. Is the house on septic, Mr. Smith asked?

They are on septic, Dr. Haley replied. The dental office at its highest measurements would only use about 50 gallons of water per day, he said.

How many people would there be in the office at one time, Mr. Smith asked? Would there be another dentist helping?

There would never be more than two patients at a time, Dr. Haley stated. There is other room on the property for parking. If the garage and breezeway were removed, the concrete would be adequate for four automobiles. The lot is screened by a 7 ft. hedge.

Mr. Joe Creagh, attorney, appeared in opposition. He occupied Lot 3 directly adjacent to this property in 1953 and lived there until 1965, he said. From his own knowledge, they had trouble with the septic tank on the subject property at least three times, he said. He also described the traffic situation in this area and felt that the traffic created by people coming to the dental office would affect the children in the evening returning from school. He said he represented Sadler and Shock, owners of Lot 5, Mrs. Betach, occupant of Lot 12 and Mrs. Ridgeway, living on the other side of Lot 5. There is a restriction on this property that it can only be used for residential use.

That would have to come under court consideration, Mr. Smith said - this Board does not consider covenants.

Mr. Creagh presented a petition with 37 names on it in objection.

Mr. DeVecchio, owner of Lot 3, said he had lived there for three years and had not had problems with his septic system. The point is, he continued, is that parking already exists in that area, facing the service road on Columbia Pike.

Mr. Smith again explained that when a person comes under use permit, he must meet the specific requirements for that section. At the present time, he is living in the house, and to have a dental office in his home is allowed by right.

He just wanted to say that the parking in front does not bother him, Mr. DeVecchio said.

Dr. Haley can continue to stay there with the existing situation, Mr. Smith stated, but if he moves, this then requires a use permit. The Board cannot vary the specific requirements of the Ordinance.

The parking lot that exists now can easily be converted to yard, Dr. Haley said. There would be no use for that, he said, but it has never caused any problem since it has been there.

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There are two entrances, one on each end of the building, Dr. Haley continued.

The Board is in receipt of a letter from Mr. Charles Majer, Mr. Smith noted, Supervisor of the Annandale District, stating that he has been contacted by several nearby residents with respect to this use permit application. The principal concern of the community is one of avoiding any action which would tend to increase the opportunity and appropriateness in the future rezoning of the property for a more intense or non-residential permitted use. He did not believe the objections were to the use of the existing residence for a dental or medical practice, but rather as one which may affect the future use of the property in the area.

In application S-205-70, application under Section 30-7.2.6.1.10 of the Ordinance, to permit dental office, located 3908 Sleepy Hollow Road, also known as tax map 60-4 ((11)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 17th day of November, 1970 and,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. The owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 23,500 sq. ft. of land.
4. Compliance with Art. XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not presented testimony indicating compliance with standards for special use permit uses in R district contained in SEction 30-7.1.1 of the Zoning Ordinance, and

2. The use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Yeatman. 3-1, Mr. Baker voting against the motion.

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GOLDEN ARCH REALTY, application under Section 30-6.6 of the Ordinance, to permit reduction of front yard setback to 44 ft. instead of 50 ft., 6729 Arlington Blvd., Mason District, 50-4 ((17)) G (C-G) V-206-70

Is the Golden Arch Realty a Corporation, Mr. Smith asked?

Yes, it is a corporation, a subsidiary of the McDonald's Corporation, the applicant's agent stated.

There is nothing in the file to indicate that this is a corporation in good standing with the state, Mr. Smith said. Does Golden Arch Realty own this property?

No, they lease the property, the applicant's representative said. They have an original 20 year lease that was commenced in early 1958 and two five year options.

The 20 year lease does not qualify you as an owner, Mr. Smith said. Who actually owns the property?

Mr. Page and Mr. Hughes, the applicant stated.

Then they should be the applicants, Mr. Smith ruled. McDonald's is only leasing.

Mr. Yeatman moved that this application be amended to include the names of Page and Hughes, owners of the land.

They would have to come in with a letter requesting this, since they are not present, the Chairman stated, indicating their desire to become co-applicants in the case.

Mr. Smith noted a letter in the folder from Mr. Van Gorden regarding sidewalks in front of this property and asked the applicant to see if he could get this cleared up before the next hearing.

Deferred to November 24, 1970.

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Mr. Smith noted a letter from Mr. John Aylor requesting that the name Cities Service Oil Company be substituted in lieu of H. D. Hall (S-245-69), located on the east side of Rolling Road, 79-3 ((1)) 5. The Board granted the request.

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Mr. Smith noted a letter from Mrs. Paula Diehl dated November 11 requesting an out of turn hearing for the application of Emerson Galleries, located at 6822 Poplar Place, McLean.

Mr. Long moved that the Board grant the request, that the staff review the application to determine whether the plats are adequate, and that they have inspection reports prior to the hearing. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Yeatman moved that the Board of Zoning Appeals support the staff in preparing a plan regarding power lines in the County, however, no action was taken in this matter.

The Board adjourned at 5:12 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman Date

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The regular meeting of the Board of Zoning was held at 10:00 a.m. on Tuesday, November 24, 1970 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George P. Barnes; Mr. Clarence Yeatman; Mr. Joseph Baker and Mr. Richard Long.

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

W. A. CAMPBELL AND R. L. CAMPBELL, application under Section 30-6.5 of the Ordinance, to permit appeal of interpretation of Zoning Administrator rendered in connection with SP-67, property located east side of Rt. 613 (Beulah Street) and S. side of Rt. 635 Lee District (RE-1), 91-1 ((1)) 69, 71, 72, V-211-70

Mr. J. W. Gilliam, 10560 Main Street, Fairfax, Virginia, represented the applicant. He located the property and stated that the application was originally filed under Section 30-3.11.1 which is entitled Off-Street Parking in R Districts. The application was referred to the Planning Commission and they held a hearing. Subsequent to that hearing, Mr. Woodson ruled that the application was not in order, that the use sought was not one that could be permitted under the applicable Ordinance. Therefore they had a question of interpretation of the Ordinance itself so they filed an appeal from Mr. Woodson's ruling. He has indicated in his ruling that the application does not meet requirements of Section 30-3.11. If the interpretation were to be the same as placed on this Ordinance by the Zoning Administrator, Mr. Gilliam continued, it would be his opinion that a man who owns a piece of ground in Fairfax County who didn't have a house or commercial use on it could not park his car on it.

Mr. Smith disagreed - you can park a car on any residentially zoned ground in the County, he said, as long as the car has current tags on it.

That's the way probably the Ordinance is being used daily, Mr. Gilliam agreed, and this is the interpretation they would seek to have the Board place on it. He has looked at 30-2.2, uses permitted in a residential zone, and uses permitted by right are automobile parking subject to 30-3.10 and 30-3.11. The Zoning Administrator would take the position that unless it is a use permitted by right, listed in the schedule, no other use is permitted. If that's true, then let's get back to what he said about an automobile without an appurtenant use not being allowed to be parked on your own land in the County, Mr. Gilliam said. That points out just what this applicant is trying to do. He wants to use his land to park his trucks on property on which he pays taxes.

Are we talking about an automobile or commercial vehicles, Mr. Smith asked?

Mr. Gilliam stated that he was talking about off street parking spaces for cars and trucks. The Ordinance does not make any distinction between the vehicles themselves -- cars, trucks, motor scooters, bikes, and whatever might be classified as a vehicle.

Actually, you are allowed to park in a residential zone one commercial vehicle not beyond a certain weight - other than a tractor-trailer, Mr. Smith stated. The Ordinance is very specific. It is a permissive ordinance.

The interpretation they are having difficulty with, Mr. Gilliam stated, is the interpretation by the Zoning Administrator that denies this applicant the right to be heard by the Board of Supervisors. They would seek the interpretation of this Ordinance by the Board of Zoning Appeals in such a way as to at least permit them a hearing before the Supervisors to determine whether or not the application should be granted.

The only interpretation this Board could give is one of either upholding the Zoning Administrator's interpretation or disagreeing with him. The Board would not be in a position to state that the applicant should be allowed to go to the Board of Supervisors, that would be completely out of order. The only question is the interpretation and the Board should stick to that.

The interpretation is one which says the application cannot be heard by the Board of Supervisors, Mr. Gilliam contended, so if the Board agrees with Mr. Woodson, that means the Board of Supervisors will never hear it.

Mr. Smith read Mr. Woodson's interpretation (see letter in folder). That is all the information this Board has, Mr. Smith said, and that is the basis for appeal.

The covering letter from Mr. Pammel to Mr. Sanders, his law partner, was what was referred to, Mr. Gilliam said.

Mr. Smith felt that the letter should have been to the applicants rather than Land Use.

The interpetation was requested by the Land Use Department, Mr. Woodson said.

Mr. Gilliam read the letter from Mr. Pammel. (See letter in folder.) They received a copy of Mr. Woodson's letter addressed to Mr. Pammel and Mr. Pammel advised them, Mr. Gilliam said.

The matter of what happens after this Boards decision would be up to the attorney, Mr. Smith said. The Board's only position could be either to agree or disagree with the interpretation, and not go beyond that. The letter states that "your application, filing fee and supporting papers will be returned upon request" - he would assume that this had not been requested, he said.

No, they have not requested it, Mr. Gilliam said. This is a matter that can and should be resolved before this Board, he said, and they should not pass the buck on what what the court might do, or what the supreme court might co, etc. This is the kind of decision that a taxpayer and a citizen of this County deserves, without having to get lawyers and have the case heard in court. The decision of the Zoning Administrator in this case is clearly wrong. If you read 30-3.11.1 it is apparent that it is wrong. The decision of the County Attorney is also wrong. Why does he make those statements, Mr. Gilliam asked? He makes them after reading very carefully two pertinent County ordinances - Section 30-3.11.1 and 30-3.10. He started with 30-3.11.1 - the language which says "any parcel of land in any R district may be used for any off-street parking." Any parcel, any R District, any off street parking. That's all inclusive. Also it says in that section and this is where the hang-up really is in the interpretation of the various County agencies - subject to provisions of 30-3.10. The Board of Supervisors is only entitled to construe this application under 30-3.11.1 if it also meets the requirements of 30-3.10, Mr. Woodson says, and this just isn't logical.

Section 30-3.10 states, Mr. Gilliam continued, but first he would like to say what is the reason for the existence of 30-3.10? Its catch phrase is off-street parking generally. The reason for that is that throughout the Ordinance there is a requirement, for instance, for any type of residential use to provide one off-street parking space; for commercial uses there are other requirements for parking spaces -- every commercial category, every zoning category, every use in the County, requires certain off street parking. With that in mind, the Board of Supervisors felt it necessary to address itself to what was meant by off street parking generally when the land was being used as it was being zoned. In both the first and second paragraphs of 30-3.10, there is an essential ingredient before you apply 30-3.10, that you be talking about parking appurtenant to a use. Now if the off street parking space under consideration is appurtenant to a use provided in an R district, then it must be on the same parcel of ground. That's pretty clear. Then, and where this Ordinance has been traditionally used, is where the off street parking is on residentially zoned property appurtenant to a commercial use in which GEM builds a retail store and requires so many parking spaces and has adjacent to it residential land that the Board of Supervisors doesn't want to zone but wishes to leave in a residential character but on the other hand would like to permit a not intensive use and that is to say that parking is appurtenant to that commercial use. The thing most important to note is that 30-3.10 only applies if the parking sought is appurtenant to a use. There is no residential use to which the parking is appurtenant and no commercial use to which the parking is appurtenant. So keeping in mind the reason for the existence of 30-3.10, keeping in mind that there are no appurtenant uses under consideration, then when you read 30-3.10 carefully, you find that it does not apply, Mr. Gilliam said. When you say subject to those provisions, if you don't find that those provisions are applicable, of course, it's no longer subject to it. Now in the application under consideration by the Zoning Administrator, you will see from his letter that there are no appurtenant uses and therefore 30-3.10 does not apply. So, if it does not apply, then we are back to a situation where the Board of Supervisors, and it is clear as a bell, why shouldn't the Board of Supervisors hold a public hearing to determine whether the man can use his own land for parking or not? He owns it, he wants to park his vehicles on it, he does not have to have a business to which it is appurtenant to, to allow the County to permit this kind of parking.

30-3.10 does not discuss off street parking, Mr. Gilliam continued. This is very significant to note, because in the Ordinance what you are really looking for throughout is a question of uses. In the fifth line of 30-3.11.1 - when they talk about any parcel of land in any R district may be used for any off street parking, he thought the use of the words any off street parking, any parcel of land, any R district, were important. Even more important is the fact that in 30-3.11.1 you are talking about a use of land and a use of land for parking. That's what the language is -- may be used for parking - not as to what the requirements are if you are appurtenant to a commercial use or a residential use. You are talking about a use of land and a use to be granted by the Board of Supervisors, if these requirements set forth in that section are met. The staff has talked about traditional uses of this section - he would agree that there are certain traditional uses of this section. We are all aware of the fact that off street parking is sometimes permitted in a residential zone where it is appurtenant to a commercial use and that is clearly provided for in 30-3.10. But who usually grants that? That is either granted by the Planning Commission or by the Building Supervisor's department - the letter of Mr. Stevens' indicates that that's not true. The traditional patterns for the County are, in fact, wrong, and that kind of use should only be granted by the Board of Supervisors. These are two sections, each with its own clear meaning. It is true that if we were talking about appurtenant uses, then the provisions of 30-3.10 would apply and Mr. Woodson was right, but since you are not talking about appurtenant uses, and 30-3.10 addresses itself to parking which is appurtenant to uses, then, of course, those sections don't apply. What is the grant net effect of disagreeing with Mr. Woodson's ruling? It simply means that the applicant has a right to go before the Board of Supervisors and present his case for their discussion to determine whether or not this man can use his own land for parking his own vehicles, for which he pays his own money for County taxes, and he did not think that was a great burden.

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Was this intended to be a temporary use and is it connected with an appurtenant commercial use, Mr. Smith asked?

First of all, the length of use, Mr. Gilliam stated -- here's the problem with that area. You have the new Springfield shopping center. If you talk to the planner involved in the Springfield planning district involved with that shopping center, he will tell you that they are planning a Springfield by-pass and that by-pass as planned will go either beside this property or through this property. They are talking about a subway station for Metro which you can practically throw a rock on from this property, so the use that they are asking to be made of this property is really a holding use until the County can tell them frankly and candidly what they envision for this property. It has got to be a better use than to park trucks on it.

Is this trucks, or passenger vehicles, Mr. Smith asked?

Passenger vehicles and/or trucks - parking of vehicles, Mr. Gilliam said.

Parking of commercial trucks, Mr. Smith asked?

Dump trucks. Mr. Campbell is in the trucking business, Mr. Gilliam said.

Basically this section of the Ordinance was designed for the parking of passenger vehicles, Mr. Smith said.

Do they repair vehicles or disassemble trucks, Mr. Yeatman asked?

They have in the past, Mr. Gilliam said.

Do they do it now? When did they stop, Mr. Yeatman asked?

Mr. Gilliam repeated that they have done it in the past and that issue is in court. If they gain use of this land by the procedure they have indicated, naturally, they would comply with the use that's granted. Whether or not they are in violation of the Ordinance at this time, he would answer that by saying that that has happened in the past, and since the case is in court, he would not want to go any further than that.

If this is true, he would like to keep completely away from any reference to this being in court, Mr. Smith said, that is not a proper subject before this Board, the only subject is interpetation.

The first question, Mr. Gilliam stated, how long do they intend to use it in that way and is it appurtenant to any commercial use owned by the applicant -- it is not appurtenant to any commercial use, Mr. Gilliam said. There are any number of commercial uses in the area. This is an industrialized area, really.

The first specific requirement in 30-3.10.1, Mr. Smith said, and this is a specific requirement that has to be met before it would be a valid application, on page 29 "such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant," or "in case of cooperative provisions or parking space, as provided in Section 30-3.10.3 in the ownership of at least one of the participants in the combination." "The entrance to such space shall be within 500 ft. walking distance of an entrance to the use that such space serves." Now, does this meet the second requirement?

