





# CUP-2024-101839

## Daniel Madren

Staff Report for the Board of Zoning Appeals

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*This report has been prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted at the public hearing, and the final decision to approve or deny the application is reserved by law to the Board.*

**Public hearings:** October 24, 2024 Pending

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**Property Identification and Location:**

**Property owner:** Daniel Phillip Madren and Sara E. Banton

**Applicant:** Daniel Madren

**Representative:** Daniel Madren

**Type of request:** Allow an accessory dwelling unit to remain in the side yard

**Property address:** 1845 Old Hanover Road

**Parcel Number:** 833-724-5138

**Property acreage:** 2.00 acres

**Magisterial District:** Varina

**2026 Comprehensive Plan Recommendation:** Suburban Residential 1 (SR1)

**Zoning of Property:** A-1, Agricultural District

**Zoning of Surrounding Property:**  
North: A-1, Agricultural District  
West: A-1, Agricultural District  
South: A-1, Agricultural District  
East: A-1, Agricultural District

**Staff Contact:** Paul Gidley

## **BACKGROUND**

The subject property is located just south of the intersection of N Airport Drive and Interstate 295. It is a two-acre parcel that contains a one-story, 2,132-square-foot home built in 1948. In addition to the dwelling, there are three detached accessory structures located alongside the driveway on the eastern portion of the property. The property is served by a private well and an individual onsite sewage disposal system.

The accessory structure closest to the road is a single-story, 459-square-foot storage building. The applicant, who purchased the property last year, would like to convert that storage building to an accessory dwelling unit. Because the building is located in the side yard, the applicant is requesting approval of two items under one conditional use permit: to allow the building to remain in the side yard, and also to convert it to an accessory dwelling unit.

## **APPLICANT'S NARRATIVE**

*(The following text was entered by the applicant through the Build Henrico online permitting system)*

Renovating existing accessory dwelling that was never permitted. I bought the house in August 2023 and plan to renovate the existing building into a mother-in-law suite that will be rented until in-law moves in. New wiring, framing, kitchen, drywall, HVAC split unit, and plumbing fixtures

## **AGENCY COMMENTS**

This application was included on the preliminary agenda provided to the following agencies: Building Construction and Inspections, Community Revitalization, County Attorney's Office, Fire Safety, Information Technology, Permit Center, Police, Public Schools, Public Utilities, Public Works, and Recreation and Parks. The following comments were received.

### ***Recreation and Parks***

No park or recreation facilities, historical, or archeological impact. Staff comments for information only: the parcel falls within several Civil War battlefield areas identified by the Virginia Department of Historic Resources as: 043-0308 Savage Station Battlefield; 043-5081 Seven Pines Battlefield; 043-5273 Battle of Garnett's and Golding's Farm.

## **EVALUATION**

***The Henrico County Zoning Ordinance, § 24-2308.D, authorizes the BZA to approve a conditional use permit only if it finds the proposed use meets the following standards.***

- 1. The proposed use is consistent with the purposes, goals, and policies of the comprehensive plan and other applicable County-adopted plans***

The property is designated Suburban Residential 1 (SR1) on the 2026 Future Land Use Map. A single-family dwelling is consistent with this designation. An accessory dwelling unit would also be in keeping with this designation.

**2. *The proposed use complies with all applicable standards in Articles 3, 4, and 5 of the Zoning Ordinance***

The property is zoned A-1, Agricultural District. An accessory dwelling unit is a permitted use in the A-1 district with the approval of a conditional use permit. A conditional use permit is also required because the accessory dwelling unit is a detached accessory structure located in the side yard.

**3. *The proposed use is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed***

The surrounding area consists of single-family dwellings typically on large lots, with the exception of the property to the east, which consists of the Oak Hall Baptist Church. Most of the residential lots in the area contain detached accessory structures, most of which are located in the rear yards. The church office is located 100 feet east of the proposed accessory dwelling unit. The church property also includes a detached shed that is located 30 feet from the applicant's property line.