Mr. Gilliam stated that really the first part of 30-3.10.2 says very simply that all off street parking space appurtenant to any use other than a use permitted in an R district - now before you apply all of these other things, you have got to find the trigger mechanism, which causes those things to come into being. If you would indicate that the off street parking space is appurtenant to any use other than a use permitted in an R district, or in effect what that's saying is off street parking space appurtenant to a commercial use - this is really a short hand way of saying it; now, if this was appurtenant to a commercial use than you would trigger all these other sections, including one and two, but it's not appurtenant to any commercial use and therefore no trigger, and therefore no application, and therefore Mr. Woodson is wrong, and therefore 30-3.11.1 applies, and we are entitled to a hearing before the Board of Supervisors, Mr. Gilliam said.

These are specific requirements, Mr. Smith stated, subject to the following conditions; these are two of the specific conditions to permit this, and of course, if neither of these factors are true, it seems that there is a basis for the Zoning Administrator's decision. The only thing the Board is doing is interpreting the Ordinance in accordance with the appeal and there are specific conditions that have to be met, prior to this being a valid application. He did not see any provision for waiving it.

Mr. Gilliam agreed that Mr. Smith was right to a certain extent, but Mr. Smith was only reading a part of the Ordinance, 30-3.10.1, not giving any meaning at all to the beginning of that section. Now, as he has said, Mr. Gilliam continued, historically, and he thought the justification for this particular ordinance is that there are numerous requirements throughout the code dealing with uses of property in which off street parking is required. The Board of Supervisors had to say what kind of off street parking and where it should be when appurtenant to a use. And, so, the beginning of that ordinance states that all off street parking which is appurtenant to

a commercial use shall be provided on the same lot and then it goes on to say that such space shall be located on land in the same ownership; the entrance shall be located 500 ft. walking distance from the entrance to the use, again referring to paragraph two to the use. This entire section 30-3.10 is a section which applies when you are using property appurtenant to another use and this is what makes it so important to note in 30-3.11 that the county board of supervisors is talking about the using of any land in any residential district for any off street parking, any meaning all inclusive, meaning parking that may be appurtenant to a commercial use and may not be appurtenant to a commercial use. Any kind of off street parking. Here is the provision which allows a man who owns five acres and doesn't have a shop or business on his property, and wants to park delivery trucks there and operate a business from his home, to park his vehicles there, but what does he have to do? He doesn't have to have an appurtenant use, he has to go before the Board of Supervisors and in their wisdom they will either grant or deny the application, because in 30-3.11.1 you are talking about uses of land and in 30-3.10 you are talking about off street descriptive nomenclature for off-street parking.

Mr. Smith read 30-3.10.2 into the record. Two specific requirements follow that, he said, under 30-3.11.1 and these are specific requirements.

Only if you are talking about an appurtenant use, Mr. Gilliam said.

Without an appurtenant use you have no basis for requesting off street parking for commercial uses, Mr. Smith said. You can park on this residentially zoned land in conformity with the category - you can park a residential vehicle there which could be an automobile, or 1/2 ton truck probably, one - probably two. A man could park his truck there.

Could a man park ten cars there if he happened to be a ten car family, Mr. Gilliam asked?

If they were all within his family, yes, Mr. Smith said, he didn't see any reason why he couldn't if all the cars had State and County tags on them for the current year and were all under the ownership of the owners of the land.

If the ordinance is permissive, he would have to find that as being a use permitted by right, Mr. Gilliam said.

It is a use by right, Mr. Smith agreed.

In looking at the uses permitted by right, automobile parking is listed subject to 30-3.10 and 11, Mr. Gilliam said. This man wants to park ten cars on his own land, he doesn't live there and it's not an appurtenant use - he couldn't qualify under 30-3.10.

He could do it by right, Mr. Smith said. What Mr. Gilliam is confusing is what you can do by right in a residential zone and what is done by permit.

Mr. William Barry, Zoning Inspector, stated that they have had a couple of instances where vehicles were stored - private vehicles (passenger vehicles) stored on residential property either adjacent to a dwelling or across the street from a dwelling, even in the same ownership, and in such cases they have issued violation notices and had those vehicles removed from the property.

This is backing up what he said, Mr. Gilliam commented.

Mr. Barry said he was referring to the idea of an accessory use - you have to have a primary use before you can have an accessory use.

It's not a pertinent question, Mr. Smith said. He asked if the owners of the property could park a car owned by the owners on the property and he felt that a passenger car would certainly have a right to be parked there -- to drive up on 30 acres of land and park. Certainly, they own the land, it's residentially zoned, and an automobile is permitted in a residential zone. It certainly would have to have current tags on it.

They might go out and hunt all day while their car is parked there, Mr. Smith added, but apparently what they are talking about is the number of vehicles, and commercial trucks, which would not even be allowed in any residential zone under any conditions. This is an entirely different question and the Board is getting away from interpretation.

First of all there seems to be some kind of bad word, Mr. Gilliam said, attached to commerce and doubly bad, if it happens to be a commercial truck. But when the Ordinance talks about parking, he would agree that that distinction could be made if the Board of Supervisors had made such a distinction possibly, but the Board hasn't said that trucks are to be distinguished from cars and cars would be distinguished from motorcycles etc. They are discussing off street parking for vehicles.

But you are not allowed to park commercial vehicles in a residentially zoned area beyond a certain size, Mr. Smith said.

You are, if the Board of Supervisors grants a permit, Mr. Gilliam said.

Mr. Smith said he knew of no place in the ordinance where they have a right to grant it without an appurtenant use.

There seems to be misunderstanding on the size factor on commercial vehicles, Mr. Barry stated. Under 30-3.2.1.4 keeping commercial vehicles in a residential district, there was

a proposed amendment that was never adopted that limited size and the existing section which he just read is still in effect. It reads to the effect that there may be kept as an accessory use on any lot in an R district not to exceed one commercial vehicle other than a tractor trailer operated by the occupant of the lot.

Mr. Gilliam summarized his position by saying that the Board knows where the land is. This is an exhausted gravel pit, regardless of whether we are talking about Mr. Woodson's position or appeal by the County Board of Supervisors. What he is asking for today is the right to have the case heard before the Board of Supervisors. 30-3.11.1 says upon approval by the Board of Supervisors following duly advertised public hearing in accord with the same procedures set forth in 30-12.2 and subject to the provisions of 30-3.10 - any parcel of land in any R district may be used for any off-street parking. It does not talk about commercial parking or other than commercial parking, does not talk about what kind of commercial district, talks about uses of land for parking in residential districts, and says the Board of Supervisors will grant that use and it says subject to provisions of 30-3.10. Now, when he has a use of land, Mr. Gilliam said, which is not a traditional use, a traditional use being defined as being appurtenant to another use, he read the entire 30-3.10, and when it talks about any - all off stree parking appurtenant to any use in a commercial district, and then it must meet these various requirements and the requirements themselves talk about the entrance to the use. If you read 30-3.10, you will find that 30-3.10 only applies and is only triggere when its appurtenant to a commercial use and if a man owns a piece of ground, he has no appurtenant use, if that man wants to park a car or trucks, or numerous cars and trucks on it, his route is application to the Board of Supervisors and they in their wisdom and after a duly advertised public hearing may or may not grant his application. Certainly the interpretation has got to be wrong that says a man does not have a right to be heard on the use of his ground when it's really provided for by the Ordinance.

The Board is not hearing it on that basis, Mr. Smith stated. It is being heard solely on the basis of interpretation of the Ordinance. How long has the applicant owned the property?

Since 1964, Mr. Gilliam replied.

There is always the avenue which seems to be the proper avenue - that of rezoning to conform to the use, Mr. Smith suggested.

If they could have gotten Mr. Woodson to rule correctly in the first place, Mr. Gilliam said, they did not need to apply for a rezoning and they did not want to apply for rezoning because of changes taking place in the area. They know that things are happening in the area - the staff does not want to commit itself on a 30 acre parcel of land. in 1970 when it knows that in 1975 the shopping center and by-pass are going to have a big impact - they would like to see this land held and planned more intelligently after certain developments. They can use the ground and make it commercially useful - they clearly have the right to be heard by the Board of Supervisors. It is not appurtenant to any commercial use - 30-3.10 does not apply. Mr. Woodson's interpretation is wrong and for those reasons they would ask that this matter be cleared up and in so doing, without having to say so, the Board ould allow them to be heard by the Board of Supervisors.

What you are really saying is that you want to make industrial use of the property but not have it rezoned, Mr. Smith said.

Whether or not this land is to be used industrially will have to be decided by the Board of Supervisors, Mr. Gilliam said, because it is now zoned residential. As far as rezoning is concerned, there may be two solutions to a problem, and they believe they present a solution that does not involve rezoning and one that is in the best interests of the County because the County doesn't want to commit itself to a key piece of land until certain developments take place - they only ask to be heard by the Board of Supervisors and that is a fair request.

Talking of permanent parking of vehicles on a piece of land amounts to storage, Mr. Smith said. Certainly a man has the right to park a car if he is visiting the property, or as long as he owns the land and it's only one automobile, but you are talking about storage and the Ordinance does not allow storage of vehicles on land, Mr. Smith said.

What is meant by storage, Mr. Gilliam asked?

That is where you leave a vehicle for more than 24 hours, Mr. Smith said. You are not talking about automobiles here.

We are talking about vehicles, Mr. Gilliam stated.

Again, the Ordinance follows through on automobile parking as specified in 30-3.11 and 30-3.10, Mr. Smith said. It mentions automobile parking in 30-2.2.2 and we have to assume that basically we are talking about automobiles. There is no other indication.

Mr. Terry Alhorn, 3709 Judith Avenue, agreed with the interpretation of the Zoning Administrator.

Mr. Long asked if Mr. Woodson would have made the same decision had this been automobile parking?

Yes, if it was not appurtenant to a business in the same ownership, Mr. Woodson replied.

Have you ever made a decision contrary to the decision you made in this case, Mr. Smith asked Mr. Woodson?

No, this has always been his interpretation, Mr. Woodson replied.

Mr. Gillium stated that Mr. Stevens' opinion is in the record.

The Board has not entered into correspondence with the County Attorney on this case, Mr. Smith said, and that is not under consideration. The sole matter before the Board is the Zoning Administrator's interpretation.

The Board took this matter under advisement until later in the day as it would take some time to formulate a resolution on this.

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ERCELL L. MALONEY, application under Section 30-6.6 of the Ordinance, to permit carport 5.9 ft. from side property line, 3004 Cedarwood Lane, Mason District (R-12.5) 50-4 ((23)) 46A, V-207-70

Mr. Maloney stated that his appeal was based on the irregular and narrow shape of his triangular lot. He needed a place to store his tools and he and his son built the carport after securing a permit from the County.

How long have you been in the construction business, Mr. Yeatman asked?

Fifty years, Mr. Maloney replied.

Mr. Joe Keys, Zoning Inspector, stated that he received a complaint on July 14. Upon checking out the complaint, he found that the concrete was laid and the brick work had been put up to 18" high, so he turned this over to the Building Inspector. He asked Mr. Maloney to secure a building permit. He applied and got the building permit September 17. On September 18, Mr. Keys said he sent the violation notice to Mr. Maloney for allowing construction too close to the property line. The brick is approximately six to eight feet high now. The building permit was issued for construction in accordance with side yard requirements of the Ordinance.

Opposition: Mr. L. D. Murphy, 3000 Cedarwood Lane, next door neighbor, objected to changing the zoning requirements and to having the garage this close to the line.

Mrs. Marilyn Gothchild, 6420 Sleepy Ridge Road represented the Citizens Association in opposition.

Mrs. Irma Harvey, 3008 Cedarwood Lane stated that the garage is next to her property. They know that Mr. Maloney has worked hard and they feel badly about this. However, if the same kind of addition were put on her property, this would leave a very narrow alley along this line which should be 12 ft. wide. This will ruin the character of the community.

In application V-207-70, an application by Ercell L. Maloney, under Section 30-6.6 of the Ordinance, to permit carport 5.9 ft. from side property line, 3004 Cedarwood Lane, also known as tax map 50-4 ((23)) 46A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 24th day of November 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact.

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 20,323 sq. ft. of land.
4. The applicant started the carport without a permit and was made aware by Mr. Keys, a county inspector, that the violation was existing, and applied for a building permit.
5. The structure is being enclosed, rather than being a carport.
6. There is space for a 20' - 21' garage on the property in compliance with the Zoning Ordinance.

AND

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AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied. Seconded, Mr. Barnes. Mr. Barnes asked that the motion be amended to require the applicant to remove the violation within sixty days.

Mr. Long accepted. Carried unanimously. (Move the wall over to be 12 ft. from line.)

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GILLS AUTO SERVICE, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of used automobiles, 5700 Leesburg Pike, Mason District, (C-G), 61-2 ((1)) B-1, S-180-70 (deferred from October 27)

The applicant's representative requested deferral until after January 1.

The Board deferred this application to January 12, 1971 with the understanding that no further deferrals will be granted.

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DEVONSHIRE PROPERTIES PARTNERSHIP, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 0.92 ft. too close to side property line, 4109 Duvawn Street, Lee District, 82-4 ((17)) 16, V-191-70 (deferred from Nov. 10)

No one was present. The application was placed at the end of the agenda,however, at that time still no one was present so the Board deferred action to January 12 with the understanding that if no one were present then, the application would be dismissed for lack of interest.

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LOGAN FORD, APPLICATION UNDER Section 30-6.6of the Zoning Ordinance, to permit variance of outside display area restriction allowing it to exceed inside display area, 6801 Commerce Street, Springfield District, (C-G) 80-4 ((6)) 4C, V-1-70 (deferred from 2-10-70 - hold until site plan is approved)

Mr. Yeatman moved that the application be dismissed without prejudice as the site plan has been approved and the variance was not necessary. Seconded, Mr. Baker. Carried unanimously.

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WOODLAKE TOWERS, INC. - Mr. Smith read a letter from Mr. Stephen Best:

"Dear Mr. Smith:

On August 1, 1969 the Board of Zoning Appeals approved the application of Woodlake Towers, Inc. to permit all commercial facilities listed in Column 2 for RM-2 districts. The approval stipulated, however,that the applicant provide the Board with a plat showing the location of each use in the commercial area. Certain specific uses were granted approval in your meeting of September 22, 1970.

Woodlake Towers, Inc. proposes to execute a lease agreement with a dry cleaners for use of space as a valet pickup station. No cleaning will be performed on the premises. Enclosed is a plat showing the location of the valet pickup station.

I would appreciate it if the Board of Zoning Appeals would consider and approve the location of the valet station. I will be pleased to furnish any additional information which you may require.

Yours very truly,
(S) Stephen L. Best"

Mr. Long moved that the request be granted as applied for. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM D. COVEY, application under Section 30-6.6 of the Ordinance, to permit garage building to remain where located, located 6528 Cavalier Drive, Mt. Vernon District, (R-10), 93-1 ((23)) (E) 22, V-201-70 (deferred from Nov. 17 for new plats - decision only)

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Mr. Smith noted that the new plats show a 12 ft. separation requirement between the house and garage. The greatest variance sought is eight inches on one corner.

In application V-201-70, an application by William D. Covey, under Section 30-6.6 of the Ordinance, to permit garage building to remain where located, on property located at 6528 Cavalier Drive, also known as tax map 93-1 ((23)) (E) 22, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 10th day of November 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact.

1. The owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 7,200 sq. ft. of land.
4. A building permit was issued for the garage to be located within 4 ft. of the rear property line.
5. This would be a minimum variance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The Board has found that non-compliance was the result of an error in the location of the building and,

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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GULF OIL CORPORATION - Route 7 - S-227-70 - Request for out of turn hearing. The Board allowed an out of turn hearing for December 15.

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GOLDEN ARCH REALTY, application under Section 30-6.6 of the Ordinance, to permit reduction of front yard setback to 44 ft. instead of 50 ft., property located at 6729 Arlington Boulevard, also known as tax map 50-4 ((17)) G, County of Fairfax, Virginia, V-206-70 (deferred from November 17 for owners to be named as co-applicants)

Mr. John Bernier presented a letter from the owners of the property -- William H. and Mary K. Page, and Edmund and Ruth C. Hughes, stating that they were willing to be named co-applicants in this application. He also presented the copy of the original lease to Gee-Gee Foods and the assigning of the lease to Golden Arch Realty, and a certificate authorizing Golden Arch Realty to conduct business in Virginia.

Mr. Yeatman moved that the application be amended to include the names of the owners as read.

Mr. Bernier stated that they are proposing to remodel the existing unit at this address, updating it in a brick exterior with different style roof. The golden arches will be removed. Their operation requires a little larger service area forward of the counter of the existing unit requiring that they move the front section of the building out an additional six feet from where it stands presently. Page Hughes-Pontiac to the east of this building has a 31 ft. setback. McDonald's has been located in this area since 1958. The parking layout has been redesigned so they have picked up a couple of extra spaces in the process.

The Board discussed proposed restroom facilities with Mr. Bernier.

In view of the fact that the applicant has made application for a variance for reason of better serving the people, this Board should stipulate a certain number of square feet to be used as restroom space, Mr. Smith said. He commented on the fact that McDonald's has someone picking up trash on their own property as well as along the road and surrounding the property.

November 24, 1970 - GOLDEN ARCH REALTY - Ctd.

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No opposition.

In application V-206-70, application by William H. and Mary K. Page and Edmund and Ruth C. Hughes and Golden Arch Realty, under Section 30-6.6 of the Ordinance, to permit reduction of front yard setback to 44 ft. instead of 50 ft., property located at 6729 Arlington Boulevard, also known as tax map 50-4 ((17)) G, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact.

1. Owners of the property are William H. and Mary K. Page and Edmund and Ruth C. Hughes. Golden Arch Realty is the lessee.
2. Present zoning is C-G.
3. Area of the lot is 46,000 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, will be required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be/and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats and rendering included in this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. All existing and proposed signs are to comply with the new Fairfax County Sign Ordinance.

4. The public restroom facilities shall accommodate a minimum of two persons per restroom.

Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed the application of H. D. Hall - Cities Service Oil Company in which the applicant was supposed to leave a 54 ft. buffer strip. The site plan which has been submitted shows extensive grading into that tree area, sufficient to kill a high percentage of those trees, Mr. Knowlton stated, and it is the staff's understanding that this grading has already been accomplished.

Mr. Long moved that the applicant be required to submit a plan showing a planting arrangement in conformance with the request by the Division of Land Use Administration for approval by this Board.

Planting as near as possible comparable to what was there as natural growth that was stated to remain, Mr. Smith added.

Seconded, Mr. Yeatman. Carried unanimously.

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MIKE BORICH - Request for rehearing (beauty shop - Merrifield Village Apartments)

Mr. Borich presented a list of signatures in favor of the beauty shop, and requested that the Board reopen the case.

The Board ruled that this was evidence that could have been presented at the original hearing.

Mr. Smith stated that the list is not valid - it does not show the addresses of the people who signed it.

About four or five people have moved out of the building under discussion since the last hearing, Mr. Borich said.

November 24, 1970

MIKE BORICH - Request for rehearing - Ctd.

The motion to deny the application, Mr. Long stated, was based on reasons other than the petition either for or against the application and therefore he would move that this request for rehearing be denied. Seconded, Mr. Yeatman. Carried unanimously.

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W. A. AND R. L. CAMPBELL - Appeal from the Zoning Administrator's decision - The Board was still unable to reach a decision, therefore this case was deferred until the next meeting. Copies of the transcript of the hearing were requested to be mailed to each Board member prior to the next meeting on December 1.

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The meeting adjourned at 2:10 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman Date

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December 1, 1970

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. in the Board Room of the County Administration Building. Those present were: Mr. Daniel Smith, Chairman; George P. Barnes, Richard Long, and Joseph P. Baker.

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

Mr. Smith stated that the Board members this morning come into the Board Room with heavy hearts, saddened by the unexpected death of one of Fairfax County's most distinguished and beloved citizens, former member of the County Planning Commission, and Vice-Chairman of the Board of Zoning Appeals, Mr. Clarence M. Yeatman. The Board joins with him in offering the family their deepest and most sincere sympathy in the loss of a beloved husband and father, he said. One of Mr. Yeatman's sons is now serving in Viet Nam. In view of the unexpected events that have taken place, the Board has asked the Chairman to defer the items on the agenda for today's meeting, until December 8, 1970, this being one week from today. Applicants will be notified in writing by the Land Use Department of the rescheduling of these items.

Mr. Smith stated that the Board was very saddened by the death of a man they have known and worked with for a number of years, and a man for whom they had great respect for his integrity and his service to the County of Fairfax and its citizens.

Mr. Barnes stated that he felt this was a very, very sad occasion. He was very close to Mr. Yeatman; he knew him for many years. He understood that Mr. Yeatman was on a condemnation in the courts yesterday in the old Courthouse. He served many times with Mr. Yeatman, Mr. Barnes said. He was very deeply shocked when he learned of Mr. Yeatman's death very early this morning.

He, too, was deeply shocked, Mr. Long stated. It was a pleasure to serve with Mr. Yeatman and it would be very difficult to replace him.

It would be impossible to replace Mr. Yeatman, Mr. Baker stated. He served with Mr. Yeatman on the Planning Commission and for a few years on this Board. He moved that the Board adjourn. Seconded, Mr. Long. Carried 4-0.

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The meeting adjourned at 10:15 a.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 8, 1970 in the Board Room of the County Administration Building. The following members were present: Mr. Daniel Smith, Chairman; Messrs. Joseph P. Baker, George P. Barnes, and Richard W. Long.

The meeting was opened with a prayer by Mr. Barnes. The Board stood for a moment in silent prayer in memoriam to departed Board member, Clarence M. Yeatman.

FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit construction of well house and install 5,000 gallon water storage tank, located behind Lot 2, Section 1, Old Mill Estates, Dranesville District, (RE-1), 12-4 ((1)) pt. 14, S-213-70

Mr. Harry J. Bicksler, Jr. stated that on October 14, 1969, the Water Authority received permission to construct a well house and install a 5,000 gallon storage tank on parts of lots 7 and 8, Old Mill Estates. The yield at that site was not sufficient so they moved the location about 200 ft. to the north. The site now is approximately behind Lot 2 of Section I. That well has turned out to be a very good site. They are getting about 90 gallons a minute.

No opposition.

This is actually a duplication of the application that the Board granted in October of 1969, Mr. Smith commented.

In application S-213-70, an application by Fairfax County Water Authority under Section 30-7.2.2.1.5 of the Zoning Ordinance, to permit construction of well house and install 5,000 gallon water storage tank, property located behind Lot 2, Section I, Old Mill Estates, also known as tax map 12-4 ((1)) pt. 14, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of December 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Multilateral, Inc.
2. Present zoning is RE-1.
3. Area of the lot is 10,000 sq. ft. of land.
4. Compliance with Article XI - Site Plan Ordinance - is required.
5. The Planning Commission recommended approval of this application at its meeting of December 7, 1970.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. All construction shall conform with renderings filed with application S-176-69.

Seconded, Mr. Barnes. Carried 4-0.

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December 8, 1970

WESTMINSTER SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, (new facility and existing facility), 3811 and 3819 Gallows Road, Annandale District (R-12.5) 60-3 ((24)) 4, 5, S-212-70

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Mr. Stephen Best represented the applicant. He presented Articles of Incorporation and By-Laws and a rendering of the proposed facility. They are only asking to build part of this facility at the present time, he said. No part of it is existing now. Mrs. Goll will be Director of the School and is present to answer questions.

In 1968, Mr. Best continued, they made application for Special Use Permit to construct this building and to use the existing stone house for classrooms. Ultimately they planned to use that house for administration. The use permit was granted, but it was about that time that the bottom fell out of the mortgage money market and they were not able to obtain a loan to build the building. The house was used for seventh and eighty grades. Now they find that money is available and they have gone considerable distance on their plans. Gallows Road now has been widened and is a much safer road than when they made the original application.

Are students to be transported by the school, Mr. Smith asked?

They would come primarily by auto, Mr. Best replied - there are two buses now which can carry 60 passengers each, however, they might go to smaller buses later on.

No opposition.

In application S-212-70, application by Westminster School, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit private school (new facility and existing facility) on property located at 3811 and 3819 Gallows Road, also known as tax map 60-3 ((24)) 4 and 5, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of December 1970, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 3.92 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats and drawings submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The maximum student enrollment shall be 300 students, ages 4-14, from 8 a. m. to 5 p.m. Monday through Friday.

5. All buses used for transporting students shall conform to the color and lighting standards of the Fairfax County School Board.

December 8, 1970

WESTMINSTER SCHOOL - Ctd.

6. A recreational area shall be fenced in accordance with State and County requirements.

7. The proposed building shall be constructed of brick as shown on drawings submitted with this application. Seconded, Mr. Barnes. Carried 4-0.

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CLAUDE S. JENKINS, application under Section 30-6.6 of the Ordinance, to permit lot with less width than required, 10018 Colvin Run Road, Dranesville District, (RE-1), 18-2 ((1)) 21, V-216-70

Mr. Jenkins stated that he has owned the property for over fifteen years. Because of the contour of the land, it would not be feasible to divide this into smaller lots, he said, and it would make a better arrangement in two lots rather than smaller ones. He would locate the dwelling on the larger portion, on the hill.

No opposition.

In application V-216-70, application by Claude S. Jenkins, application under Section 30-6.6 of the Ordinance, to permit lot with less width than required, 10018 Colvin Run Road, also known as tax map 18-2 ((1)) 21, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 81,103 sq. ft. of land.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has satisfied the Board that the following physical conditions exist which under strict interpretation of the Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved: exceptionally irregular shape of the lot and exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations: The dwelling located on Lot 1 shall be placed on the knoll adjacent to Lot 2.

Seconded, Mr. Barnes. Carried 4-0.

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INTERSTATE STONE CORP. and SALEM STONE CORP., application under Section 30-7.2.1.3.1 of the Ordinance, to permit stone quarry located on Alban Road, Springfield District, (RE-1), 99 ((1)) pt. 1, S-209-70 (deferred from Dec. 1)

Mr. Richard Hobson represented the applicant. This is an existing quarry site in Springfield District near Newington interchange on Shirley Highway, he explained. The land is owned by Lynch Construction Company and will be leased by the applicants under lease agreement on file with this Board. The applicant corporations are corporations affiliated with the companies that have been awarded the Shirley Highway reconstruction project, at Shirlington intersection, and the mixing bowl intersection at the Pentagon. Incidentally, these two contracts are larger in total amount than any other contracts previously let by the State Highway Department. The Shirlington contract was awarded to Moore Brothers Company, Inc., of which Interstate Stone is a quarry corporation, rock and stone supplier, and the Wiley Jackson Company of Roanoke, Virginia, for which Salem Stone Corporation is the quarry operator and stone supplier. On the Pentagon mixing bowl contract, these two same corporations have been awarded the contract by the State Highway Department, with a third company - Warren Brothers Company of Richmond, Virginia. The applicant corporations, if this permit is granted, plan to serve their own needs for these construction contracts and other contracts that they may have, and to sell rock and stone generally from the quarry. The company will develop the site over the full period of its lease which is for five years with the option to extend it two successive periods of five years each. Under the Ordinance, under which this case falls, the maximum time period for a special use permit can be granted is five years.

December 8, 1970

INTERSTATE STONE CORP. AND SALEM STONE CORP. - Ctd.

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At this time, Mr. Hobson continued, he would like to file a topographic exhibit required by the Ordinance, and introduce Mr. Calvin Allen, land surveyor.

Mr. Smith asked for clarification as to who actually is going to operate the quarry. Why should Interstate be listed as applicant when they are not listed on the lease, he asked?

Mr. Hobson presented a statement of assignment of the interests of Moore Brothers, Inc., same stockholders of Interstate Stone Corporation, agreed to by all other parties of the lease. The Use Permit should be in the name of Interstate Stone Corporation, Salem Stone Corporation, and as the owners of the property, Lynch Construction Corporation.

Hearing no objection, the Chairman amended the application to read Interstate Stone Corporation, Salem Stone Corporation, and Lynch Construction Corporation.

Mr. Calvin Allen, Certified Land Surveyor with the firm of Robert Kim and Associates, who prepared the exhibit filed in accordance with the Ordinance, including topography, showed an aerial photograph of the property and the surrounding vicinity. The two parcels involved in the application are a portion of the larger tract owned by Lynch, he stated. Parcel A is enclosed by a six foot chain link fence with three strands of barb wire around it. It is an existing quarry site which is indicated by the irregular topo which is shown on the plat. There are two cinderblock buildings on the property and two concrete slabs which were probably for proposed buildings. There is a metal building which must have been a maintenance shed or garage. There is natural woods remaining on the perimeter of Parcel A. All of Parcel B is wooded except for areas where existing road comes through. The highest point on the ground is in the northerly portion of Parcel B which is approximately 175 ft. in elevation. The lowest point is in the vicinity of the gate at the entrance road adjacent to Accotink Creek. There is an existing 22 ft. paved access road coming in from Alban Road and crossing Accotink Creek on an apparently heavy-duty concrete bridge. There is a recorded agreement for a sixty foot right of way running through this 250 ft. strip between Lewis and Parcel A which enters the Lynch property and curves around. The right of way is not recorded - it is a recorded agreement for future right of way. Mr. Allen stated that as far as he knew, it was designed ultimately for a connection between Alban Road to come into this property. There is a large VEPCO transmission line running across the southeasterly portion of it, and a sanitary sewer trunk line entering the property, running across it, and out of the property on to Tyler across Accotink Creek - this is a 50 ft. easement. The VEPCO easement is approximately 220 ft. wide.

Mr. Hobson stated that they would start operating at the present site and when the rock has been exhausted on that site, they would move toward the limits of excavation shown on the plat which would require existing chain link fence to be moved slightly on the southeast and southwest. Parcel B would be where the equipment would go and when the rock is exhausted on Parcel A, the equipment would be shifted over on Parcel A and they would operate on Parcel B.

The limits of excavation on the original granting was sixteen acres, Mr. Smith noted - this would more than double the limits when you talk about 39 acres.

Mr. Raymond Lynch, President of Lynch Construction Corporation, stated that the lease for this property calls for no quarrying on the 10 acres.

The plat shows quarrying on it, Mr. Smith said. Limits of excavation does include Parcel B.

The lease calls for quarrying only on Parcel A and the equipment to be located on Parcel B, Mr. Hobson stated. However, if and when the rock is exhausted on parcel A, they would request the Lynch Company to give them permission to quarry on Parcel B.

This Board certainly does not have authority to grant a use permit on a parcel of land which the applicant does not have a lease to quarry on.

How deep will this be, Mr. Long asked?

They have estimates over five, ten and fifteen years, Mr. Hobson said. These are estimates assuming a successful amount of rock being extracted, and over the first five years, they would expect to go sixty feet deep. (Mr. Moore, President of the Interstate Stone Corporation estimated they would need 75 ft. over the first five years.) The estimates thereafter, for the second five years, 100 ft., and 135 ft. for the succeeding five years.

What happens to the 135 ft. hole, Mr. Long asked?

The lease would then have been expired and the land would belong to Mr. Lynch, Mr. Hobson stated. Mr. Lynch says that he would fence the hole and it would be used as a natural water supply - a lake. He doesn't want to commit himself because at that time, if some other use could be made of that property, he would reserve the right to come back for special use permit for any other use that might be appropriate.

December 8, 1970

INTERSTATE STONE CORP. AND SALEM STONE CORPORATION - Ctd.

Mr. Long said he did not see how the Board could approve the 135 ft. depth without knowing how the land is going to be rehabilitated. If the Board grants 135 ft. depth, none of the present members would be on the Board when the final determination is arrived at.