**4. *The proposed use will not adversely impact the public health, safety, and welfare***

The building that would house the proposed accessory dwelling unit is located approximately 100 feet from Old Hanover Road, twice the required setback for the house. It is located between the principal dwelling and the adjacent church office, both of which are set back 70-75 feet. Because it is 25 feet farther back than the dwelling and the office, the accessory building appears to be in the rear yard. Staff does not anticipate any impact from allowing the building to remain in the side yard.

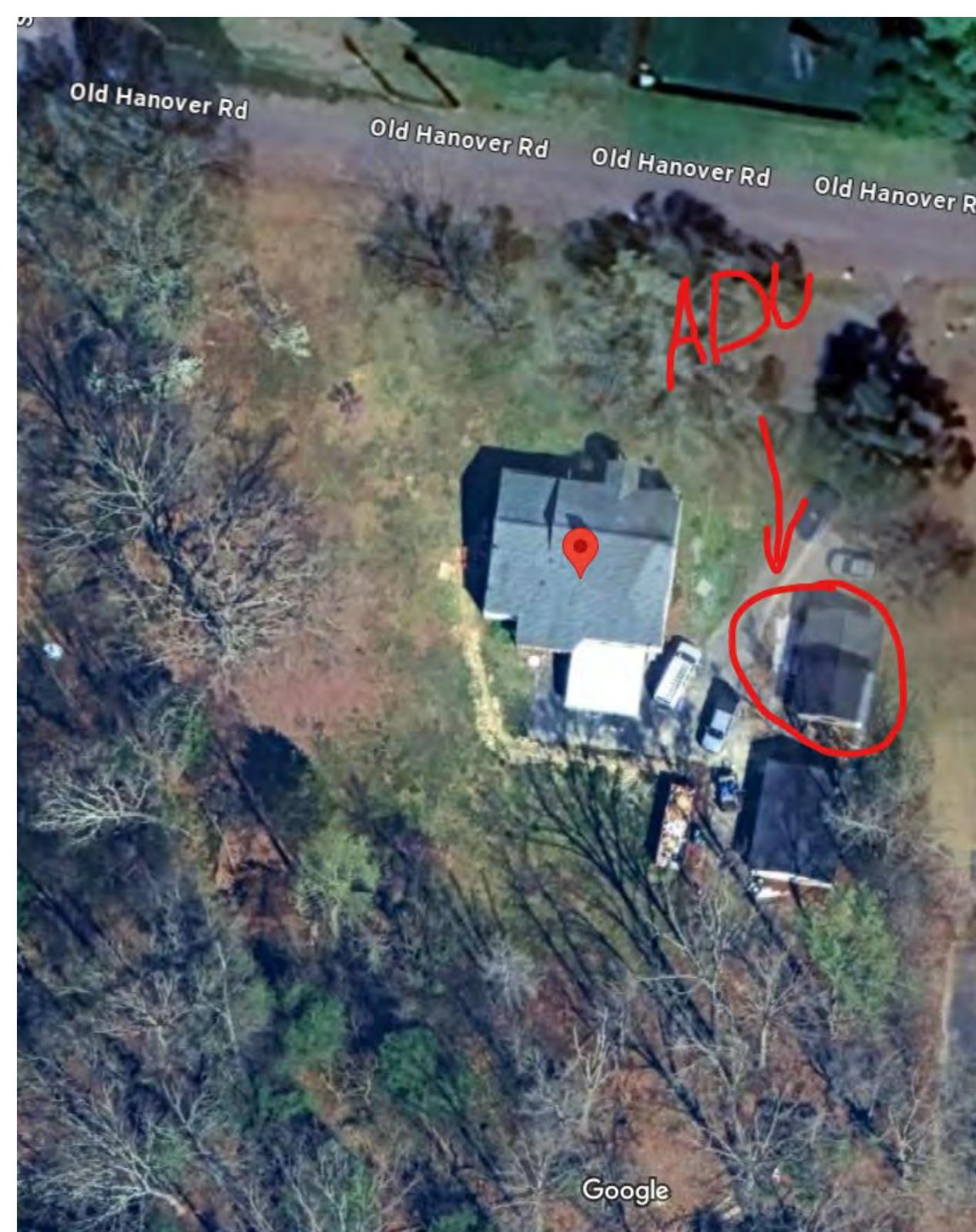
The church's main worship space is even further distant at nearly 180 feet. The nearest neighbors are across Old Hanover Road, over 200 feet from the proposed accessory dwelling unit. The property has a long driveway with onsite parking for both the existing dwelling and the proposed accessory dwelling unit. As a result, staff does not anticipate any significant impact on nearby property.