There is no restoration plan required for a stone quarry, Mr. Hobson said. They would assure the Board that this would not be a hazard - it is screened off, it will be fenced, and it will have water in it.

That's one of the thing that concerns the Board, Mr. Smith said, the fact that it does have water in it. Why could you not start in an area and excavate and fill behind you and never have any water in it?

There is not going to be enough material left to fill this hole, Mr. Hobson stated.

Mr. Pack submitted additional photographic exhibits for the file.

Mr. Leonard D. Hill, President of Salem Stone, stated that on the exhibit, the Board would notice a truck load of rock and a ramp. This would be dumping raw material from the quarry into the feeder. This feeder feeds into a primary jaw which would be enclosed, and from the jaw crushser it would leave and go into a screening tower which would also be enclosed; from there oversized stone would go to a secondary crusher which would be enclosed, from that to a surge pile, from the surge pile to an additional screening tower which would be enclosed, and from that to another secondary crusher, in a closed circuit. The finished product would be hauled from the second screen tower to four stockpiles, also one size stone would be conveyed to a stockpile which would be blended into a pug mill. We would use five per cent moisture im order to meet the specifications, Mr. Hill concluded. In some cases, it might require cement stabilization on the stone, and if this is true, they have to blend a certain amount of cement with it. If there is cement being added, it would be near the pug mill and it would be housed in.

Mr. Hobson introduced Mr. Charles Burris, who would be in charge of the blasting.

Do they plan to follow the same limitations set for the blasting in the original application, Mr. Smith asked?

The only difference is from 7,000 to 10,000 tons in twenty increments, Mr. Hobson said, with a different timing so that there will be no increase in the blast effect.

Mr. Burris, President of Tread Corporation, told the Board that the holes would be 3 1/2 inch in diameter. As soon as they can, they want to get a 45 to 50 ft. bench. Ratio of explosives per hole would be approximately 150 lbs. and yield approximately 1 1/2 tons of rock per pound of explosives. Maximum explosives in any one delay period would be 750 pounds.

Mr. Lynch stated that he agreed there would be a large hole when the operation is terminated - there could be three uses possibly made of it: By that time the County will probably have need for additional water storage reservoirs in the area, or a recreational lake, or third, and most likely, a fill. The Highway Department now needs a place to deposit material from road projects.

Mr. Smith said it seemed to him that the applicant could work only five or so acres at a time.

Mr. William Moore, President of Moore Brothers, Inc. and Interstate Stone Corporation, stated that he did not think backfilling as they went along would be practical. Stone will have to be taken out in lifts. They would be bottled up if they had to commit themselves to putting the material back in. They have to have access and maneuverability in the pit. They would have roadways in and out of an area.

Mr. Smith pointed out that Mr. Moore has been used to operating in rural areas but things are changing now. Although the operation might be fenced, youngsters are very adventurous and sometimes get over the fences and drown.

Mr. Moore said he thought the hole would be filled up rapidly, after the quarry operation is complete. On the present project that they are on, they have removed 100,000 cubic yards of unsuitable material and have had to look for an area to dispose of it, they have stumps, all types of broken concrete, etc. and they are paying for an area in which to dump. However, he did not think it would be practical to dump in an operating quarry area.

Mr. Smith felt that five or ten acres would give suitable maneurerability. Going beyond the depth of the creek, it would be difficult to alleviate water conditions, Mr. Smith said, unless it is filled.

Mr. Moore said they would not like to commit themselves, but if it were practical, they certainly would do it.

December 8, 1970

INTERSTATE STONE, SALEM STONE CORP. - Ctd.

As to access on Alban Road, the pictures speak for themselves, Mr. Hobson said.

Opposition: Ronald Lewis, one of the owners of the tract of industrial land to the north of this property, stated that the tract of land to the north has already been referred to -- they have 120 acres of that tract. They have been wanting to develop it for some time but the sewer line is probably about two years overdue and is finally in so they have been trying to make preparations to get it into the property. They have a right of way which comes out to Alban Road. This land was zoned I-L in 1964 - he purchased it in 1965. When it was zoned it was required that an access be provided out to Alban Road. They have been attempting for some time to get permission from the County and the Highway Department to build a two lane road and two lane bridge which they estimate is more than ample to serve the development that will take place in that industrial tract.

Wasn't there discussion on this at the time of the original granting and this was to be worked out with Mr. Dodd at that time, Mr. Smith asked?

Mr. Lewis stated that he had a copy of agreement between George Dodd and himself whereby they were to put in a road over the access which he referred to, and share the cost. George Dodd was supposed to pay what amounted to more than half the cost and he intended to use it for the stone quarry operation. The minutes of Dodd's hearing stated that this other entrance was temporary and there was an agreement between the property owners to provide the permanent access. They have talked with Mr. Hobson, Mr. Moore and some of the others involved in this new application - they say they have no interest in this so-called permanent access road proposed, and will use the temporary access. They do not wish to participate in the permanent access. Aside from that, they have been trying to get permission to put the road in themselves, Mr. Lewis continued, and to date, through Mr. Chilton they have found that the Highway Department does not like the idea of traffic coming out on Alban Road. If they are permitted to come out there, it would be more or less on a permanent basis, and that somebody would have to assure that another road would be extended up some 1,000 ft. to the north and come out on Backlick Road so that the bulk of the traffic would be that way and not come up Alban Road. They further said that it is desirable that any road that's started in this area be extended on across to Rolling Road, and become a short cut from the big residential area to the interchange. All of those things are good, Mr. Lewis agreed, but he could not afford them. Naturally, he would probably rather not have a stone quarry next door because they have a tremendous amount of dusty land, but with proper controls on blasting, noise, etc. and a bond for any damages to adjoining property, they would not object too much. What they are afraid of is that in effect they don't want much traffic on Alban Road which now has 1236 vehicles per day and because of the way it would have to enter the interchange. They have not been able to get a permit except with conditions attached and it would be on a temporary basis. Mr. Lewis said he could not understand why he could not go in and build a road suitable for developing his property which was required by the zone. He thought everybody should be able to use the road -- that's what it's for but they are being denied it for the moment and they want to have the same right as everybody else, as far as use of the road. There is no commitment from Mr. Lynch to the applicant to use this road which would go in that narrow strip. The border of the quarry would be 50 ft. from the road. Mr. Lewis said he would like to see the case deferred until he has obtained a permit to put a road into his property.

Mr. Bruce Lambert, 3061 West Ox Road, part owner with Mr. Lewis of the 120 acres of industrial land, agreed with Mr. Lewis' statements.

Mr. Jack Chilton stated that he attended a meeting with the Highway Department in November with members of other branches of Design Review. Basically, this was called as a result of earlier meetings with Mr. Lewis and his partners requesting consideration of an access road to Alban Road. At the November meeting the Highway Department indicated that they were concerned with the volume of traffic that could be expected on Alban Road, particularly because it would come out at this point. They would not object to a road through the Tyler property as an interim road. First priority for principal access road would be a bridge on alignment from Fullerton Street which would require right of way acquisition from Fort Belvoir running along Fort Belvoir property with a curve in the Backlick entrance terminal. The Tyler-Dodd interim connection should come in at a 90 degree T intersection. That would be the most desirable from the Highway Department's viewpoint. They would not look with favor on this being the principal connection to the industrial tract - the Alban Road connection. They would not object to stage work with respect to the bridge and the north end of the road. Second priority location which they suggested due to ownership problems would be the road shown in purple on the plat - still with the T intersection and using the Tyler access interim only. Mr. Brett indicated that he was having problems with left turn movement coming south on Backlick Road turning into Shirley Highway northbound because of limited storage space and anticipated that this would get more crucial. He did not see any immediate possibilities of revamping the interchange to accommodate the significant increase in traffic which a large park might produce.

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INTERSTATE STONE, SALEM STONE CORPORATION - Ctd.

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A limited use with low volume possibly, Mr. Chilton suggested, for the gravel operation would not be detrimental;if this went on for fifteen years and would be open on a permanent basis for the public as well as beyond the needs of the Highway Department he and the Highway Department would be concerned about the number of trips per day. which the quarry would produce.

How many one way trips will there be per day, Mr. Smith asked?

Mr. Hobson replied between 100 and 200 trucks. The trucks will be 10 ton capacity.

Mr. Lewis said he did not estimate that this would be anything other than a rough industrial area with very little traffic, not more than 20 units per acre per day which some 120 acres of land would only be 125 units. Mr. Chilton talks about 10,000. Counters have gone out and counted traffic at such places as Ravensworth Industrial Park and other areas where you not only have offices, sales and service operations, and a lot of employees and traffic that will never be in this location.

That's what Mr. Chilton meant, Mr. Smith said, when he stated that the Highway Department was willing to go along with this 60 ft. right of way and a bridge across it for a period of time.

Mr. Hobson submitted two letters from Humble Oil located on the industrial intersection and Alban Tractor saying they have no objection to the approval of the application. His client does not object to Mr. Lewis' road and in fact, support him in his efforts and feel that he should be given access and not be required to purchase a prohibitive road around someone else's property. The question of where the road goes in will not go before this Board. His clients are not trying to get a free ride on Mr. Lewis' road. If Mr. Lewis's road is built, the bridge is built, and his clients get access to it, Interstate Stone will contribute to the cost thereof.

There was an agreement from Mr. Dodd regarding construction of the road, Mr. Smith recalled.

Apparently his estate is still obligated, Mr. Hobson said.

There is water running over the bridge now, Mr. Smith said, no ppoling of water or anything.

Seems the siltation ordinance is not being enforced, Mr. Hobson said. He has advised his clients and they have checked and gotten copies of the siltation ordinance. They will comply with this ordinance.

Mr. Long said he thought that if this were under control of the Restoration Board it would enhance the possibility of getting an extension after five years.

Mr. Hobson requested that the Board defer this to the next meeting for comments from the Restoration Board.

Mr. Baker moved to defer to the first meeting in January if the Board could have a recommendation from the Restoration Board by that time, or, if this information can be obtained by the next meeting, the Board could consider it then. Seconded, Mr. Barnes.

Mr. Long amended the motion to read that the application be referred to the Resotration Board for recommendation on the duration of the permit; slope of the operational area; depth of operation; operation plan and controls; rehabilitation plan to coincide with time limits of quarry permit; and any other recommendations they may have. Accepted by Messrs. Baker and Barnes. Carried 4-0.

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THE SPRINGS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori School in existing church building, 2 1/2 to 9 years; five days a week; 9 a.m. to 3 p.m.,maximum 105 children; located E. side of Backlick Road adj. Edsall Park Elementary School, 5407 Backlick Road, Springfield District, (RE 0.5), 80-2 ((1)) 4, S-210-70 (deferred from Dec. 1, 1970)

Mr. Thomas Kerrester stated that this is a Virginia corporation which has operated a Montessori school on the premises since 1966. Use permit was granted August 15, 1966 allowing it to operate with 40 students, 2 1/2 to 6. This is the same building. The children come in car pools. The fence around the play area was recently removed because they are building an addition to the church. It will be replaced.

No opposition.

In application S-210-70, application by The Springs, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori school in existing church building, ages 2 1/2 to 9 years, five days a week; 9 a.m. to 3 p.m., maximum 105 children, located east side of Backlick Road adjacent to Edsall Park Elementary School, also known as tax map 80-2 ((1)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

THE SPRINGS - Ctd.

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the property is Springfield Christian Church.
2. Present zoning is RE 0.5.
3. Area of the lot is 3.4819 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. There is an existing use permit for a school on the site issued August 2, 1966.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. This permit is for a one year period with the Zoning Administrator being empowered to extend it for two successive years for a maximum of three years.

5. Any buses used for the transporting of students shall comply with the lighting and color requirements of the Fairfax County School Board.

6. A recreational area shall be fenced in accordance with State and County Codes.

Seconded, Mr. Barnes. Carried unanimously.

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CAROLYN CHABO, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 3343 Annandale Road, Mason District, (R-10) 60-1 ((14)) B, S-197-70 (deferred from Dec. 1, 1970)

Mrs. Chabo stated that she had submitted her plans to the various County departments and they had been approved.

In application S-197-70, application by Carolyn Chabo, under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 3343 Annandale Road, also known as tax map 60-1 ((15)) B, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 24th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 1/2 acre.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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CAROLYN CHABO - Ctd.

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. That the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes in ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

Seconded, Mr. Baker. Carried unanimously.

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W. A. AND R. L. CAMPBELL, application under Section 30-6.5 of the Ordinance, to permit appeal of the Zoning Administrator's decision rendered in connection with SP-67, located east side of Route 613 (Beulah St.) and south side of Rt. 635 (Hayfield Rd.), Lee District, (RE-1), 91-1 ((1)) 69, 71, 72, V-211-70 (deferred from Dec. 1, 1970 for decision only.)

Mr. Smith recalled that a lengthy hearing had been held on this matter and was deferred for decision only.

Mr. Long stated that Mr. Phillips has done quite a lot of research on this for the Board and the Board should express their appreciation of the work that has been done. It was very beneficial to them all.

Mr. Smith stated that Mr. Long's remarks are certainly well deserved. Mr. Phillips is a great deal of help to the Board in all of these cases when it comes to research.

In application V-211-70, application by W. A. Campbell and R. L. Campbell under Section 30-6.5 of the Zoning Ordinance, to permit appeal of the interpretation of the Zoning Administrator rendered in connection with SP-67, on property located at Rt. 613 (Beulah St.) and south side of Route 635, also known as tax map 91-1 ((1)) 69, 71, 72, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 24th day of November, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the application refers to a residentially zoned property;
2. That the present zoning is RE-1;
3. That Chapter 30 of the County Code (Zoning Ordinance), Sections 30-3.11.1 et seq., states that: "Upon approval by the County Board of Supervisors following a duly advertised public hearing in accordance with the same procedure as set forth in Section 30-12.2, and subject to the provisions of Section 30-3.10, any parcel of land in any R district may be used for any off-street parking of motor vehicles, subject to the following limitations and requirements." These provisions are stated in Section 30-3.11.1.1 through 30-3.11.1.6.
4. That on October 23, 1970, the Zoning Administrator determined that the original application filed with the Division of Land Use Administration was not in accordance with requirements of Section 30-3.11;
5. That subsequent to the decision of the Zoning Administrator, the Director of Land Use Administration notified the applicant by certified mail that the sections of the Zoning Ordinance under which the application was filed were not applicable; and that he had the right to appeal this administrative ruling to the Board of Zoning Appeals;

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W. A. AND R. L. CAMPBELL - Ctd.

6. That the Zoning Ordinance permits parking in the RE-1 district according to the following wording contained in Section 30-2.2.2. Column 1 (Uses Permitted by Right) of the RE-2 district, which wording also applies to the RE-1 district: "Automobile parking as specified in Sections 30-3.11 and 30-3.10;" and Section 30-3.2.1.4 - Keeping commercial vehicles in R districts. "There may be kept as an accessory use on any lot in an R district, not to exceed one commercial vehicle (other than a tractor trailer) operated by the occupant of the lot.

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WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The use of the word "automobile" in the Sdhedule of Regulations (Section 30-2.2.2) should be construed to mean "passenger vehicle" and not trucksor other vehicles.

2. That while Section 30-3.2.1.4 provides for the parking of a commercial vehicle in an R district, such parking is clearly intended to be a use accessory to the house on the same lot in which the operator resides.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied, and furthermore be it resolved, that the decision of the Zoning Administrator is hereby upheld.

Seconded, Mr. Barnes.

Mr. Long moved to amend the motion to read after "Section 30-3.2.1.4 - Keeping commercial vehicles in R districts. There may be kept, as an accessory use on any lot in an R district, not to exceed one commercial vehicle (other than a tractor trailer) operated by the occupant of the lot" -- he would add after that "Section 30-3.10.1 - "All off street parking space appurtenant to any use permitted in any R district except RT districts shall be provided on the same lot with the use to which it is appurtenant." Accepted by Mr. Barnes. Carried 4-0.