**CONCLUSION**

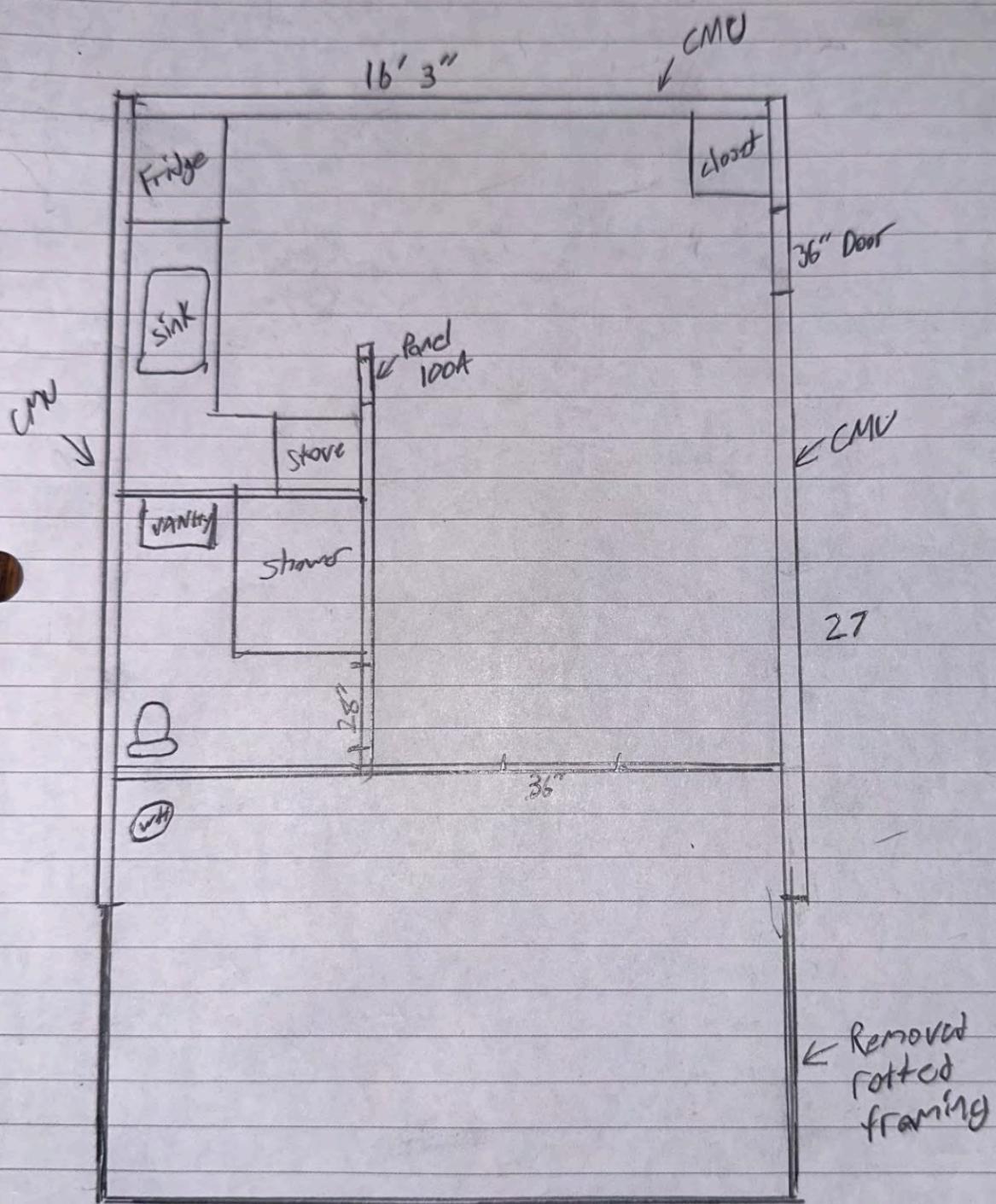
The applicant has an existing building in the side yard that they would like to convert to an accessory dwelling unit. The unit would be rented out until the applicant's mother-in-law moves into the unit. The building is 100 feet from the street, 180 feet from the nearby church, and over 200 feet from the nearest neighbor. In addition, there is enough parking on site to serve both dwelling units. Because staff does not anticipate any detrimental impact to nearby property, we recommend approval of this request subject to the following conditions.