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GABRIEL PLAZA CORP., application under Section 30-6.6 of the Ordinance, to permit variance of setback requirement created by proposed construction of a new subdivision street, 7727 Fordson Rd., Mt. Vernon District, (R-17), 102-1 ((1)) 90A, V-217-70 (deferred from Dec. 1, 1970)

Mr. George Simpson represented the applicant.

Mr. Simpson stated that this is a non profit corporation consisting of land owners in the Gum Springs area who pooled together their land together(approximately 6 acres), went in and requested the first RR-6 zoning in the history of Fairfax County. The Board in its wisdom granted that rezoning and this group intends to provide medium income housing to the people in that area, homes in the area of $22,000 - $23,000. They have run into a small problem. Their purpose is to obtain BZA approval to permit variance to build a subdivision street 17 ft. from an existing dwelling. The zoning is R-17 which requires a 45 ft. setback from the front and since it is now being converted into a corner lot, that there be a 45 ft. setback on the side. The affected owners are Mr. and Mrs. Blakeney who are present.

Mr. Smith said he felt the affected property owners should be made a party to this application, however, the Blakeneys did not wish to.

Mr. Allison Brown, the Blakeneys' attorney, stated that the Blakeneys have mixed feelings about this application. However, they do not wish to be an applicant in this matter.

Was any part of this property acquired from the Blakeneys, Mr. Smith asked?

No, Mr. Simpson replied. Actually there will be about a half a foot of limbo land, then 4 ft. of sidewalk and 2 1/2 ft. grass strip - then the curb itself. Yes, they are running the right of way directly up to the Blakeney property. The County has gone out of its way in some respects - the County has agreed that it will not put curb and gutter in front of the Blakeney property.

Mr. Smith said he could not understand why they do not want the property improved if it can be done without cost to them.

The property was rezoned well over a year ago, Mr. Simpson stated. There was a parallel street shown on the plan at that time.

The Blakeneys have never been consulted, Mr. Brown stated, with the facts as they are today. For some month or more, representatives of Gabriel Plaza, their lawyers, their engineer, representatives of the Land Acquisition Department, for a month and a half or so, have been talking to the Blakeneys about what they wanted to do. Every discussion has ended up with a different set of figures than they are talking about today. This is the first time they knew clearly exactly the number of feet that were going to be between the property line and the house. Mr. Simpson has indicated that the applicant has offered to provide screening. First they talked about some type of cedar trees or bushes, or even a stockade fence. They never knew until today where that was going tobe located - now it turns out that it will be located on the Blakeney property because there is no place on this adjacent subdivision to put it - there is only 1/2 foot.

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Putting the screening on the Blakeney property, Mr. Brown continued, will be a further taking away. They have their driveway along the edge of their property. They will have this development next to their driveway. If there are going to be trees put up it will interfere with the driveway.

The development plan shows a new drive coming in from the rear of the Blakeney property, Mr. Long commented.

Mr. Blakeney is in the construction business and he owns a large truck, Mr. Brown said, and his property is rather deep. He has a shed where he stores his truck behind the house. There is a question as to whether there would be too steep a turn for the truck. He would like to keep his present driveway.

Mr. Long felt that if the new driveway went in and the present drive torn up and planted in grass, the Blakeneys would be gaining.

They favor development of housing, Mr. Brown said, but they are opposed to this street being built so close to their property. The 45 ft. requirement was set up in the Ordinance to protect the property owners and they are being denied the benefit of the setback requirement that is granted to everyone else in the County. The street could have been moved over a few feet and would not have seriously hurt the development of that property. HE FELT that the engineers had made a mistake and that is why the application was filed.

The Board has to weigh the good that would result to the community with the bad that would develop to one property owner, Mr. Smith said. There are other roadways in the County that have gone this close or closer to residential areas in other subdivisions.

They have failed to see it demonstrated, Mr. Brown said, that this road could not be moved over.

Mr. Blakeney claimed that the agreement with Gabriel Plaza stated that his house would be 27 ft. from the street.

This was based on a 30 ft. street, Mr. Simpson said. Today a 50 ft. right of way is required. Mr. Lockwood apparently suggested if it is a 30 ft. street, it would be 27 ft. from the street.

The Board recessed to allow the parties involved to meet and discuss this and see if they could arrive at an agreement.

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Mr. Simpson announced that they had reached an agreement and he submitted to the Chairman a letter which he read into the record: "We the undersigned wish to join the Gabriel Plaza Corporation in applying for the variance under provisions of Article 4, Chapter 30 of the Code of Fairfax County, Virginia, Section 30-6.6, to permit a variance of a setback requirement created by the proposed construction of a new subdivision street and/or build a subdivision street 17 ft. from existing dwelling on property zoned R-17 as shown on plat dated July 30, 1970, prepared by Holland Engineering and submitted with the application of Gabriel Plaza Corporation.

"We authorize James B. Lockwood, Jr., Esq. and George A. Simpson, Esq. to represent us before you and to pursue the application filed by Gabriel Plaza Corporation in the same manner as if it were filed jointly by ourselves and Gabriel Plaza Corporation. In all events, since we now join Gabriel Plaza Corporation in requesting the aforementioned variance it should be considered a joint application for all purposes.

"In addition, we request that the variance, if granted, be applicable to both ourselves as well as Gabriel Plaza Corporation." (S) Roosevelt Blakeney and Evelyn Blakeney

In application V-217-70, Mr. Long moved that the Board of Zoning Appeals adopt the following motion:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has reached the following findings of fact:
1. Owner of the property is Roosevelt and Evelyn Blakeney.
2. Present zoning is R-17.
3. Area of the lot is 15,456 sq. ft. of land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the Gabriel Plaza Corporation property; narrow lot and unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. Gabriel Plaza Corporation is to comply with agreements between themselves, Roosevelt and Evelyn Blakeney, regarding screening, driveway, sodding, grading, etc. on the Blakeney property.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith noted receipt of a letter from Marshall Gorham, Jr. "Will you please present to the Board of Zoning Appeals at its meeting of December 8, 1970 my request to utilize fly ash from Potomac Electric's generating station in Alexandria as partial fill for the area covered under Natural Resources Permit No. 20. Under strict supervision, fly ash makes an excellent fill, topped with several feet of good soil, we could possibly return this area to its natural elevation and condition. Delivery of fly ash would be restricted to 7 a.m. to 7 p.m. with no hauling on Sundays. Favorable consideration of this matter would be greatly appreciated."

Mr. Knowlton stated that the staff had made certain inquiries regarding the letter. They have a restoration plan approved in connection with NR-20 and presumably regardless of what fill material is used, that restoration plan would be required.

Mr. Marshall Gorham stated that they are not having a problem with their fill. They have a tremendous amount of overburden and dirt that's coming in, and they will have more dirt along with flyash. They have not discussed this with the Restoration Board.

William Reese, staff engineer with Pepco, stated that this ash would come from the plant in Virginia. They are able to control the blowing of the ash. What they do at the plant, they have a mixer at the plant and the fly ash is mixed with water before it is loaded on the truck. This will prevent any blowing on the road even without a cover. When it is loaded, the truck goes under a sprinkler system, wetted down and there will be no blowing. They do encounter a problem with the truck empty, but the truck will be covered, going in both directions. There is some problem on a windy day but as soon as you push it over with a bulldozer, and where they operate now, it's covered every evening and there is no blowing. They are dumping in Brandywine, Maryland now. They run about 15 trucks now, three and four loads a day, but running this short a distance they would only need seven or eight trucks, making roughly seven trips.

Mr. Knowlton stated that he had contacted the Soil Scientist. The County has no experience with this and does not know how they plan to do this. The County Soil Scientist made the comment that fly ash can be of the consistency of talcum powder, and consequently, he felt that unless there is something rather unusual done in the laying of this, that any foundations that were ever developed on top of this would have to go completely through it to the original ground.

They laid this in four foot layers, Mr. Reese said, and it compacted very nicely. It seems to set up more with years. It is used as a foundation for laying runways.

Do you know of any place where this was used as fill material with construction on top of it, Mr. Knowlton asked?

There's a great deal of it in Washington, D. C., Mr. Reese said.

Mr. Smith said he knew that mixing flyash with soil would give excellent growth, but is the last layer in this case all dirt?

The U. S. Bureau of Mines recommends that a minimum of one foot of dirt be put on top of the ash, Mr. Reese said.

This is an excellent idea, Mr. Smith said, but the Restoration Board should pass on this before the Board of Zoning Appeals takes any action.

Mr. Reese showed pictures taken at their current operation. Is there no recognizable pollution from this, Mr. Smith asked? Would it have any effect on adjacent properties?

Mr. Haney states that on a very windy day, Mr. Reese said, you can expect some dust to come in. If it is wetted down thoroughly, there would not be much of it.

Mr. Woodson was setting up a meeting with the Restoration Board, Mr. Knowlton recalled. Would it be possible to add this item to that agenda?

Probably so, Mr. Woodson said.

The Restoration Board should have detailed plans of what is proposed, Mr. Long felt.

Deferred for comments from the Restoration Board.

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TED A. HALEY, D. D. S. - Request for Rehearing (dental office). Mr. Smith read the letter requesting rehearing. (See folder.)

This is not new evidence, Mr. Smith said. The Board could not allow the use of the existing parking spaces. The doctor went into this building knowing thelimitations of it. The Ordinance provides that the use be allowed in a residential zone, but there were objections to this, and you are not allowed to infringe upon the rights of the adjacent property owners.

Mrs. Haley presented signatures from people in the area stating that they were not opposed to the application, but stated that the ones that were contiguous to the property would not sign the petition.

These are the ones who are affected, Mr. Smith said. The people adjoining your property have a right for their feelings to be taken into consideration by the Board. Why not build on to the house, he asked?

The septic is in the back, Mrs. Haley said.

The Board took this matter under advisement until more than three members were present.

Mr. Long moved to defer this to the next meeting where a full Board is present. Seconded, Mr. Baker. Carried unanimously.

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The Board read a letter from Lilo Markrich stating that she had put in the parking spaces required by the Board.

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FRANK HENNION - Request for extension. The Board voted to allow an extension of 180 days. No further extensions will be allowed.

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C & P TELEPHONE CO. - located on Lee Highway near Centreville - The Board granted one extension of 180 days. No further extensions will be allowed.

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Letter from Robert Barr regarding the operation of motorized vehicles on the parking lot of the North Springfield Swim Club. The Board's consensus was that this would not be allowed, and in order for them to put any use other than those outlined in the original use permit, would require a refiling and a rehearing by this Board.

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The Board will meet January 5, 12 and 26.

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Letter from Mt. Vernon Lodge #219 - regarding screening. The request was for a correction in the motion to read "adjacent property owner on the south side". The motion said north.

Mr. Smith defined the intent as having screening 10 ft. beyond the proposed parking area, 10 ft. beyond the building area, and beyond the parking area. Actually the site plan requires screening of the parking area.

In application S-26-70, Mr. Long moved that the motion be amended regarding screening; that screening be placed along the northerly and southerly property line in a manner and height approved by Land Use Administration. Accepted, Mr. Baker. Also, they would determine the length, Mr. Long added. Carried unanimously.

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Letter from James A. Durhag, Sunset Manor Civic Association, regarding ingress and egress to the Moose Lodge.

Mr. Covington stated that he had sent an inspector out today to check this.

Mr. Smith asked that Mr. Covington report back to the Board on what action was taken on this matter.

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The meeting adjourned at 6:12 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 15, 1970 in the Board Room of the County Office Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. Joseph Baker, Mr. George Barnes, and new member, Mr. Loy P. Kelley.

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

Mr. Smith welcomed the new Board member, Mr. Loy P. Kelley, appointed to fill the unexpired term of Mr. Clarence M. Yeatman.

WASHINGTON GAS LIGHT CO., application under Section 30-7.2.2.1.8 of the Ordinance, to permit natural gas regulation control and distribution station, located on the northern side of Gunston Road at its intersection with Richmond Hwy., Lee District, (RE-1), 113 ((1)) pt. 36, S-214-70

Mr. R. W. Church, Jr. stated that the Gas Company has at the present time a 30 inch transmission line which is part of the Transcontinental Gas Line, the major north-south supplier of natural gas down to Route 1. He traced the route of the line on the map. He introduced Mr. Karl E. Baetzner, Assistant Superintendent, Transmission and Distribution Department for the Washington Gas Light Company.

Mr. Baetzner stated that the Washington Gas Light Company sells gas to individual customers in the metropolitan Washington area including areas of Virginia and Maryland. The population of this area has grown rapidly since World War II and is expected to continue to grow very substantially in the years immediately ahead. With this population growth, there has been a corresponding increase in the demand for natural gas.

In order to meet the Gas Light Company's increasing demand for gas, the Company has installed a portion of a 30 inch gas pipeline from its supplier, the Transcontinental Gas Pipe Line Corporation, near Centreville, Virginia, to U. S. #1 at State Route #242, a distance of about twenty miles, Mr. Baetzner stated. The balance of this pipeline will extend, eventually, from Route U. S. #1 to the Potomac River to Maryland. The present pipeline and the proposed pipeline is or will be located entirely on private easements that have been or are being purchased by Washington Gas Light Company. Presently an existing 12 inch gas pipeline in U. S. Route #1 supplies large areas of Fairfax County as well as Woodbridge, Dale City and the surrounding areas with gas. It is one of the major supplies to this area. The Company desires to make a permanent connection from the new 30 inch pipeline to the 12 inch pipeline where the two lines intersect. The Washington Gas Light Company has, therefore, entered into an agreement to purchase approximately one-half acre of land at this point. This application is for a special use permit to construct a regulator station with associated facilities upon this tract of land. The installation of pressure reduction regulators and associated heater to heat the gas will permit the dispatch of gas from the large transmission pipeline into the existing pipeline at U. S. #1. This connection will provide another source of supply for the areas served by the 12 inch pipeline. The installation will consist of two pressure regulators constructed in separate underground vaults with manholes located flush with the ground.

The 12 inch pipeline will operate at lower pressures than the 30 inch pipeline. At any time such pressure reduction occurs, an expansion of gas occurs, which lowers its temperature, Mr. Baetzner continued. To protect from the freezing and thawing of the moisture on the outside of the pipelines, it is planned to installa heater to heat the gas to above the freezing point. This heater will operate most frequently when the demand for gas is highest and when the temperature is the lowest. Obviously, during many portions of the year the heater will not operate at all. The heater will be the only above-ground facility on this site. Similar heaters are presently operating in several locations in northern Virginia. The function that will be performed by this station is necessary and is an indispensable part of the reinforcing program to this rapidly growing area of Fairfax County, Virginia.

The proposed station will be automatic and unattended except for periodic inspections. It will be odorless and dustless, and will not discharge any liquid or solid waste. It will be constructed in accordance with all applicable pipeline codes and regulations and will be safe. There will be no electric switches or facilities used in connection with the station. The properly is heavily wooded and the appliances and roadway have been designed to take advantage of the natural screening. No more clearing of the tree and foliage will be undertaken than is necessary to provide for the ingress and egress to the station and the location of the appliances themselves. To insure that minimum clearing takes place, the gas company will do the clearing itself rather than sub-contracting with another party to do this work. If additional screening or shrubbery is needed for aesthetic purposes, it will be provided. The heater will be surrounded with a six foot chain link fence with appropriate palings or other decorative material.

This area, where the two pipelines intersect, is the only feasible location for this important facility, Mr. Baetzner concluded, and the location meets other planning and zoning considerations and will not adversely affect property values in the area.

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Mr. McK. Downs, real estate broker and appraiser, gave his report on a study that he had made of the effect that this facility would have on the area, and stated that it would be in harmony with the surrounding area.

No opposition.

Mr. Smith read the report from the Health Department and the Planning Commission recommending approval.

In application S-214-70, an application by Washington Gas Light Company, under Section 30-7.2.2.1.8 of the Zoning Ordinance, to permit natural gas regulation control and distribution station on property located at northern side of Gunston Road at its intersection with Richmond Highway, also known as tax map 80-2 ((3)) 22, 23, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 19 70 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is Mary H. Cranford; the applicant is the contract purchaser.
2. Present zoning is RE-1.
3. Area of the lot is 21,780 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. The Planning Commission recommended approval of this application at its regular meeting December 14, 1970.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the structure and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The property shall be enclosed with a six foot chain link fence interlaced with a screening material as approved by the Division of Land Use Administration.

5. Trees providing screening that are removed during construction shall be replaced with a similar type and size as approved by the Division of Land Use Administration.

Seconded, Mr. Barnes.

Mr. Church questioned the screening requirement in item number four of the resolution.

Mr. Long stated that the applicant should meet with theDivision of Land Use Administration to decide on the screening and fencing.

Perhaps a fence around the entire area would alleviate a trash problem, Mr. Smith suggested.

Motion carried 5-0.

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December 15, 1970

S. J. BELL, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, located N. W. corner of the intersection of Mitchell St. and Edsall Rd., Springfield District, (C-N), 80-2 ((3)) 22, and 23, S-218-70

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Mr. John T. Hazel, Jr. stated that this property was rezoned approximately two months ago and at the time of rezoning it was represented to all concerned that the purpose of the rezoning was to locate a service station on this property. There is an existing service station immediately to the east, and a Humble Station just opened on the opposite corner. The interchange of Edsall Road and Shirley Highway, newly re-constructed, is just to the right off the map. Site plan would be filed in accordance with plat submitted. The applicant has owned this land for a number of years. This will be a three bay colonial station and at this time they do not know which oil company will operate it.

If Bell sells this to an oil company, Mr. Smith pointed out, this will require coming back to the Board.

This station will have front entrance bays, Mr. Hazel continued, as the land to the north in the rear is still zoned Residential.

No opposition.

In application S-218-70, an application by S. J. Bell, under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection and operation of service station, on property located at N. W. corner of the intersection of Mitchell Street and Edsall Road, also known as tax map 80-2 ((3)) 22 and 23, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-N.
3. Area of the lot is 34,239 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required, and

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The gasoline station shall be a brick colonial type.

5. A six foot brick wall shall be erected one foot inside the property line along the northern property line common with Lot 24.

Seconded, Mr. Barnes. Carried 5-0.

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December 15, 1970

SUMMIT LODGE, INC., application under Section 30-7.2.5.1.4 of the Ordinance, to permit establishment and operation of private club or association, located on 25.0899 ac. bounded on the east by Annandale Road, on the south by Mason Lane, on the west by Arnold Lane and on the north by the Holmes Run Stream Valley Park, Procidence District, (R-12.5), 60-1 ((1)) 6, 7, 8, 13, 14, 15, S-220-70

Mr. Douglas Adams, attorney, stated that he was retained last week to represent the applicant. Mr. Fred Babson, representing the opposition, called him yesterday asking to have the case continued. He expressed to Mr. Babson that the applicant would be willing to grant an extension provided that could get a reasonably early hearing.

Mr. Cowgill, agent for the applicant, did not bring the receipts for the notices.

The Board agreed to defer to January 5 provided the applicant renotify the property owners who were notified originally, and in the meantime the Board will meet with Mr. Babson and Mr. Adams at Summit Lodge on December 23 at 10 a.m. to view the property.

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ROBERT C. AND MARY F. P. McINTYRE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit school for children, ages 3-12, in existing church facilities, pre-school through elementary school, maximum 150 students; 9 a.m. to 3 p.m., 7628 Leesburg Pike, St. Luke's Methodist Church, Dranesville District, (R-10), 39-2 ((1)) 57A, S-221-70

Mr. McIntyre stated that he was requesting permission to conduct an educational program in the existing facility which will be known as the Children's Achievement Center. They will be working with the pre-schooler, the kindergarten child, and the elementary age youngster who is at least of above average intelligence but who needs special teaching methods. Mrs. McIntyre will be the educational director and he will be the administrative director. They will use a multi-disciplinary approach to meeting the needs of these youngsters for special teaching techniques. Maximum enrollment will be 150 students. Hours of operation will be 9 a.m. to 3 p.m. The pre-school children will be there no longer than four hours according to requirements of the Health Department, and the school age children will be there no longer than 4 1/2 to 5 hours. No lunches will be served. There will be no more than ten children in a classroom with two teachers, or a teacher and teacher's aide. No bussing of students is planned.

No opposition.

In application S-221-70, an application by Robert C. and Mary F. P. McIntyre, under Section 30-7.2.6.1.3 of the Ordinance, to permit school for children, ages 3-12, in existing church building, maximum 150 children, 9 a.m. to 3 p.m., property located 7628 Leesburg Pike, also known as tax map 39-2 ((1)) 57A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is St. Luke's Methodist Church; the applicant is lessee.
2. Present zoning is R-10.
3. Area of the lot is 4 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicantonly and is not transferable without further action by the Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

ROBERT C. AND MARY F. P. McINTYRE - Ctd.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The school will have a maximum of 150 students, five days a week, ages three thru twelve, 9 a.m. to 3 p.m. for the entire year.

5. Any buses used for the transporting of students will comply with the coloring and lighting requirements of the Fairfax County School Board.

6. A recreational area will be enclosed with a chain link fence in compliance with State and County requirements.

7. There will be one qualified instructor with an assistant for each ten students.

Seconded, Mr. Barnes. Carried unanimously.

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CALVARY BAPTIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit church school (kindergarten thru 12th grade) located 3619 S. George Mason Drive, Mason District, (R-12.5), 62-3 ((1)) 13, S-222-70

William F. McLean, Pastor of the Church, appeared on behalf of thechurch for the school permit. They are trying to start a Christian day school beginning with kindergarten and going to the twelfth grade. At the present they might have grades one through four and add as they go along. They would begin with 100 students. They have space for a couple hundred students. The school would be operated by the church and would be open to anyone wishing to enroll their child. There would be no day care. Ages would be five years through age nineteen.

No opposition.

In application S-222-70, application by Calvary Baptist Church, under Section 30-7.2.6.1.3 of the Ordinance, to permit church school (kindergarten thru 12th grade), property located at 3619 S. George Mason Drive, also known as tax map 62-3 ((1)) 13, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 2.0264 ac. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this dateunless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or notthese additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. There shall be a maximum of 200 students, regular school year, five days a week, 8 a.m. to 4 p.m.

5. Any buses used for the transporting of students must comply with lighting and coloring requirements of the Fairfax County School Board.

6. A recreational area shall be enclosed with a chainlink fence in compliance with State and County requirements.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Woodson reported that Mr. Coleman is looking into the matter of fly ash as contained in the request by Pepco and Gorham and will send a report as soon as possible.

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TED A. HALEY - Request for rehearing. The Board will consider this again on January 5 to decide whether to rehear the case, and in the meantime will view the property.

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CAMBRIDGE COVINGTON, LTD., application under Section 30-7.2.6.1.1 of the Ordinance, to permit softball field, basketball court, tot lot and adult exercise area, located Beulah Rd., Rt. 613, Georgetown Woods, Section 3, Lee District, (RT-10), 91-1 ((1)) 46, 47, S-223-70

No one was present to represent the applicant. The Board went to lunch and upon reconvening recalled the case.

Mr. Russel Sherman represented the applicant, however, none of the property owners that he notified were contiguous. Therefore the Board deferred the application to January 5 at 11:20 a.m.

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MAICHAK & GAULT, application under Section 30-6.6 of the Ordinance, to permit variance from front and side setbacks, 6845 Elm Street, Dranesville District, (C-0), 30-2 ((7)) 5A, 6A, 7A, 8A, V-228-70

Mr. Don H. Misner, architect, represented the applicant. About one month ago, his clients were ready to proceed with construction of an office building called McLean Office Center, he said. They had completed drawings and were ready to break ground. At that particular moment the McLean Planning Committee contacted them and asked that they consider moving the building. This caused them much concern as they had their engineering completed, the architecture etc. He showed a color photograph of the proposed building.

Mr. G. R. Knowlton of the staff stated that on July 8, 1970 the Board of Supervisors approved and adopted the document entitled "A Central Area Plan for McLean, Virginia" as the official comprehensive plan for that area. In that document, the Central Business District of McLean is proposed to be a well planned and well organized center of business and population concentration. The resulting development will resemble a city or town more closely than it will a suburban county. This plan is being implemented with great speed through rezonings, site plans, subdivisions, and the consolidation of land for future projects. The proposed town center shown on page 9 of that plan provides, among its new concepts and innovations, a layout of buildings and an arrangement for circulation which resembles a city. This plan indicates little or no setback from public streets, structured parking, space between buildings for walkways and circulation, and internal pedestrian ways, malls and aesthetic amenities. The text which accompanies this plan points out that new zoning techniques will have to be employed to accomplish these things.

This plan speaks to the need for underground and/or structured parking in the core area, Mr. Knowlton continued. It relies heavily upon internal pedestrian walks in place of the conventional sidewalks along the streets. It places emphasis on eliminating the sea of asphalt which characterizes the conventional parking facility. In all, it is a new and exciting concept which is being brought to life through the interest of the citizen and business associations in the area.

As you know, Mr. Knowlton said, the new sign ordinance has identified seven central business districts in Fairfax County. The zoning ordinance has largely been written for a rural or suburban development scheme, and new techniques are being devised to cope with this new and different type of development the county is now planning. That new legislation will involve vertical, rather than linear control in these areas, and will make possible the prime central business districts becoming the envy of the Washington metropolitan area.

The Board of Supervisors has recognized the need of revising the present zoning ordinance in areas such as this, and a new ordinance is being written at this time. Review is already underway.

Meantime, in order to conform to the concepts of the plan, variances from the current ordinance are the only way of meeting the design criteria contained in the plan, Mr. Knowlton stated. On December 2, the Board of Supervisors, recognizing that its zoning ordinance was not geared to the plan for this area, passed a resolution in which they asked the Board of Zoning Appeals to look kindly upon applications which were the result of conflicts between good planning and the requirements of our lapsing code; Specifically, with regard to this application, the staff finds that it is in accord with the McLean C.B. D. Plan. They find that the unusual physical condition that will result from the use of standard setbacks on this property will not be compatible with either the plan as adopted, or with subsequent construction which policy dictates will be under future ordinances more attuned to modern C.B.D. planning. Therefore, the hardship is an inordinate setback which does not fulfill the intent of the plan, and which will not be in accord with planned legislation which will doubtlessly control the development on adjacent properties.

This proposal is for a seven story office building on the south side of Elm Street, which will have no parking in front but which will be landscaped from the street to the building except for sidewalk. Parking will be in the rear except for eight per cent which will be underground. This is one project of many in the ultimate implementation of the master plan, Mr. Knowlton concluded.

Mr. Smith commented that he did not believe the Board of Supervisors would consider this a good parking plan. Is there any way of getting this parking moved to the rear of the building, he asked?

Mr. Maichak stated that they have attempted to make an economic study of the feasibility of implementing the plan. They spent over four weeks trying to come up with something that would work out. This is what they have and they would be willing to make the additional commitments regarding the elimination of the four parking spaces, two on each side, plus as Mr. Misner indicated the additional wall around the perimeter if that would please the Board, which is additional expense to them. They do lose additional floor space on the first floor.

Mr. Smith said he was concerned about people walking across the entrance and exitway, this close to the drive-in area.

He could get a waiver on the fencing requirements, could he not, Mr. Long asked? He did not see how that helps implement the master plan, he said.

A wall could serve as an architectural embellishment, Mr. Pammel said, if it's done properly.

Mr. Stanley Sawmelle, Past Chairman of the McLean Citizens Association, and currently Chairman of the McLean Planning Committee spoke in favor of the application.

Mr. Knowlton stated that there are 26 parking spaces under the building.

Mr. Sawmelle stated that the McLean Planning Committee is composed of representatives of the McLean Citizens Association, the McLean Business and Professional Association, and the Central McLean Landowners Association. This coalition of interests sponsored the McLean Central Area Plan which was adopted by the Board of Supervisors on July 8, 1970. The requested variances are in accord with that plan. It was their original intention to give the Board a full presentation of the McLean Plan which takes about an hour, however, they were advised that the schedule for today is full so he would confine his remarks to a ten minute summary. This proposed office building is approximately in the center of a proposed PDC. Plans for this office building were developed in advance of final approval of the McLean Central Area Plan. So they are seeking to incorporate this structure within the overall plan for this area. There might be further development to the southeast and to the northwest which will fit in further with the implementation of the plan. Furthermore, across the street, Elm Street, they have an area designated for PDH. At the top of the hill, in the center of that area, there is already a PDH-60 presently on the drawing board and will be coming before the Board very early in the coming year. So far as connecting this piece of property with existing property, he could not do that at this time as those properties do not exist. This is part of the overall plan for the area that they do take these undeveloped lands, use them for multi-family density, office structures, high class restaurants and the like so that there is a viable economically sound central area plan. McLean today is a hodge-podge of fragmented shopping areas. The pedestrian is virtually non-existent. Practically no one walks. The McLean Plan seeks to restore the stroller and window shopper by a complete system of pedestrian ways including connections which link together commercial units as well as connections linking multi-family units with commercial areas.

How can you justify having someone back out into an entranceway within a few feet of the roadway, Mr. Smith asked?

Mr. Sawmelle continued to explain the McLean Plan.

Will there be any parking in front of the building, Mr. Smith asked?

That is not worked out in detail yet, Mr. Sawmelle replied.

Mr. Sawmelle stated that this is the first office building to be constructed since the approval of the plan and they would hope that they not continue the mistakes that have been made in the past and locate the building within a sea of asphalt, but to locate it in such a way that it will be consistent with the overall concept.

Moving the sea of asphalt to the rear of the building does give it a better perspective from the front, Mr. Smith agreed, from the view standpoint, but how about along Maple Street and the businesses across the street?

Mr. Sawmelle said he believed that had been vacated.

Moving the building forward eliminates the travel lane, Mr. Long said, so there's really no inter-connection between different sites.

There is no travel lane proposed on this street, Mr. Knowlton pointed out. None would be required under any circumstances along this particular street. Possibly a travel lane would be provided along the primary highway. The County has no jurisdiction of whether people do or do not park on public streets. From time to time they might recommend that the Highway Department install no parking signs, and such recommendations would be forthcoming as implementation of part of this plan. A lot of things about the McLean Plan are different from things the County has done in he past, to the extent that the type of community that they want to develop here is very distinctive. They have even gotten tentative approval from the Highway Department to allow different kind of paving material - different kinds of curb, gutter and sidewalk, than are normally installed by the Highway Department. A great deal of effort has gone into creating the type of atmosphere that this plan envisioned and the approval has been forthcoming from the agencies all along the way, recognizing that it was a good plan, and that it is being implemented.

With respect to the subsequent implementation of the plan, Mr. Sawmelle stated, since the plan was approved last July, they have had rezoning and redevelopment applications and three of them have been in conformance with the plan, the developers have agreed to follow the plan, and the applications have been approved. In two instances they were not originally in conformance with the plan, but during the hearings before the Planning Commission and Board of Supervisors, the applications were changed to be in conformance with the plan and they were approved. In three other instances they were deferred, because of possible impact on a major vehicular intersection, and the developers themselves agreed to ask for deferral of the action in order to permit the study to be made. They have a 100% record of conformance with the plan since the plan was adopted. They have agreements by the developers that they will implement the amenities designed for in the plan. For example, at the main intersection of Old Dominion and Chain Bridge Road there was an Esso station constructed of rather unappealing enamel walls. This building is to be torn down and replaced by a brick building with a thatched roof, with landscaping, brick sidewalk, signs and light all specified in the amenities for the plan. They have an office building which was recently approved by the Board of Supervisors at Old Dominion Drive and Ingleside Avenue. This developer has also agreed to work with them in developing the amenities. The Marriott Corporation is constructing a luxury type restaurant on the corner of Old Dominion Drive and Dolley Madison Boulevard. There is an application for C-D zoning on the corner of Chain Bridge Road and Ingleside Avenue which would have been contrary to the plan. The Planning Commission recommended denial of this application and the developers changed it to COL.