## **RECOMMENDED CONDITIONS**

1. This conditional use permit authorizes a detached accessory dwelling unit in the side yard. All other applicable regulations of the County Code remain in force.
2. This conditional use permit applies only to the improvements shown on the plot plan and building design filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new conditional use permit.
3. Approval of this request does not imply that a building permit will be issued. Building permit approval is contingent on Health Department requirements, which may include upgrading the well or the sewage disposal system, or both, to accommodate both the principal dwelling and the accessory dwelling unit.
4. The applicant must obtain a building permit for the proposed accessory dwelling unit by October 24, 2026, or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

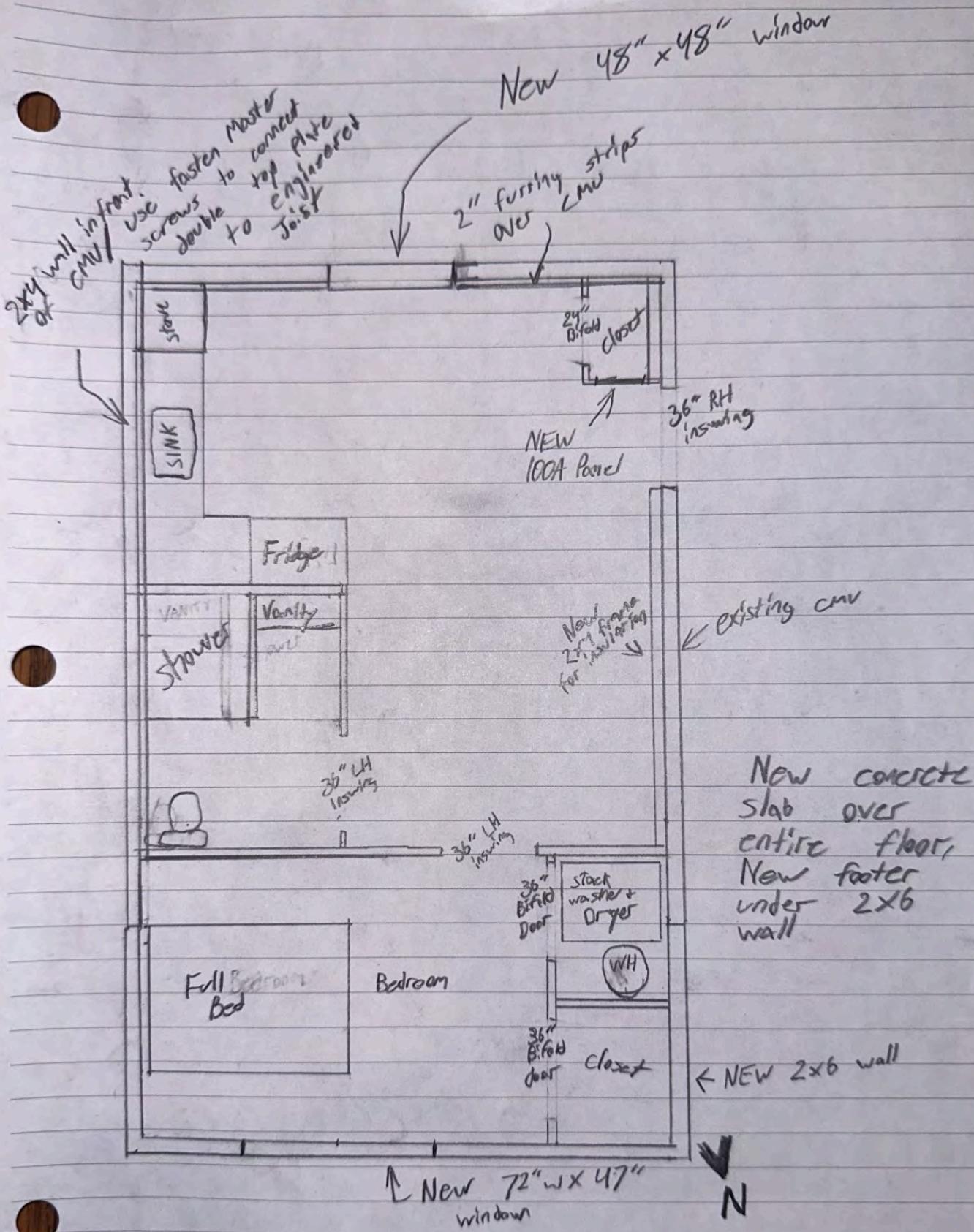


# Existing floor plan



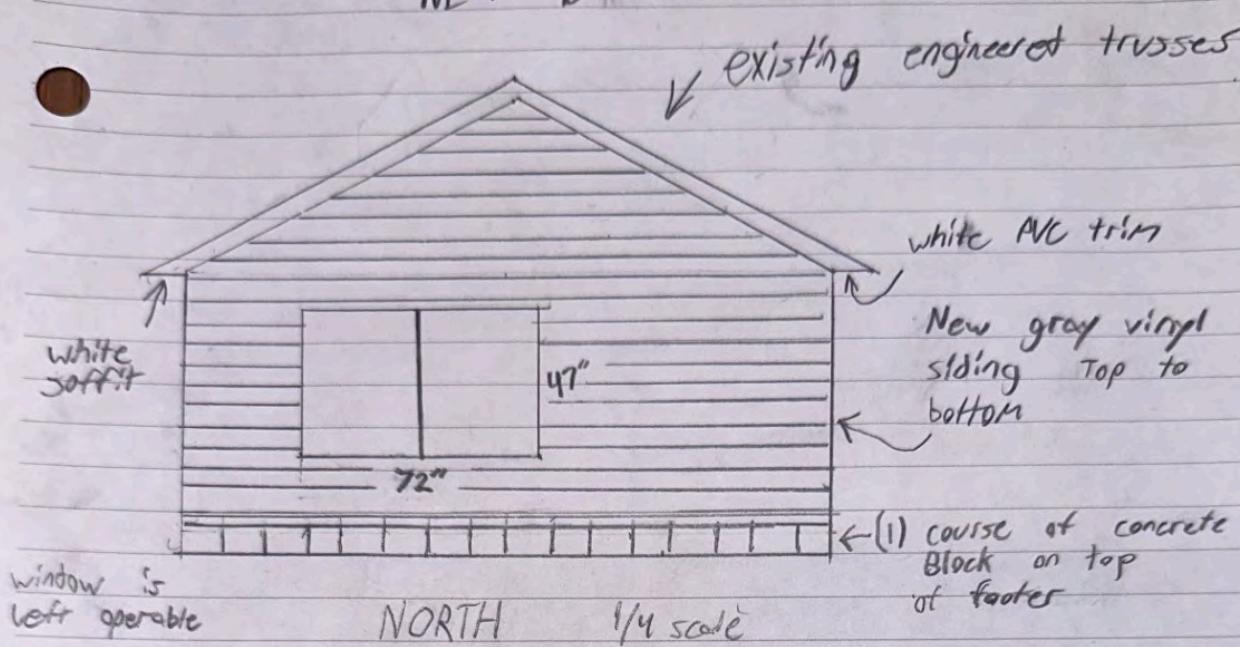
Floor is 2x4s  
laid on grade

Scale 1/4" - 1'



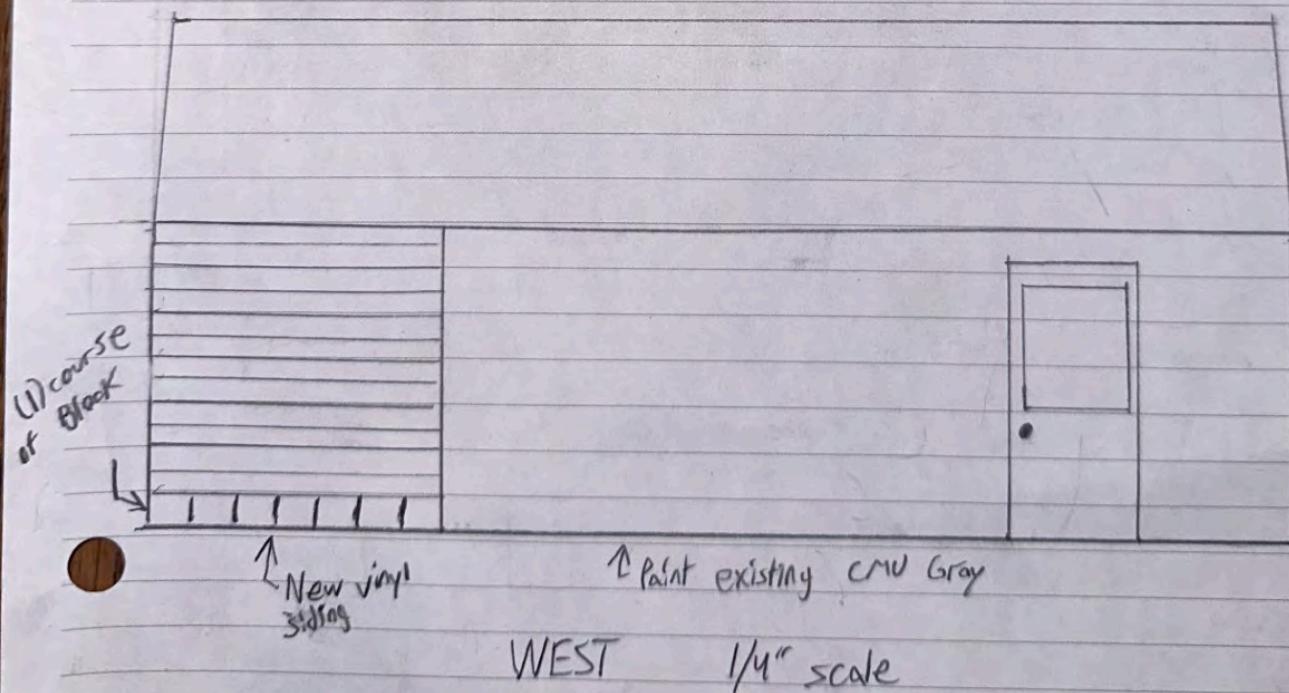
NEW FLOOR PLAN 1/4" scale

## NEW ELEVATIONS



South side is CMU with one 48" x 48" window

East side is the same as WEST,  
But does not have door.





Front of residence



Accessory structure

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