Mr. Smith asked Mr. Sawmelle to stick with the application before the Board -- what, in his opinion, makes this an unusual application? The Board has three provisions in the Ordinance to follow in granting a variance. Apparently the Ordinance has not kept pace with today's development. What use is going to be made of this building?

Groups of offices, Mr. Sawmelle replied.

Would there be any entrances to the rear of the building, Mr. Long asked?

From the parking lot to the rear, yes, Mr. Sawmelle said.

Mr. Smith was concerned about parking being right up to the rear of the building.

Has Mr. Chilton's office reviewed this plan, Mr. Long asked?

Only slightly, Mr. Knowlton replied.

Mr. Smith suggested putting in more underground parking.

There is no parking between the building and the street, Mr. Knowlton said, this to his way of thinking is a great accomplishment.

On each side of the building there is parking which seems to defeat some of the advantages in setting the building up with planting in front of it, Mr. Smith said.

If nothing came out to the street except the driveway, Mr. Knowlton explained, people would be afraid to enter it because they would not know where it went. The fact that there is parking along that driveway indicates that it goes to a parking area.

Mr. Smith felt that the parking in front would cause sight distance problems and crowd the turning radius of people turning in and out of the parking area. The parking up to the sidewalk could be hazardous, and it did not appear to be good planning to have the pedestrian cross the entrance and exit to this 250 parking area. It should be eliminated in front of the building. He suggested eliminating one of the stories of the building, or putting in more underground parking.

Mr. Maichak stated that they redeveloped their approved site plan into the plan before the Board. They were ready to start construction but reworked their plans. If it would please the Board, they would be willing to eliminate the two parking spaces on each side of the building adjacent to the sidewalk along Elm Street. This would permit additional landscaping on each side of the entranceway coming into the parking area. This is the only access they have to the parking area off Elm Street. Maple Avenue has been completely vacated across the back. The McLean Bank has built their parking to the center of Maple Avenue. This construction was completed this spring. They did make studies based on test borings to provide additional parking underground. There is a high water table that does not permit them to go below the one level shown on the plan.

Why couldn't this one layer of parking be expanded to accommodate the parking spaces that would be removed in the front of the building, Mr. Smith asked?

Underground parking could be expanded to come within one foot of the property line, Mr. Pammel agreed, but again, this is getting into increased costs. The problem is as Mr. Sawmelle mentioned -- we are in the early stages of implementing a plan for the McLean CBD District, and one of the problems is that at this time they do not have the tools of implementation to bring about what they really want to get in McLean, he said. When private enterprise wants to develop a piece of property, it cannot always wait for the governmental agency to catch up and provide the tools they are talking about. This is why they are asking for a variance -- they are doing the best they can with what they have. One of the things they are thinking about in all of the CBD's in the County is going to be a county-run and maintained and operated parking authority for central business districts where through contributions, there would be a tax from the various business people, would provide central parking structures. They have been doing this for years in Bethesda and Silver Spring -- you don't see the parking in front of the buildings. The one thing they have left out over there, unfortunately, is the screening, the planting and green area in front of the building. Within the next year they hope to get the new ordinance before the Board which will contain some rather innovative provisions whereby the staff can solve some of the problems before them today.

Mr. Smith felt the proposal before the Board was overdevelopment of the land.

Mr. Misner said he would like to make a practical compromise to what they are talking about. Many of the comments made today are somewhat valid as well as some of the things the McLean citizens are trying to do. In this zone, as it stands now, they could build a building 45 ft. high right on the property line, no setback from the side lines and the normal setback from the front. Generally, it's his job, he said, when a developer comes to him and asks him to develop the property to the fullest extent allowed under the Code, this is what they try to do - he has to get a loan on this and a lot of other things. What they propose to do is take out the two cars on either side, or the cars that are necessary to draw that parking towards the rear of the building, carrying the landscaping to the right and the left. If they were to put a brick wall to match the building and appear to be part of the building around the property line, they would cut off from all view the cars and the sea of asphalt. The brick screening is entirely different than putting up a stockade fence which falls down in a couple of years, and a lot of plants that have to be maintained. Looking at it from the standpoint that the building could be 45 ft. in height, and spread out to the property line under the code, if we take it as it now stands within the 90 ft. limitation and completely hide the parking from view, these two points would answer the question of eliminating the view and providing the pedestrian link to the properties to the right and left by making that landscaping go all the way to the property line. They could reduce the first floor office space, both perimeter-wise and lobby-wise, in order to reduce the total rentable square footage in the building.

This is not a 45 ft. building, Mr. Smith said, it's an 80 ft. building.

This was partly because of the move of the buildings and economics, which they cannot discuss, Mr. Misner said.

No opposition.

Mr. Smith said he had received a letter from Mr. Massey's office stating that the Board of Supervisors had discussed this application and through Mr. Massey indicated that they would like every consideration given to this request.

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MAICHAK & GAULT - Ctd.

The Board recessed the hearing on this application and proceeded with the agenda.

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GULF OIL CORP., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, 10510 Leesburg Pike, Dranesville District, (C-N), 12-4 ((1)) pt. 55 and 56, S-227-70

Mr. O. G. Cramer, real estate representative for Gulf Oil, represented the applicant. A use permit was approved on September 11, 1968 for this site to Gulf Oil, he explained. They are the owner of the property. Site plan was submitted on October 4, 1968 and approved March 10, 1969. The dedication plat for the service road was submitted September 2, 1969, approved December 12, 1969. This is for a three bay colonial type service station. In reality, the permit on this property ran out prior to their being able to secure building permits from the County due to the application for the site plan and recording and dedicating the service road. At that time Leesburg Pike was under construction and they intended to start construction after that road work was completed.

No opposition.

In application S-227-70, an application by Gulf Oil Corporation under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection and operation of gas station, property located at 10510 Leesburg Pike, also known as tax map 12-4 ((1)) 55, 56, County of Fairfax, Virginia, Mr. Barnes moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is C-N.
3. Area of the lot is 34,680 sq. ft.
4. Compliance with Article XI (Site Plan Ordinance) is required.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C districts, as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether ornot these additional uses require a use permit, shall be cause for this permit to be re-evaluated by this Board.

4. This station is to be a three bay colonial type.

5. Signs shall conform to Article XVI of the Zoning Ordinance.

Seconded, Mr. Baker.

Carried unanimously.

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December 15, 1970

FAIRFAX COUNTY SCHOOL BOARD, application under Section 30-6.6 of the Ordinance, to permit front building setback variance from 50' to 36' from property line, or from 75 ft. from center line of Kathmoor Drive to 61 ft. from center line, 6043 Franconia Rd., Lee District, (RE-1), 81-4 ((1)) 4, V-230-70

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Mr. Ed Moore stated that the variance is for the erection of an addition to Franconia Elementary School which was constructed in 1931. They have made five additions, ranging up until 1956. The building occupies 8.687 acres. The proposed addition would house 240 elementary students and provide classrooms for kindergarten, elementary, and a new physical education room, and library and science room. Because of the limited area of the site and the existing homes around the property, this is the only location left for an addition.

No opposition.

Mr. Chilton stated that there would be no sight distance problems.

In application V-230-70, application by Fairfax County School Board, under Section 30-6.6 of the Ordinance, to permit front building setback variance from 50 ft. to 30 ft. from property line, property located at 6043 Franconia Road, also known as tax map 81-4 ((1)) 4, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 6.7502 ac. of land.
4. Compliance with Article XI (Site Plans) is required.

WHEREAS, the Board has reached the following conclusions of law:

The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) unusual condition of the location of existing buildings;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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INTERSTATE STONE CORPORATION & SALEM STONE CORPORATION, app. under Section 30-7.2.1.3.1 of the Ordinance, to permit stone quarry, located on Alban Road, Springfield District, (RE-1), 99 ((1))pt. 1, S-209-70 (deferred from Dec. 8)

Mr. Hobson reminded the Board that this was deferred for the restoration plan. They did submit a plan, conferred with the staff and submitted a plan to the Restoration Board, and he had a copy of Mr. Massey's memorandum back from Mr. Woodson.. The only points he would have to make is that if the permit is granted, the applicant would like to start right away. They would move temporary equipment into the site immediately and the dust would be controlled by moisture devices. Grading plan is shown on the plan submitted to the Board and as approved by the Restoration Board. VEPCO has assured the applicant they can get power in right away and the power line easement would go along the far western side of the property.

Mr. Smith asked Mr. Hobson if he had a letter from VEPCO giving the applicant the right to haul across the easement.

Yes, they have the right to haul across the easement, Mr. Hobson said. They will submit a letter. Mr. Dodd has been hauling across the easement.

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INTERSTATE STONE CORPORATION AND SALEM STONE CORPORATION - Ctd.

On the bond, Mr. Hobson continued, they would request that rather than having three applicants on the same bond, Interstate Stone, Salem Stone, and Lynch Construction Corporation, if it's acceptable to the Bonding Committee, they would like to have Interstate Stone and Salem Stone on a bond for all provisions of the use permit except the restoration, and Lynch Construction Corporation on the bond would do the restoration, rather than Lynch Construction being on the bond for everything.

It was his impression, Mr. Smith said, that all three parties would be a party to the use permit and to any other permits.

Mr. Hobson said he thought they could do that by separate agreement among themselves. The area of excavation within the limits of the 20.38 acres would have elevations as shown. The Restoration Plan shows it going down to elevation 45 in a five year period. In a meeting with Mr. Chilton, Mr. Brett and Mr. Lewis, who appeared at the last meeting asking that the application be deferred until the question had been resolved as to whether or not he was going to get access to the road. Mr. Brett made a statement to Mr. Chilton that he was willing to permit access on Alban Road from Mr. Lewis' road up to 5500 vehicles per day and he would leave to the County such implementation and controls as the County desired. He did not think any such written agreement had been made with Mr. Lewis, but Mr. Hobson said he was satisfied that the Highway Department will permit and the County will permit under those traffic limitations, access road at that time. He understood also, Mr. Hobson said, that Mr. Chilton's recommendation is that the traffic from this quarry not be permitted to use that temporary road.

Mr. Chilton told the Board that they met with the Highway Department and it was indicated that they would approve what they would estimate would be an under-designed road coming out at Alban Road south of the Backlick intersection. They would anticipate that eventually as the Lewis property and the Tyler property and certain other properties, and possibly some of the Lynch property, would be ultimately developed, and may or may not have traffic coming in from Rolling Road. But whenever these things might take place ultimately, there would be a need for a wider or divided four lane facility to provide access across the stream and to the property to Backlick or Alban Road. This volume probably would be reached with the development of the Lewis property itself, and certainly the development of other property would contribute to it. The Highway Department normally would not accept into the State system a road unless it is designed for the ultimate traffic volumes that would be expected to use it. They did in this case agree that they would accept one half of the anticipated four lane divided roadway to be constructed as long as the traffic volume at the intersection with Alban Road did not exceed 5,500. On that basis, presumably, Mr. Lewis and Interstate Industrial Park which has a preliminary plat working right now, jointly will provide a road coming back roughly in the location shown with the red line. They are processing a preliminary plat on that basis, Mr. Chilton said. They would have to someway find a method of limiting development to the point that would produce not to exceed 5,500 vehicles at that point because when that is exceeded, they will have be using an under-designed road which they should not knowingly permit. If the quarry site is developed for access on another road to Alban Road, they would not be contributing to this 5,500 vehicle count and would permit Mr. Lewis to get maximum development on the tract that he has, and he will have to put the road in. They will have to allow for some vehicle contribution from this tract and the other tract, and eventually if the Lynch property does contribute to this, they should make a contribution in a proportionate share. As far as the quarry goes, it could develop with limited vehicular use, on the entrance road directly to Alban Road and it would be somewhat increased traffic over the 5,500 vehicles that would enter at the intersection at this point but it would not be what they might expect if the property were developed in some other use.

Are you familiar with the original granting on this site, Mr. Smith asked Mr. Chilton? There was only temporary use of this particular outlet and the permittee in that case being George F. Dodd and Associates was to develop this additional road in order to eliminate the opposition. After visiting the area a couple of times, seeing the condition of the bridge there now, he could understand the reason for it. Everytime a truck goes over it, they wash their wheels in a creek down there. It was the Board's understanding that originally that temporary bridge was to be constructed so the water would run under it, but apparently it is running over it unless there's been some correction since he was there. The permittee in that case was to perfect an additional access there and not come out that way. Apparently what Mr. Chilton is saying is that there's no plan now to develop an outlet from the proposed quarry site through this road and bridge that was originally proposed.

Mr. Chilton stated that he wouldn't say that the quarry site could not use the bridge but if they were to use the new road, the vehicle count will go up and at the 5,500 vehicle count, somebody is going to have to do something.

We are talking about only 300 trips a day here, Mr. Smith said. Seems there would be no problem as far as the quarry is concerned.

The County would not have any objection to the use of the Lewis Road, nor would the State, Mr. Chilton said. The only thing the state is concerned about is the 5,500 vehicles and they don't care which property these vehicles come from. Mr. Chilton said he had not seen the bridge. The quarry site would not come through his branch, it presumably has been reviewed by the Drainage branch, he did not know.

If normal development took place here, you would not allow it to cross the creek, would you, Mr. Smith asked?

Not with the type of bridge that has been described, no, Mr. Chilton said, not for residential use, industrial use, or whatever.

Then there is no agreement to construct what has become known as the Lewis Road, Mr. Smith asked?

Mr. Lewis stated that he had a statement he would like to read regarding this application, as follows:

> "At the hearing last week I referred to our difficulties in securing a permit for construction of a road to serve our industrial property, exiting on Alban Road at a location established in 1961 and fixed in 1964 when our property was zoned, as the access our property must use.
>
> We do not yet have the permit but I have had additional discussions with Mr. Chilton and Mr. Brett of the Highway Department, and the indications are that the requested permit will, in time, be granted."

At this point, Mr. Lewis interjected, he was just handed a statement a few minutes ago by Mr. Chilton, that is more restrictive than they discussed even as late as four o'clock yesterday afternoon. He continued to read his statement:

> "The land we own consists of 120+ acres, being the major portion of the industrial zoned tract adjoining the south line of the Fort Belvoir Proving Grounds. We purchased the property in May, 1965, and now that utilities are available, they wish to begin development. The property has cost us to date nearly $1,100,00 and a very expensive road, including a bridge over Accotink Creek, must be provided before actual development can take place. Without the proposed road and bridge the property would have little appeal for industrial use so I am sure you can understand our concern regarding the access road. Construction of the road, however, would place the property ina position to be developed in a manner consistent with other nearby properties. Several substantial projects have been completed, or are now under construction nearby and such industrial development will provide great tax and other benefits to the county.
>
> Concerning the current application for a use permit to operate the quarry it is noted that the original area approved for use by George Dodd was 16.7 acres, where the new application is for 39+ acres of about 2 1/2 times as large. Reference is also made to the minutes of the meeting at which the Dodd application was granted whereby it was stated that he would use a proposed temporary crossing over Accotink Creek for one year only and had entered into an agreement with adjoining property owners for construction of a bridge over Accotink Creek as a permanent type of access. I submit, herewith, a copy of this agreement which shows that Mr. Dodd had agreed to pay in excess of one-half of the cost of the road and bridge from Alban Road to our property. He, of course, intending to use the road.
>
> We have considered at great lengths the impact a stone quarry at this location would have on the value and development of our property. We feel that if a quarry is permitted to operate at this location that we will suffer great financial damage, in fact it is hard to imagine any other business neighbor that would be more undesirable. A quick inspection of the stone quarry at Occoquan will illustrate what I mean. I also question the benefits to the County through taxes or anything else, that would be provided thru the quarry operation. In any event there are existing quarries currently established and operating within the county that are capable and willing to furnish almost any amount of stone anyone would require.
>
> We did not oppose the application of George Dodd because at that time the quarry area involved was much smaller but mainly because of the agreement of participation in the cost of our access road, which we felt at that time, would have offset somewhat the undesirable factors involved. Also I had known George Dodd for some 20 years and had many previous business dealings with him. I felt, at the time, that any problems arising that were not covered under the written restrictions could be worked out on a personal basis. This is no reflection upon the current applicants, who I am sure are of the highest caliber, and certainly not upon the property owners whom I have known all my life.

"In a strictly business judgment I believe that to permit a stone quarry operation at this location would have a serious adverse effect on a large industrial tract and that the losses we would suffer could very well exceed the gains to the operators of the quarry, furthermore, I think the county would wind up with a net minus when the tax revenue and other matters are considered.

I respectfully request that you deny the application for the subject special use permit to operate a stone quarry as submitted."

There is nothing at this point to say that this would not have an adverse effect on contiguous property owners in the area, Mr. Smith said.

Mr. Hobson stated that his client has made offers to participate in the construction of the road, the cost and expense of the road to serve Mr. Lewis' property through the contribution of stone and in other ways.

Was that the off site road through the Lewis property, or the road going through your portion of the property, Mr. Long asked Mr. Hobson?

The road that Mr. Chilton's speaking of, Mr. Hobson said.

It was his understanding, Mr. Smith said, that at the time the zoning took place there was an agreement basically that this would be the outlet road for the entire area including the land area under discussion and that's why this road was tied into the original granting in order that they might get some development there. The Board felt at that time that this possibly might compensate for any adverse effects the quarry might have on this area.

Mr. Hobson told the Board that one of the now applicants, Lynch Construction Corporation, has a written agreement to participate and pay up to $75,000 to Mr. Lewis for construction of that road and in addition, the Lynches donated to Mr. Lewis free of charge the right of way over that road, through their property, 60 ft. right of way some approximately 700 ft. long. That was done free of charge. There are definite commitments to be made to share the cost of this road, Mr. Lewis's road, and if the site plan is now in on the Tyler property, that property will have to pay for the cost of a significant portion of that road, it will not all be borne by Mr. Lewis and Mr. Lynch.

When the Board granted the original application, they were talking of using the road through the Lewis property -- were they talking of constructing a State road through that property, Mr. Long asked?

Oh yes, this was the basis for the original granting, Mr. Smith said, that there be an outlet other than across the bridge over the creek. The bridge that was put in was on a temporary basis and it was understood that it would only be used for a short period of time until they had time to develop this other road. In the meantime, four years has passed and it has not been developed. This is a new application, and apparently the Board is now further from getting any agreement from all parties involved to get the proper outlet road rather than coming over the creek. The Board members who viewed this site saw that one of the roads that come out of this is washed out and eroded, with ditches three feet deep running into Pohick Creek. As long as there is a soil condition that is not stable, is not a proper road, this problem will remain. The bridge, everytime a truck runs over it, will not meet the siltation ordinance simply because it is silting the creek - silt from the tires will wash off.

Mr. Lewis asked to make a few more comments. Mr. Smith stated that the hearing was over, to make his comments brief.

Mr. Lewis said the contract with George Dodd does say that they intend to put in a State improved road, etc. He would also want to mention that when Mr. Hobson speaks of an offer being made for contribution, with inconclusive figures from Mr. Chilton and Mr. Brett and sizes of road, bridge, etc. they don't know what the actual cost of the road would be, but as near as he can tell, they have been offered participation which would amount to maybe 15% or a maximum of 20% help on the cost of construction and in return get a stone quarry that may almost ruin their property.

They are 250 ft. from Mr. Lewis's land, Mr. Hobson pointed out.

Mr. Long asked Mr. Chilton - if the State envisions that road ever being built, along the rear property line to Backlick Road, who is going to acquire the right of way and who is going to construct that road from the Lewis property on down to Backlick Road?

These are the answers they don't have right now, Mr. Chilton replied. It might have to be done at public expense.

Mr. Long stated that looking just at the industrial land, if the County is trying to attract industry, the plan is good from a planning standpoint and once the property is developed, he would think that the County or State would want to participate.

One of the big problems is, Mr. Chilton stated, is that the road could have been built and put into the State system when the original application was in and it would have been accepted as a two lane road. Now there are new requirements requiring four lane roads. They are not talking about one bridge now, but two bridges. In the long run, talking about development of the Lewis property, all of the Lynch property, and the smaller pieces, they are talking about two roads, two bridges, divided highway, which is twice the cost of what could have been built in 1966 and 1967 not including inflation. It's that second road that's concerning Mr. Lewis.

Mr. Smith read a letter from the County Executive to the Zoning Administrator regarding the application under discussion. "As requested by the Board of Zoning Appeals on December 8, the Restoration Board met on December 11 and reviewed the proposed plans submitted with application S-209-70, Interstate Stone Corporation, Salem Stone Corporation and Lynch Construction Corporation. In addition to plans submitted to the Board of Zoning Appeals, applicant submitted restoration plans prepared by Robert R. Kim & Associates, and dated December 1970. The Restoration Board approved the restoration plans and feels that it provides proper siltation and erosion control, finished grades, seeding, etc. The Restoration Board would recommend that if this application is granted, that it be for a period of five years, subject to renewal as provided in the ordinance, upon review by the Restoration Board, and that in addition to the restoration bond a siltation and erosion control agreement and bond be provided in an amount to be determined by the Director of County Development."

Mr. Smith said he was in a quandary about this application - he did not believe he could support the application unless he saw some type of permanent industrial road to serve it. He was under the impression that this would be provided and he did make the original motion to grant it in 1966 with the understanding that there would be a permanent road.

Mr. Hobson, in reply to a question by Mr. Long, stated that the applicant wishes to use the present road for very utilitarian reasons that the proposed road is to be on the upper half of the site at elevations where they don't propose to excavate and they would have to build another road up and go into it and it would be a longer haul. They have not actively pursued that because in addition to their own desires is a question of traffic - Mr. Brett's position on the 5,500 cars. If this Board wishes to make it a condition, that when that road is constructed, they have indicated they are willing to participate in the cost of constructing that road, and it will be constructed if and when they utilize it, he submitted that that's a little bit illogical because the present access they have, with the bridge improved, gets them out on Alban Road at a much safer spot than where the so-called Lewis Road is going to come out on Alban Road. They have better access now for safety as far as the Highway Department is concerned than that road would give them. When Mr. Chilton's road comes in, it is true, that will be better than the one they have now and Mr. Lewis's. The Board could specify that they would use that road when it is constructed. At the present time there is no road other than the one they have, and this is the best road for them, and better than Mr. Lewis' road, for the safety, and for everybody.

If Mr. Lynch and Mr. Moore want to construct a bridge across the creek at this point that would be acceptable into the Highway system, Mr. Smith said, possibly he would have different feelings about this. This was discussed originally and the Board tried to do what it thought best for the overall development of the area. But, Mr. Smith said, he was not going to vote for this with the bridge the way it is now. This is not proper.

At no time did the applicant indicate that he was going to block up Accotink Creek, Mr. Hobson said. The bridge that they are now using would serve the quarry site only. It would be approximately 150 trucks going out of there. That's an entirely different volume situation than the volume situation and the bridge that would be required to serve the 150 acres of industrial land. Mr. Moore has stated, and he will state, Mr. Hobson said, that the applicant will construct such a bridge that will meet County requirements for getting this volume of trucks across the creek in a safe manner and one not detrimental to the creek. It probably had not been maintained and might have stopped up when the Chairman looked at it.

It was understood originally that the only reason the Board approved this arrangement at all was on a temporary basis and in order to expedite the removal of the stone, Mr. Smith recalled, and now the Board is back with a situation four years later requested to allow the same thing just to expedite the stone. He felt the Board made a mistake in allowing this in the beginning. The quarry is not compatible apparently, he originally thought it was.

It is compatible because it can come out on the existing road that is there now, Mr Hobson said, and that would be better than the proposed road. If the Chairman feels otherwise and the Board wants to make it a condition that they use that proposed road, they have given assurances that that road will be constructed.

Not unless the Board had a time limit on the road construction, Mr. Smith said. This is basically what the Board did before and probably the plans would have developed had not Mr. Dodd passed away. He could not vote for it, Mr. Smith continued, unless there is a proper road to serve it, and this is not a proper road.

If the Chairman wants to place a time limit on the road, and it's illogical because the State Highway Department does not prefer the traffic at that point, Mr. Hobson stated, then that is where they will put it.

One of the problems is the five year limitation, Mr. Hobson continued. With a five year limitation on how much time they are going to have in there is going to effect how much investment the stone quarry can put into the road. If it were a longer period of time and they were assured that they were going to be there for a longer period of time, they could perhaps make more investment.

Do you want the Board to defer this for another time to see if the applicant can come up with a time plan on the road, Mr. Smith asked?

Mr. Hobson replied that he would prefer that the Board put a time limit in the motion.

The Board should not get into it until they are assured that there will be a road constructed here in conformity with the standardsset forth by Mr. Brett, Mr. Smith said.

How about if they construct a road in the present location with County approval in accordance with requirements of the State Highway Department, crossing the creek at the present location, Mr. Hobson asked?

A bridge that would be acceptable into the State Highway, Mr. Smith asked?

Acceptable to the state, whatever they will require at that point, but they wouldn't want to dedicate to the state unless they wanted it, Mr. Lynch - it would be up to him, as they don't own the property, Mr. Hobson stated. They only have a right of way.

Mr. Smith said he would have to have some guidance from the staff on this as he did not know whether this would be a logical thing to do. He was talking about a bridge that would be acceptable by the State Highway, not just one that was to be used and disposed of, that's what is there now, Mr. Smith said. Originally it was stated that this was not an acceptable thing. The logical thing to construct it was at the place set forth by the Board of Supervisors for this road to serve the entire area.

Mr. Hobson stated that he felt it was significant that no one in the area opposes the present access. Mr. Lewis's road is going to be constructed, and the quarry has their own road that can be used until such time. It seems unreasonable to commit the applicant to contribute more money to Mr. Lewis - this is only for five years.

The Board is not saying who is going to commit how much - Mr. Smith said. What he is concerned about is a proper road to serve the entire area.

The Board should stick with the five year limitation, Mr. Long said, and a new hearing would be required at that time because the area would probably change. He felt it had been pretty well established that the Board would restrict the applicant as to depth, and if the Board is going to impose all of those restrictions, then he thought it might be unreasonable to ask them to build that road through the Lewis property.

They are willing to participate and have so offered, Mr. Hobson remarked.

Mr. Long said he did not want to vote for 15 years, then the hole would be in the ground, and at the end of five years, they could come back.

Five years is not unreasonable, Mr. Hobson agreed.

Mr. Long moved that the application be deferred until January 5 to give Mr. Kelley an opportunity to view the property. That way a full Board can vote on it. He would also have to review the record. Seconded, Mr. Barnes.

Mr. Kelley said he would have to abstain today, this being his first day on the Board, but if it is deferred, he would be happy to visit the site and go over the record.

Carried unanimously.

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December 15, 1970

After a five minute recess, the application of Maichak and Gault was taken up again. However, the applicants were not in the room, so the Board proceeded to the next item.

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Mr. John Aylor represented Cities Service Oil Company (H. D. Hall property), on a use permit for service station granted by the Board on February 24, 1970. Mr. Smith read the following letter:

"Dated December 11, 1970

In connection with the granting of the Special Use Permit on February 24, 1970, pertaining to the above property, paragraph 1 of the Resolution states that 'the applicant shall maintain the wooded 54 foot parcel to the south of the property (which is part of this property) in its natural state and it is never to be used for service station purposes.'

At the time of the hearing of February 24, the engineering for the proposed filling station site had not been completed. The site plan has now been submitted to the County, and because of a topographic condition; that is, a difference in elevation of the major portion of the filling station site and the southeast corner with a difference of about twenty feet in elevation, it appears almost impossible to leave the 54 foot strip in its natural state. The most practical solution, according to the engineer, is to provide a slope within the northerly portion of said 54 foot parcel. It is our understanding that the Fairfax County Design Review Division is of the opinion that it will be necessary for the Board of Zoning Appeals to approve the creation of this slope.

In view of the above, it is respectfully requested that paragraph 1 of the Resolution passed on February 24, 1970, be modified to permit the construction of a slope within a portion of said 54 foot strip of land. A copy of the proposed site plan showing the extension of the proposed strip will be presented to you on the date that this matter is considered by you. (Signed) John H. Aylor"

The Board has already changed this motion, one time, Mr. Smith recalled.

Yes, Mr. Aylor admitted, actually what they had in mind was to get the Board's interpretation because the original motion was that the 54 ft. strip be left in its natural state. At the time of the application they had not completed the engineering. Site plan has now been submitted and is ready to be re-drawn in final form. There is at the southeast corner quite a drop in elevation and all they are asking for is an interpretation. Mr. Chilton indicates that he is not sure that by putting the slope there, which would not destroy any trees on the ground, that that would be leaving it in its natural state. No trees within the 54 ft. strip would be destroyed. They plan to put grass and sod in the entire 54 ft. strip. No part of the strip would be used in any manner. It's the word "natural" in the resolution that Mr. Chilton needs some guidance on. Mr. Hall entered into the contract almost two years ago and at that time the trees that are there now were there then. The trees that were on the country club property were removed for tennis courts and that is what was shown on the original photo - it was not on this property.

Mr. Smith suggested that this might require a new hearing by the Board in view of the fact that there was opposition at the public hearing.

This Board would be in position to give an interpretation of the term "natural state", Mr. Aylor said. They would improve the slope with green grass. It would look better than some type of retaining wall which would not be as attractive as leaving it in its natural state.

Mr. Smith interpreted "natural state" as being the state it was in at the time of the resolution.

Don't you think they were talking about trees that would provide some type of buffer, Mr. Aylor asked?

Mr. Long moved to defer to January for recommendation from Mr. Chilton. Mr. Smith felt this would require rehearing.

They are not going to move a single tree that has been there during the last two years, Mr. Aylor said. The Board could indicate that in its opinion the slope would not disturb the natural state that would be contrary to the whole concept for which the 54 ft. buffer strip was created, namely to provide a setback from the country club property. There will be nothing but greenery on this 54 ft. strip that they cannot use.

They are not disturbing the trees, Mr. Barnes pointed out. Putting the slope there would make it look better.

Mr. Knowlton stated that he had talked to Mr. Chilton regarding this matter. They are only talking about changing the elevation of the ground, he said; no trees would be removed. Mr. Chilton has asked for guidance from the Board as to what is meant by "undisturbed area". Is filling a way of disturbing?

Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

In application S-245-69, he moved that it was the intent of the Board of Zoning Appeals at the time of adoption of the motion to establish this use, that this 54 ft. screen area be maintained in its natural state, therefore any trees that have been removed on the land adjacent to the golf course be replaced with screening and that the sloping be allowed. Seconded, Mr. Barnes. Carried unanimously.

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The Board returned to the application of Maichak and Gault - office building in McLean.

In application V-228-70, an application by Maichak and Gault, under Section 30-6.6 of the Zoning Ordinance, to permit less front and side setback than required, on property located at 6845 Elm Street, also known as tax map 30-2 ((7)) 5A, 6A, 7A and 8A, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of December, 1970 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant;
2. Present zoning is C-O;
3. Area of the lot is 81,900 sq. ft. of land;
4. The plan is in conformity with the adopted McLean C. B. D. plan.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the use will be in accord with the charcter and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use.

2. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of buildings in relation to proposals for the area.

NOW THEREFORE BE IT RESOLVED, THAT THE subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same lane.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. There shall be no parking in front of the front building line.

4. The Division of Land Use Administration will work with the applicant and will find a way to provide planting in the parking areas.

Seconded, Mr. Barnes. Carried 3-2, Messrs. Baker and Smith voting against the motion. (Mr. Smith did not agree with the parking arrangement.)

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The Board adjourned at 6:05 p.m.
Betty Haines, Clerk

Daniel Smith
Mr. Daniel Smith, Chairman

_____ Date